

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 6th of December, 2010 at 7:30 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 7:30 P.M. All present joined in the Pledge of Allegiance.

Approval of Minutes:

Councilor Bray moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on **November 15, 2010**. Councilor Bick stated that he did not receive the minutes. Councilor Edick stated that he had not either. Motion was seconded by Councilor Weaver.

Ayes-5 and Noes-1 and 1 - Abstaining. *Motion carried.*

CANCELLATION AND/OR REQUESTED ADJOURNMENTS:

Supervisor Ulatowski said that there would be some adjournments and that he would address them as they came up on the agenda.

CORRESPONDENCE:

Town Board and Planning Board will have a joint work session on December 14th, 2010.

REGULAR MEETING:

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

A 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** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

John Caruso and Major Kevin Shock were present on behalf of the applicant. Mr. Caruso began by explaining that the applicant wishes to renovate the current building to house a donation center and retail space. The lighting will be reduced using less energy, water use will be reduced and the applicant will close a curb cut, therefore creating a positive impact.

Supervisor Ulatowski asked if the facility would be similar to the one on Erie Boulevard. Major Shock said that the Salvation Army building on Erie Boulevard offers services such as drug and alcohol rehabilitation in addition to the retail and processing. He added that it will be like the existing store on Route 57, only larger.

Supervisor Ulatowski asked if the building would retain the same footprint. Mr. Caruso said that it would with the exception of an added canopy.

Councilor Johnson asked if the store on Route 57 still exists and it does.

Councilor Bray asked if the applicant said that they would reduce the access. Mr. Caruso said that they will by adding a guard rail to the South Bay Road side of the lot, therefore creating a more uniform access to the store.

Councilor Edick made a motion to adjourn this Public Hearing to January 3, 2011 at 7:35 P.M. Motion was seconded by Councilor Bick.

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

Zone Change (PH/Adj) - Town Board Case # 1020 COR VERPLANK 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 at the request of the applicant.)

Supervisor Ulatowski stated that the applicant requested an adjournment. The meeting was

adjourned to January 3, 2011 at 7:38 P.M.

Bid Award(No Action) -TO PROVIDE AND MAINTAIN A POUND/SHELTER FOR ANIMALS SEIZED BY AN ANIMAL CONTROL OFFICER, OR OTHER AUTHORIZED OFFICER OR EMPLOYEE OF THE TOWN OF CLAY:

Move the adoption of a resolution awarding a contract to **PROVIDE AND MAINTAIN A POUND/SHELTER FOR ANIMALS SEIZED BY AN ANIMAL CONTROL OFFICER, OR OTHER AUTHORIZED OFFICER OR EMPLOYEE OF THE TOWN OF CLAY**, within the Town of Clay. Said amount being the lowest responsible bidder.

Supervisor Ulatowski said that there would be No Action Taken on the bid as the Town Board has not had time to review them.

Traffic & Vehicles (Stop Sign)(D) - SANDPIPER LANE:

Councilor Bray moved the adoption of a resolution **denying** amendment of **CHAPTER 211 TRAFFIC AND VEHICLES ORDINANCE, SECTION 211-12 STOP INTERSECTIONS – SCHEDULE IX (§ 211-42)** of the Town of Clay Municipal Code to designate and provide for **STOP SIGNS ON WARBLER WAY IN BOTH DIRECTIONS AND A STOP SIGN ON SANDPIPER LANE AS IT INTERSECTS WITH WARBLER WAY and the installation of the necessary signs therefore.** Motion was seconded by Councilor Weaver.

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

Street Lights - MILL RIDGE SUBDIVISION:

Councilor Weaver moved the adoption of a resolution authorizing the installation of nineteen (19) 100 watt high pressure fixtures be installed on 12' fiberglass embedded poles at new location away from the trees to improve the illumination within **MILL RIDGE SUBDIVISION**, to be installed as shown on map provided by National Grid. There are currently seventeen (17), 70 watt high pressure sodium light mounted on 16' fiberglass poles. The current estimated annual cost for the 17 underground lighting fixtures is \$3,888.92. The proposed new cost for the Mill Ridge development is estimated at \$4,757.41. Therefore the Town would see an estimated annual increase of \$868.49 with this improvement to the lighting system. Motion was seconded by Councilor Bray.

Ayes-6 and Noes-0. *Carried.* Supervisor Ulatowski recused himself because he lives in this neighborhood.

Authorization - Stormwater Compliance:

Councilor Edick moved the adoption of a resolution supporting participation in the **CENTRAL NEW YORK REGIONAL PLANNING & DEVELOPMENT BOARD'S YEAR-3 STORMWATER AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM** and

authorizing the Supervisor to act on behalf of the Town of Clay and to execute any and all documents necessary with regard to said matters. The Town further agrees that it will fund its portion of the maximum cost for the project according to the fee schedule; 75% of the funds will be made available to the Board no later than **February 15th, 2011** and the remaining **25%** will be made available to the Board no later than **June 1st, 2011**, to complete the project. A certified copy of this Resolution will be prepared and sent to the Board no later than **December 31st, 2010**. Said amount not to exceed \$5,000.00 per municipality, if more than 20 municipalities participate the cost decreases in accordance with number of participating municipalities. Motion was seconded by Councilor Weaver.

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

Ron DeTota stated that this program is to encourage public participation and outreach for stormwater education. A portion is funded by grants.

Agreement/Appointment - INTERMUNICIPAL STORMWATER AGREEMENT FOR THE CREATION OF THE CENTRAL NEW YORK INTRMUNICIPAL STORMWATR COALITION:

Councilor Edick moved the adoption of a resolution approving the **INTERMUNICIPAL STORMWATER AGREEMENT FOR THE CREATION OF THE CENTRAL NEW YORK INTRMUNICIPAL STORMWATR COALITION** and designating **MARK TERRITO**, Commissioner of Planning & Development as the representative for the Town of Clay. Motion was seconded by Councilor Bick.

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

Project - TOCCO VILLAGGIO:

Move the adoption of a resolution that the Town Board of the Town of Clay refers the **TOCCO VILLAGGIO PROPOSED RESIDENTIAL DEVELOPMENT PROJECT PLAN** as submitted by **JOLU DEVELOPMENT COMPANY**, on a map dated December 7th, 2009 revised April 5th, 2010, and the Tocco Villaggio PDD narrative dated July 14th, 2010, last revised August 2nd, 2010 to the Town of Clay Planning Board.

Supervisor Ulatowski said that **No action would be taken at this time.**

Sewer Lateral Connection - JOHN & ROSEMARY BUSCO:

Councilor Bick moved the adoption of a resolution authorizing a sewer lateral connection, pursuant to the written request of **JOHN & ROSEMARY BUSCO**, (the property owners), to a Town of Clay sanitary sewer manhole located at **WHEATBERRY WAY** for servicing their home at **8311 CAUGHDENROY ROAD**, (Tax Map No. 074.-01-06.0). 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 for one unit per acre and the County Sanitary

District charges. The property is located adjacent to the Country Meadow Sewer District. The owner further agrees to pay all Town and County charges thereafter. This resolution is contingent upon receipt of \$2,800.00 from the Busco's, representing, engineering, legal and administrative fees. Motion was seconded by Councilor Edick.

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

Contract - TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM:

Councilor Johnson moved the adoption of a resolution authorizing the Supervisor to execute a contract with **C & S ENGINEERS, INC.**, for services to be rendered for the year **2011** in compliance with the DEC Regulations for the **TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM**. Said services not to exceed the sum of **\$23,166.00**, which amount includes an estimated **\$13,100.00** for laboratory testing. Motion was seconded by Councilor Rycraft.

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

Ron DeTota explained that this is an ongoing project and that we are 18 years into the original 30 contract, leaving 12 years to go. He also corrected the amount stated on the original agenda.

Councilor Johnson made a motion to amend the price as corrected by Mr. DeTota. Motion was seconded by Councilor Bray.

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

Securities (100% release) / Project -LAWTON VALLEY HUNT TRACT, SECTION NO. 6:

Councilor Bick 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 **KELLY-TOBIN DEVELOPMENT CORP., INC.**, with respect to **LAWTON VALLEY HUNT TRACT, SECTION NO. 6 - Harriet Fisher Drive, 690 lf, Ernest Way, 368 lf, Barcaldine Drive, 409 lf;, and Brisbane Trail, 143 lf; LAWTON VALLEY HUNT TRACT, SECTION NO. 10 – Quamby Road, 728 lf, Congleton Circle, 96 lf, Barcaldine Drive, 583 lf and Rockhampton Path, 746 lf; and PARK RIDGE TRACT, SECTION NO. 1 – Provo Drive, 765 lf and Dampier Circle, 1040 lf**. All the roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Rycraft.

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

Securities (100% release) / Project - HUNTER RUNNE TRACT:

Councilor Weaver 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 **MUFALE BUILDERS, INC.**, with respect to **HUNTER RUNNE TRACT - Sutcliffe Drive, 958 lf, Underbrush Trail, 1730 lf and Nutcracker Trail, 534 lf; COACHMAN'S CROSSING TRACT, SECTION NO. 4 - Potenza Drive, 1400 lf; Rizzo Drive, 1000 lf, and Roccella Path, 125 lf; and COACHMAN'S CROSSING TRACT, SECTION NO. 5 - Medasano Circle, 1350 lf.** All the roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Rycraft.

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

Securities (100% release) / Project - THE VILLAGES AT FAIRWAY EAST, SECTION NO. 1:

Councilor Bick 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 **BARBET DEVELOPMENT CORPORATION**, with respect to **THE VILLAGES AT FAIRWAY EAST, SECTION NO. 1 – Trellis Brook Lane 1158 lf, Green River Way 420, lf, and Trellis Brook Lane 498 lf; THE VILLAGES AT FAIRWAY EAST, SECTION NO. 2 – Trellis Brook Lane, 816 lf, Gabion Way, 1705 lf, and Trellis Brook Lane, 475 lf; and THE VILLAGES AT FAIRWAY EAST, SECTION NO. 3 – Streamwood Drive, 460 lf.** All the roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Rycraft.

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

Securities (100% release) / Project - WILLOWSTREAM WOODS, SECTION 6B:

Councilor Edick 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 **J. ALBERICI & SONS** with respect to **WILLOWSTREAM WOODS, SECTION 6B – Black Brant Drive, 554 lf.** The roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Rycraft.

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

Securities (100% release) / Project - STREAMWOOD TOWNHOUSES, SECTION B:

Councilor Johnson 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 **ELDAN HOMES, INC.**, with respect to **STREAMWOOD TOWNHOUSES, SECTION B – Sandbar Lane, 1441 lf, and Sampan Way, 173 lf.** The roads have been completed in accordance with Town Highway Specifications; Motion was seconded by Councilor Weaver.

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

Securities (100% release) / Project - QUARRY POINT TRACT - Quarry Pointe Circle:

Councilor Bray 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**, with respect to **QUARRY POINT TRACT - Quarry Pointe Circle, 783 lf**. The roads have been completed in accordance with Town Highway Specifications; Motion was seconded by Councilor Weaver.

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

Project/ Easement - WOODSIDE COMMERCIAL, LLC:

Councilor Weaver moved the adoption of a resolution accepting an easement for sanitary sewer facilities located within **INVERNESS GARDENS TRACT, SECTION NO. 1** from **WOODSIDE COMMERCIAL, LLC**. Motion was seconded by Councilor Rycraft.

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

Adjournment:

The meeting was adjourned at 8:00P.M. upon a motion by Councilor Bray and seconded by Councilor Bick. Ayes-7 and Noes-0. *Motion carried.*