

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 May 2013 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
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

The meeting was called to order by Supervisor Ulatowski at 7:30 P.M. The Supervisor recognized Boy Scout Troop 139 and asked them to lead in the Pledge of Allegiance. Everyone present joined in.

Approval of Minutes:

Councilor Edick moved the adoption of a resolution to **Approve** the Minutes of the April 15, 2013 Town Board Meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski explained that Michaels Farm, LLC has requested an adjournment to a meeting in June.

Additionally Eric Dorn and Richmond Avenue Associates have withdrawn their request for a Special Permit to allow for a trucking terminal.

Correspondence:

Jean Polly and Mark Spadafore of the Liverpool Library were present to promote some of the new and existing programs provided by the Library as well as to present the budget that will be voted on with the school budget June 21, 2013. The Library budget is proposition #4 on the ballot.

Ms. Polly went on to explain that the Library has worked diligently to stay below the Governors 2% tax cap. The increase will work out to about \$2.00 per household annually.

Ms. Polly also outlined the grants that the Library has received to renovate the community rooms and the concert series.

Mr. Spadafore and Ms. Polly thanked the residents and the Board.

Supervisor Ulatowski then congratulated the Town Clerk on the award and designation received at the *New York State Town Clerks Association* as a *Registered Municipal Clerk in NYS*. He added that the Board encourages the education and advancement of officers and elected officials to better the job done for the Town of Clay. The Board also offered congratulations.

REGULAR MEETING:

Zone Change (PH) - Town Board Case # 1051 - CRAIG AND COLLEEN BUCK:

A public hearing to consider the petition of **CRAIG AND COLLEEN BUCK**, for a **CHANGE OF ZONE** from **RA-100 Residential Agricultural District** to **NC-1 Neighborhood Commercial District** on property located at **8180 Oswego Road, Tax Map No. 067.-01-03.1** was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Craig and Colleen Buck spoke on their own behalf. Mr. Buck began by explaining that they acquired the 2 ± acres, 25 years ago and combined two parcels. They are requesting a zone change to make it more attractive for a potential buyer. He added that there are no perspective buyers yet.

Supervisor Ulatowski asked if the pie shaped parcel divided the road. Mr. Buck stated that he believed that they deeded it to the Town for the road. Councilor Weaver said that they did not deed it to the Town that is why the road does not continue. There are trees dividing Capricorn Drive, and restricting traffic. Councilor Weaver asked if the applicant has been approached by a potential buyer. The Bucks said that they had been approached by a bank in the past but the deal fell through perhaps due to funding.

Supervisor Ulatowski asked about the egress. Mr. Buck said that it is from Route 57. He said that it appears that the back of the parcel is densely wooded. Mr. Buck agreed that it is.

Councilor Bray said that the Board will need a lot more information before making a decision on the zone change.

Joyce Cirrito of Bayberry said that not knowing what will go in if the zone change is granted is cause for concern. She also asked if the neighboring parcels were aware of this potential change. Commissioner Territo said that all parcels within a 100' radius were notified.

Joe Thomas asked what the difference between NC-1 or Neighborhood Commercial and Regular Commercial is. Commissioner Territo explained that NC-1 is the least intense commercial use in the Town of Clay. He then explained what types of retail would be allowed under this use and they include, retail under 5000 square feet, bank, credit union, salon/ personal services and instructional office.

Supervisor Ulatowski said that he would **adjourn** this public hearing so that the Board could gain better understanding of this application.

Councilor Bick made a motion to adjourn the public hearing to **June 3, 2013 at 7:38 P.M.** Motion was seconded by Councilor Bray.

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

Zone Change (PH/Adj.) – Town Board Case # 1050 – MICHAELS FARM, LLC:

The applicant requested an **adjournment** to **June 3, 2013 at 7:35 P.M.**

Agreement (Franchise Renewal) (PH) - TIME WARNER CABLE NORTHEAST LLC D/B/A TIME WARNER CABLE:

A public hearing to consider renewal of the cable television franchise held by **TIME WARNER CABLE NORTHEAST LLC D/B/A TIME WARNER CABLE**. The purpose of the hearing is to consider a Franchise Renewal Agreement which would renew the Time Warner Cable's cable television franchise for an additional ten (10) years, commencing with the date of approval by the Public Service Commission, and further bring the franchise into conformity with certain provisions of the Federal Cable Communication Policy Act of 1984, as amended. Subject to approval as to form and content by the Town Attorney.

Robert Germain, Legal Counsel for the Town gave a brief overview of this agreement. He explained that the Town has had a contract with the applicant for the past ten years and that it is expiring. This application just cleans up some of the language in the former contract adding that it is acceptable to him.

Jim Rowley asked how much revenue the town receives for the franchise agreement. Mr. Germain said generally between 3-5% but it varies from town to town. Clay is receiving 5%.

Supervisor Ulatowski asked if there were any more questions. Hearing none he **closed** the public hearing.

Special Permit (PH) – Town Board Case # 1046 - ERIC DORN and RICHMOND AVENUE ASSOCIATES, INC.:

The applicant has **Withdrawn** this application.

Traffic and Vehicles (No Parking)(PH) – Amendment to Traffic & Vehicles Ordinance - Chapter 211 Section 211-18 and 211-47 – Trastevere Road:

A public hearing to consider amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-18 “PARKING PROHIBITED AT ALL TIMES,”** and **SECTION 211-47, SCHEDULE XIV, “PARKING PROHIBITED AT ALL TIMES,”** to designate and provide for no parking at all times on both sides of **TRASTEVERE ROAD**; and the installation of the necessary signs therefore was opened by the Supervisor; proof of publication and posting was provided by the Town Clerk.

Melinda Morderhus was present on behalf of this request. Ms. Morderhus explained that she is not receiving mail because of parked cars obscuring her mailbox. She supplied a petition from some of the neighbors that are also experiencing this as well as a letter from the post master in support of the “No Parking” signs. She added that sometimes they completely block her driveway. Ms. Morderhus said that she has contacted the Police; and they say that there is not anything that they can do. Ms. Morderhus’s father was present and agreed that this was a problem. He suggested that if they could not have “No Parking” on both sides perhaps they could make it on the side where all of the mailboxes are.

Supervisor Ulatowski said that he was sorry that Ms. Morderhus had to deal with this. He added that he had letters from the Highway Superintendent and Constable McCarthy supporting the request for “No Parking” signs on both sides of the road. Councilor Bray pointed out that the Constable also said that cars parked on the road made for a hazard for snow plows and emergency vehicles.

Supervisor Ulatowski **closed** the public hearing adding that the decision would be given at the next meeting.

Traffic and Vehicles (Stop Sign)(PH) – Amendment to Traffic & Vehicles Ordinance - Chapter 211 Section 211-12 and 211-42 – WHITE TAIL PATH and GUY YOUNG ROAD:

A public hearing to consider amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12**

“**STOP INTERSECTIONS,**” **SCHEDULE IX, SECTION 211-42**, to designate and provide for **ONE (1) STOP SIGN** to be installed at the northwest corner of **WHITE TAIL PATH** where it intersects with **GUY YOUNG ROAD**; and the installation of the necessary sign therefore.

Supervisor Ulatowski asked if there was anyone present for this application and there was not. The Supervisor said that he would adjourn this public hearing to a subsequent meeting.

Councilor Edick made a motion to **adjourn** this to **May 20, 2013 at 7:41 P.M.**. Motion was seconded by Councilor Bick.

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

Agreement/ Amendment (A) - ALL CITY MANAGEMENT SERVICES, INC., for providing School Crossing Guard Services:

Councilor Edick moved the adoption of a resolution authorizing the Supervisor to execute an Amendment to the existing Agreement with **ALL CITY MANAGEMENT SERVICES, INC.**, for providing **School Crossing Guard Services** for a period of time which commences July 1, 2013 and terminating June 30, 2014 (2013/2014 school year), and for such term thereafter as agreed upon. The Town agrees to pay for the services rendered pursuant to the Agreement, the sum of **Nineteen Dollars and Fifty-Seven Cents (\$19.57)** per hour of guard service to be provided. The cost of providing **Two Thousand, One Hundred Sixty (2,160)** hours of service shall not exceed **Forty-Two Thousand, Two Hundred and Seventy-One Dollars (\$42,271.00)**, 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. Motion was seconded by Councilor Bray.

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

Agreement (A)(SOLAR ARRAY LEASE INSTALLATION) - TOWN OF CLAY with WARNER ENERGY, LLC.:

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to enter into a **SOLAR ARRAY LEASE INSTALLATION AGREEMENT** on behalf of the **TOWN OF CLAY** with **WARNER ENERGY, LLC.**, a New York Limited Liability Company, for the right to use and/or consume the electricity generated by the **SOLAR ARRAY**. The **TOWN OF CLAY** would serve as a host facility for the installation and interconnection of the **SOLAR ARRAY** for a term not less than fifteen **(15) years** in exchange for an annual lease payment not to exceed **\$7,224.69**. This resolution also authorizes the Supervisor to execute any and all documents to

effectuate the Agreement. Subject to approval as to form and content by the Town Attorney. Motion was seconded by Councilor Young.

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

Supervisor Ulatowski explained that the two (2) solar arrays will be installed for solar power, and a reduction of power consumption to be used through National Grid. There will be a guarantee of savings and no cost to the taxpayers. This program will be a pilot for other municipalities.

AMENDMENT TO ONONDAGA COUNTY – DEPARTMENT OF COMMUNITY DEVELOPMENT:

Councilor Young moved the adoption of a resolution approving **AMENDMENT TO ONONDAGA COUNTY – DEPARTMENT OF COMMUNITY DEVELOPMENT**, Contract No. 55810 with the **TOWN OF CLAY**. The scope of service is hereby expanded to include the reconstruction of **Belmont Drive, Candlelight Lane, Candlelight Circle and Arlington Circle**. The roads are cracked and have numerous dips and pot holes. Roads and gutters will be milled out and reused in other projects, and warm mix asphalt will be used when reinstalling pavement. Said Contract is hereby further amended such that the term of the contract is extended through **December 31, 2014**, and the compensation which the County will pay to the Town under said contract is increased by not more than **\$80,816.00**. Onondaga County Department of Community Development (OCCD) has been notified by **HUD** that the Federal Sequestration has reduced the County's 2012 CDBG grant by **8.2%**. As a result, OCCD must freeze this same percentage of the capital project grant funding. This contract is for the full grant amount approved by **HUD** last October, but only **91.8%** of the grant amount can be paid by OCCD at this point in time. If the Sequestration is resolved, and 2012 CDBG funds are restored by Congress, then **100%** of the grant amount will be received. If **HUD** ultimately adjusts the reduction in 2012 funding by an amount different from the **8.2%**, the grant will be adjusted by the same percentage, not to exceed the original amount approved by the CD Steering Committee and **HUD**. In all other respects, said Contract, as amended, is hereby ratified and confirmed except as herein amended; and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Weaver.

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

Supervisor Ulatowski explained that the monies made available to the Town through the Community Development Department are to be used for the repaving of low income neighborhoods as outlined in a map at the March 4th, 2013 meeting.

Traffic and Vehicles (Stop Sign)(CPH) – Amendment to Traffic & Vehicles Ordinance - Chapter 211 Section 211-12 and 211-42 – Farmstead and Blumer Roads:

Councilor Johnson moved the adoption of a resolution calling a public hearing **May 20, 2013**, commencing at **7:38 P.M.**, local time, at which time the Town Board will consider amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Town of Clay municipal code, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX, SECTION 211-42**, to designate and provide for **TWO (2) STOP SIGNS** to be installed at the northeast and southwest corners of **FARMSTEAD ROAD** where it intersects with **BLUMER ROAD**; and the installation of the necessary signs therefore. Motion was seconded by Councilor Bick.

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

Bid Award - ASBESTOS REMOVAL AND DEMOLITION OF THE HOUSE ONLY AT 9604 BLACK CREEK ROAD:

Councilor Weaver moved the adoption of a resolution awarding the bid for the **ASBESTOS REMOVAL AND DEMOLITION OF THE HOUSE ONLY AT 9604 BLACK CREEK ROAD** to **BRONZE CONTRACTING, LLC**, for the low bid of **\$21,850.00**, said amount being the lowest responsible bid, and further authorizing the Supervisor to execute any and all documents therefore. Motion was seconded by Councilor Bray.

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

Adjournment:

Wayne Barnes of Lawdon Street asked if he could address the Board. Supervisor Ulatowski apologized and explained that usually the residents have the opportunity to speak but this was overlooked with the Library presentation.

Mr. Barnes asked about the repavement or possibility of a new road on Lawdon Street. He said that he had spoken to the Board several years ago and was told that it would be done in the future. Supervisor Ulatowski said that he will address it at the next meeting, after he has had the opportunity to research it.

Mr. Barnes then asked if there was anything in the code that addressed “beggars” adding that at one time they were in the city and now they are at the intersections in the suburbs as well. The Supervisor said that there is nothing clearly defined in the Town Code regarding this.

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Cindy Shug added that Lawdon Street is sinking and invited the Supervisor to look at her yard. She then asked why some of the manhole covers on Lynnhaven and Baxton Roads are painted green. The Supervisor said that he did not know but would look into it.

The meeting was adjourned at 8:25 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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