

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 16th of September, 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. All present joined in the Pledge of Allegiance.

Approval of Minutes:

Councilor Edick moved the adoption of a resolution to **Approve** the Minutes of the September 4th 2013 Town Board Meeting. Motion was seconded by Councilor Bray.

Ayes-6 and Noes-0. Motion carried. Councilor Bick abstained due to his absence at that meeting.

Cancellation and/or requested adjournments.

Supervisor Ulatowski stated that items 6 (the abandonment Opal Drive) and 12 (Michael Bell/ Special Permit) and 13 (Bergmann Associates/ Special Permit) have all been adjourned.

Item 7 (Michaels Farm / Zone Change) has been withdrawn.

Correspondence:

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda.

David Wigel explained that they have had a problem with the grinder pumps on Horseshoe Island Road. When the first one went, he called the emergency number and no one would come out until the next day. When they did come they stated that they did not have parts and they must be ordered. Then the second pump went resulting in sewers backing up into basements. Mr. Wigel said that he called the Town and someone came out, though it should have been handled by the County. Mr. Wigel asked about the possibility of a Town Staff person being available for emergencies. He added that he is concerned about the availability of replacement parts, staff to address emergencies as well as the grinder pumps not indicating problems.

Supervisor Ulatowski said that he and the Town Engineer will look further into this to look for a solution.

REGULAR MEETING:

ABANDONMENT (A/D) - OPAL DRIVE:

Move the adoption of a resolution (approving/denying) the **FORMAL ABANDONMENT** of a portion of an undeveloped paper road described as an unpaved portion of **OPAL DRIVE**, between **MERCURY CIRCLE** and the residential parcel, **Tax Map No. 116.-01-08.2**, and consisting of approximately 5,300± square feet of land from a portion of Lot No. 89 located in the **JEWEL MANOR TRACK**. Subject to approval as to form and content by the Town Attorney. (Adjourned from the July 15, 2013 Town Board Meeting).

No Action.

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

A public hearing to consider the application of **MICHAELS FARM, LLC**, for a **CHANGE OF ZONE** from **RA-100 Residential Agricultural District** to **R-SR Senior Residence District** on properties located at **8073 and 8097 Morgan Road, Tax Map Nos. 069.-01-5.1 and 081.-29-01**, to allow for the construction of a 450± Senior Housing Development. (Adjourned to this date from the July 15, 2013 Town Board Meeting).

Withdrawn.

Supervisor Ulatowski said that he would open all four of the following public hearings together.

Project (sewer)(PH) - TOCCO VILLAGGIO SEWER DISTRICT, CONTRACT NO. 1:

A public hearing to consider a Petition for the creation of a sewer district within the Town of Clay to be designated and known as "**TOCCO VILLAGGIO SEWER DISTRICT**" and for the construction and acquisition of a sewer system therein to be designated and known as "**TOCCO VILLAGGIO SEWER DISTRICT, CONTRACT NO. 1,**" (Tocco Villaggio Planned Development District).

Project (drainage)(PH) - TOCCO VILLAGGIO DRAINAGE DISTRICT, CONTRACT NO. 1:

A public hearing to consider a Petition for the creation of a drainage district within the Town of Clay to be designated and known as "**TOCCO VILLAGGIO DRAINAGE DISTRICT**" and for the construction and acquisition of a drainage system therein to be designated and known as "**TOCCO VILLAGGIO DRAINAGE DISTRICT, CONTRACT NO. 1,**" (Tocco Villaggio Planned Development District).

Project (water)(PH) - TOCCO VILLAGGIO WATER SUPPLY DISTRICT:

A public hearing to consider a Petition for the creation of a water supply district within the Town of Clay to be designated and known as "**TOCCO VILLAGGIO WATER SUPPLY DISTRICT**" and for the construction and acquisition of a water supply system therein to be designated and known as "**TOCCO VILLAGGIO WATER SUPPLY DISTRICT,**" (Tocco Villaggio Planned Development District).

Project (lighting)(PH) - TOCCO VILLAGGIO LIGHTING DISTRICT:

A public hearing to consider a Petition for the creation of a lighting district within the Town of Clay to be designated and known "**TOCCO VILLAGGIO LIGHTING DISTRICT,**" (Tocco Villaggio Planned Development District).

Amy Franco of CHA Engineers was present on behalf of the applicant. Ms. Franco began by explaining that the parcel is 40 acres.

The sewers and water will collect in Clay and connect through Cicero. There will be three areas for the drainage.

The placement of lighting will be determined by National Grid.

Supervisor Ulatowski asked if the sewers will be handled by the Oak Orchard treatment plant. Mr. DeTota said that they will and that there is a letter approving this from the County.

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

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

Public hearing to consider the application of **MICHAEL BELL FOR A SPECIAL PERMIT TO ALLOW FOR A CAMPGROUND** pursuant to **Section 230-13 A. (2) (e) [6]** on part of property located at **10152 Caughdenoy Road, Tax Map No. 039.-02-6.1**, consisting of 39.34± acres of land. (Adjourned to this date from the August 19, 2013 Town Board Meeting).

The applicant requested an **adjournment to October 7, 2013 at 7:38 P.M.**

Special Permit (PH/adj.) – Town Board Case # 1054 Yelann Momot of BERGMANN ASSOCIATES and SUNOCO, INC. (R&M):

Public hearing to consider the application of **Yelann Momot of BERGMANN ASSOCIATES and SUNOCO, INC. (R&M)** for a **SPECIAL PERMIT TO ALLOW FOR A DRIVE THRU** pursuant to **Section 230-16 D. (2) (e) [1]** as part of a proposed project to remove the existing car wash building at the Sunoco fuel station located at **8450 Oswego Rd, Tax Map No. 053.-01-8.2**; and to construct an **APlus convenience store** with a food tenant. (Adjourned to this date and time from the August 19, 2013 Town Board Meeting).

The applicant requested an **adjournment to October 21, 2013 at 7:38 P.M.**

Project (sewer)(A) - TOCCO VILLAGGIO SEWER DISTRICT, CONTRACT NO. 1:

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 "**TOCCO VILLAGGIO SEWER DISTRICT, CONTRACT NO. 1.**" (Tocco Villaggio Planned Development District). Motion was seconded by Councilor Bray.

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

Project (drainage)(A) - TOCCO VILLAGGIO DRAINAGE DISTRICT, CONTRACT NO. 1:

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 "**TOCCO VILLAGGIO DRAINAGE DISTRICT, CONTRACT NO. 1.**" (Tocco Villaggio Planned Development District). Motion was seconded by Councilor Bray.

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

Project (water)(A) - TOCCO VILLAGGIO WATER SUPPLY DISTRICT:

Councilor Young 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 **"TOCCO VILLAGGIO WATER SUPPLY DISTRICT."** Motion was seconded by Councilor Weaver.

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

Project (lighting)(A) - TOCCO VILLAGGIO LIGHTING DISTRICT:

Councilor Young moved the adoption of a resolution approving the creation of a lighting district within the Town of Clay to be designated and known **"TOCCO VILLAGGIO LIGHTING DISTRICT."** Motion was seconded by Councilor Edick.

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

Project (acquire public facilities) - THE TOCCO VILLAGGIO SUBDIVISION:

Councilor Bick 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 the **"THE TOCCO VILLAGGIO SUBDIVISION"** (Tocco Villaggio Sewer District, Contract No. 1, Tocco Villaggio Drainage District, Contract No. 1, Tocco Villaggio Water Supply District, and Tocco Villaggio Lighting District) in accordance with the terms and conditions of a certain Agreement entered into between the Town of Clay and the developer **JOLU DEVELOPMENT COMPANY.** Motion was seconded by Councilor Edick.

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

Project (A) (final plans) - THE TOCCO VILLAGGIO SUBDIVISION:

Councilor Bick moved the adoption of a resolution approving the **Final Plans** for the **"TOCCO VILLAGGIO SUBDIVISION"** (Tocco Villaggio Sewer District, Contract No. 1, Tocco Villaggio Drainage District, Contract No. 1, Tocco Villaggio Water Supply District, and Tocco Villaggio Lighting District) and authorizing the Supervisor to execute the documents necessary therefore. Motion was seconded by Councilor Edick.

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

CLAY FIRE DEPARTMENT/ RESTRICTIVE ACTIVE MEMBER POLICY:

Councilor Edick moved the adoption of a resolution supporting the **Town of Clay Fire Department's Restrictive Active Member (RAM) Program Policy**. Motion was seconded by Councilor Bick.

Supervisor Ulatowski explained that Clay Volunteer Fire Department is 100% volunteer run and this resolution allows 16 and 17 year olds to join through he Explorers and observe prior to joining as an adult volunteer.

Ayes-7 and Noes-0. Motion carried.

Assessment/Certiorari – MARKETFAIR NORTH:

Councilor Johnson moved the adoption of a resolution authorizing and approving the settlement of the certiorari action commenced against the Town pursuant to RPTL Article 7 entitled **MARKETFAIR NORTH vs. THE ASSESSOR OF THE TOWN OF CLAY, ET AL**, Tax Map No. 055.-01-06.1 on property located at **4100-4160 State Route 31, Clay, NY**, for the tax years 2010, 2011, 2012 and 2013. The proposed Stipulation Settlement calls for the reduction of the Assessment for 2010 and only to \$298,080.00 (Market Value=\$6,900,000.00) with refunds paid from the School, County and Town for 2010 only without interest due, and a prospective reduction in market value to \$7,200,000.00 for 2014 with Section 727 applied. The remaining proceedings for 2011, 2012 and 2013 will be discontinued with prejudice. Motion was seconded by Councilor Bick.

Ayes-7 and Noes-0. Motion carried.

Adjournment:

The meeting was adjourned at 7:53 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

Ayes-7 and Noes-0. Motion carried.