

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 20<sup>th</sup> of August, 2012 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 Weaver moved the adoption of a resolution to **Approve** the Minutes of the July 16<sup>th</sup>, 2012 Town Board Meeting. Motion was seconded by Councilor Edick.

Ayes-6 and Noes-0. (Councilor Johnson abstained.) *Motion carried.*

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski said that items numbered 9, 10 and 11, on the agenda will not be heard.

**Correspondence:**

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

No one spoke.

**REGULAR MEETING:**

**Zone Change (SEQR) - Town Board Case # 1038 - VITO BARLETTA, and NORTH CENTRAL ASSEMBLY OF GOD:**

Councilor Edick moved the adoption of a resolution that the application of **VITO BARLETTA**, and **NORTH CENTRAL ASSEMBLY OF GOD** for a change of zone from **R-10 One-Family Residential District** to **R-SR Senior Residence District** on part of property located at **7421 Buckley Road, Tax Map No. 107-05-01.1** and on part of **7463 Buckley Road, Tax Map No. 096.-37-28.0**, is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town. The proposed project will not have a significant effect on the environment and therefore does not require the preparation on an EIS. Motion was seconded by Councilor Bick.

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

**Zone Change (A) - Town Board Case # 1038 - VITO BARLETTA, and NORTH CENTRAL ASSEMBLY OF GOD:**

Councilor Edick moved the adoption of a resolution approving the application of **VITO BARLETTA**, and **NORTH CENTRAL ASSEMBLY OF GOD** for a change of zone from **R-10 One-Family Residential District** to **R-SR Senior Residence District** on part of property located at **7421 Buckley Road, Tax Map No. 107-05-01.1** and on part of **7463 Buckley Road, Tax Map No. 096.-37-28.0**. Motion was seconded by Councilor Bick.

Ayes-6 and Noes-1. *Motion carried. Supervisor Ulatowski voted no*

**Special Permit (PH) - Town Board Case # 1040 - JOHN DAVIS, DVM and ROUTE 31 HOLDING CO. LLC:**

A public hearing to consider the application of **JOHN DAVIS, DVM** and **ROUTE 31 HOLDING CO. LLC**, for a **SPECIAL PERMIT TO ALLOW FOR ANIMAL CARE/ TRAINING FACILITY** on property located at **5252 State Route 31, Tax Map No. 064.-01-12.3**. was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

John Davis spoke on behalf of this application. Dr. Davis began by explaining that he is planning to open a Doggie Daycare where the horse barn currently exists. He continued that the business for veterinary care for horses has slowed down. The horse barn will be separated into four equal areas for dogs. The dogs will be separated by age and size. The existing drain in the center of the barn will remain and a fence outside will be installed to contain the dogs.

The maximum capacity is 40 dogs and there will be activities such as agility training and a play area with toys. The dogs will be picked up and dropped off in the rear.

Supervisor Ulatowski asked if there will be provisions for the dogs to stay overnight and there will

not. He also asked if there will be any additional staff hired. Dr. Davis said that he will add a few positions.

Councilor Edick asked if the neighbors had been notified of this application request noting that there was no one present to oppose the application. Commissioner Territo said that the neighbors had been notified. Dr. Davis added that he had tried to contact his neighbors to inform them.

Councilor Bray asked approximately how many hours each day the dogs would be outside. Kathy, Dr. Davis's assistant said that probably a total of 6 hours a day would be spent outside each day. She added that the dogs will follow a rotation of play, rest and snack.

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

**Securities (release) Project- INVERNESS GARDENS SUBDIVISION, SECTION NO. 1:**

Councilor Johnson moved the adoption of a resolution, pursuant to the written recommendation of the Town Engineers, authorizing the release of securities posted for the one year repair and maintenance of Bear Road Sewer District, Contract No. 32 Lateral in the amount of **\$17,250.00** and for Inverness Gardens Drainage District Contract No. 1 in the amount of **\$26,250.00** for **INVERNESS GARDENS SUBDIVISION, SECTION NO. 1** to the developer **WOODSIDE RUNNE, LLC**. The Town Engineers have performed an inspection and found the facilities to be satisfactory. Motion was seconded by Councilor Bick.

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

**Securities (release) Project- INVERNESS GARDENS SUBDIVISION, SECTION NO. 2:**

Councilor Johnson moved the adoption of a resolution, pursuant to the written recommendation of the Town Engineers, authorizing the release of the securities posted for the one year repair and maintenance of Bear Road Sewer District, Contract No. 32 Lateral in the amount of **\$5,750.00** and for Inverness Gardens Drainage District Contract No. 1 in the amount of **\$8,750.00** for **INVERNESS GARDENS SUBDIVISION, SECTION NO. 2** to the developer **WOODSIDE RUNNE, LLC**. The Town Engineers have performed an inspection and found the facilities to be satisfactory. Motion was seconded by Councilor Bick.

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

**Securities (release) Project- NORTHFORK SECTION NO.2, PHASE 1 SUBDIVISION:**

Councilor Johnson moved the adoption of a resolution, pursuant to the written recommendation of the Town Engineers, authorizing the release of the securities posted for the one year repair and maintenance of Northfork Drainage District, Contract No. 1 in the amount of **\$6,150.00** for **NORTHFORK SECTION NO. 2, PHASE 1 SUBDIVISION** to the developer **GROUP ONE DEVELOPMENT, LLC**. The Town Engineers have performed an inspection and found the facilities to be satisfactory. There are still some outstanding Overland Drainage items that need to be addressed for this project. Motion was seconded by Councilor Bick.

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

**Agreement - CICERO-CLAY SNOW OWLS:**

Councilor Bick moved the adoption of a resolution confirming that the Town of Clay does not object to the **CICERO-CLAY SNOW OWLS** having snow trails on a strip of land owned by **Niagara Mohawk Power Corporation, d/b/a National Grid**, which runs through the Town of Clay for the purpose of a snowmobile trail and authorizing the Supervisor to execute the necessary document therefore. Motion was seconded by Councilor Johnson.

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

**Appointment - CLAY VOLUNTEER FIRE DEPARTMENT, INC.:**

Councilor Young moved the adoption of a resolution approving the appointment of **DANIEL MULHERN** and **ANDREW JOHNSON** as volunteer members of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Weaver.

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

**Traffic & Vehicle (speed reduction) - Caughdenov Road:**

Councilor Weaver moved the adoption of a resolution in support of the recommendation of the New York State Department of Transportation Region 3 to change the speed limit on a portion of Caughdenov Road from 45 mph to 35 mph, approximately 800 feet East and West of the intersection of Caughdenov Road and Route 481 in order to create more traffic gaps by curing the inconsistent signage currently in place. This resolution also authorizes the Town Highway Department to install the necessary signage. The Department of Transportation conducted a traffic study, reviewed accident history data, car counts and movements as well as a vehicle delay study prior to making this recommendation. Motion was seconded by Councilor Bray.

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

**Agreement/Contract Brinks Syracuse, NY:**

Councilor Bray moved the adoption of a resolution approving a contract with **Brinks Syracuse, NY**, an armored vehicle service for the transport of money and securities for the term of one year at the rate of \$30.00 per hour, commencing August 20<sup>th</sup>, 2012 and terminating August 31<sup>st</sup>, 2013, and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Weaver.

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

**Ordinance 1 of the Year 2012 (SEQR) (amend) Chapter 78 - BRUSH, GRASS, RUBBISH AND WEEDS:**

Councilor Edick moved the adoption of a resolution that the proposed **Ordinance 2012-01** amending **Chapter 78** entitled "**BRUSH, GRASS, RUBBISH AND WEEDS**" and **Ordinance 2012-02** amending **Chapter 216** entitled "**VEHICLES, ABANDONED, JUNKED OR INOPERATIVE**"; proposed **Local Law No. 2 of the Year 2012** amending **Chapter 86** entitled "**BUILDING, UNSAFE**"; and **Local Law No. 3 of the Year 2012** to amend **Chapter 105** entitled "**SCHEDULE OF FEES**", are unlisted actions and involve no other permit granting agency outside the Town. The proposed amendments to the Code of the Town of Clay project will not have a significant effect on the environment and therefore does not require the preparation of an EIS. Motion was seconded by Councilor Weaver.

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

**Ordinance 1 of the Year 2012 (A) (amend) Chapter 78 - BRUSH, GRASS, RUBBISH AND WEEDS:**

Councilor Edick moved the adoption of a resolution approving the adoption of proposed **Ordinance 2012-01** amending **Chapter 78** entitled "**BRUSH, GRASS, RUBBISH AND WEEDS**"; **Ordinance 2012-02** amending **Chapter 216** entitled "**VEHICLES, ABANDONED, JUNKED OR INOPERATIVE**"; adding to **Section 78-6, Work done by Town**; to include any legal and administrative fees to such section and adding such fee amount to **Chapter 105 Schedule of Fees** to the Code of the Town of Clay. Motion was seconded by Councilor Weaver.

Ayes-6 and Noes-1. *Motion carried. Councilor Bick voted no.*

**Ordinance 2 of the Year 2012(A)(amend) Chapter 216 - VEHICLES, ABANDONED, JUNKED OR INOPERATIVE:**

Councilor Edick moved the adoption of a resolution approving the adoption of proposed **Ordinance 2012-02** amending **Chapter 216** entitled "**VEHICLES, ABANDONED, JUNKED OR INOPERATIVE**", adding to **Section 216-3B. Removal Procedure** - to include any legal and administrative fees to such section and adding such fee amount to **Chapter 105 Schedule of Fees** to the Code of the Town of Clay. Motion was seconded by Councilor Bray.

Ayes-6 and Noes-1. *Motion carried. Councilor Bick voted no.*

**Local Law No. 2 of 2012 (A) - Chapter 86 entitled "BUILDING, UNSAFE":**

Councilor Johnson moved the adoption of a resolution approving the adoption of proposed **Local Law No. 2 of the Year 2012** amending **Chapter 86** entitled "**BUILDING, UNSAFE**" adding to **Section 86-12 D. Emergency Work done by Town** and adding to **Section 86-15 Assessment and lien**, to include any legal and administrative fees and adding such fee amount to **Chapter 105 Schedule of Fees** to the Code of the Town of Clay. Motion was seconded by Councilor Edick.

Ayes-6 and Noes-1. *Motion carried. Councilor Bick voted no.*

**Local Law No. 3 of 2012 (A) - Chapter 105 entitled "SCHEDULE OF FEES":**

Move the adoption of a resolution approving of proposed **Local Law No. 3 of the Year 2012** to amend **Chapter 105** entitled "SCHEDULE OF FEES" adding to **Chapter 78** entitled 'Brush, Grass, Rubbish and Weeds', **Section 78-6, Work done by the Town**; adding to **Chapter 86** entitled 'Buildings, Unsafe', **Sections 86-12D Emergency Work done by the Town**; **Section 86-15 Assessment lien**; and adding to **Chapter 216** entitled 'Vehicles, Abandoned, Junked or Inoperative', **Section 216 B Removal Procedures**, legal costs and a \$150.00 administrative fee to the Code of the Town of Clay. Motion was seconded by Councilor Bray.

Ayes-6 and Noes-1. *Motion carried. Councilor Bick voted no.*

**Authorization/ Project - MAPLE PARK SUBDIVISION:**

Councilor Bray moved the adoption of a resolution authorizing the Supervisor to enter into an Agreement on behalf of the Town with **GROUP ONE DEVELOPMENT, LLC** and **JMG, INC.** for the construction/development of **MAPLE PARK SUBDIVISION**. Motion was seconded by Councilor Bick.

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

**Project(Sewer) (CPH) - MAPLE PARK SUBDIVISION:**

Councilor Bray moved the adoption of a resolution calling a public hearing **September 17th, 2012**, commencing at **7:35 P.M.**, local time, to consider a Petition for the creation of a sewer district within the Town of Clay to be designated and known as "**MAPLE PARK SEWER DISTRICT**" and for the construction and acquisition of a sewer system therein to be designated and known as "**MAPLE PARK SEWER DISTRICT, CONTRACT NO. 1**", (Maple Park Subdivision). Motion was seconded by Councilor Weaver.

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

**Project(Drainage) (CPH) - MAPLE PARK SUBDIVISION:**

Councilor Young moved the adoption of a resolution calling a public hearing **September 17th, 2012**, commencing at **7:38 P.M.**, local time, to consider a Petition for the creation of a drainage district within the Town of Clay to be designated and known as "**MAPLE PARK DRAINAGE DISTRICT**" and for the construction and acquisition of a drainage system therein to be designated and known as "**MAPLE PARK DRAINAGE DISTRICT, CONTRACT NO. 1**", (Maple Park Subdivision). Motion was seconded by Councilor Bray.

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

**Project(Water) (CPH) - MAPLE PARK SUBDIVISION:**

Councilor Young moved the adoption of a resolution calling a public hearing **September 17th, 2012**, commencing at **7:41 P.M.**, local time, to consider a Petition for the creation of a water supply district within the Town of Clay to be designated and known as "**MAPLE PARK WATER SUPPLY DISTRICT**" and for the construction and acquisition of a water supply system therein to be designated and known as "**MAPLE PARK WATER SUPPLY DISTRICT**", (Maple Park Subdivision). Motion was seconded by Councilor Weaver.

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

**Project(Lighting) (CPH) - MAPLE PARK SUBDIVISION:**

Councilor Young moved the adoption of a resolution calling a public hearing **September 17th, 2012**, commencing at **7:44 P.M.**, local time, to consider a Petition for the creation of a lighting district within the Town of Clay to be designated and known "**MAPLE PARK LIGHTING DISTRICT**", (Maple Park Subdivision). Motion was seconded by Councilor Weaver.

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

**Zone Change (CPH) - LAKEWOOD DEVELOPMENT, LLC:**

Councilor Weaver moved the adoption of a resolution calling a public hearing **September 17th, 2012** at **7:47 P.M.**, local time to consider the application **LAKEWOOD DEVELOPMENT, LLC** and **RICHARD L** and **ARLENE DE SOCIA** for a change of zone from **R-100 Residential Agricultural District** to **R-SR Senior Residence District** on property located at **8198 Soule Road, Tax Map No. 068.-29-22**. Motion was seconded by Councilor Bray.

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

**Zone Change (CPH) Town Board Case # 1043 - MICHAELS FARMS, LLC:**

Councilor Bick moved the adoption of a resolution calling a public hearing **September 17th, 2012** at **7:50 P.M.**, local time to consider the application **MICHAELS FARMS, LLC** for a change of zone from **RA-100 Residential Agricultural District** to **R-SR Senior Residence District, LuC-1 Limited Use District for Gasoline Services** and **NC-1 Neighborhood Commercial District**, on part of property located at **8097 Morgan Road, Tax Map No. 096.-01-05.1** and from **RA-100 Residential Agricultural** to **R-SR Senior Residence District** and **NC-1 Neighborhood Commercial District** on part of property located at **8073 Morgan Road, Tax Map No. 081.-29-01.0**. Motion was seconded by Councilor Edick.

Ayes-7 and Noes-0.

**Special Permit (CPH) Town Board Case # 1042 - PLUS REAL ESTATE, LLC:**

Councilor Bick moved the adoption of a resolution calling a public hearing **September 17th, 2012** at **7:53 P.M.**, local time to consider the application **PLUS REAL ESTATE LLC** for a

**Special Permit to Allow a Medical Office** on part of building located at **7449 Morgan Road, 104.-03-15.5**. Motion was seconded by Councilor Edick.

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

**Local Law No. 4 of the Year 2012 - Chapter 230** entitled "**ZONING**":

Councilor Johnson moved the adoption of a resolution calling a public hearing **September 17th, 2012**, commencing at **7:56 P.M.**, local time, to consider proposed **Local Law No. 4 of the Year 2012** to amend **Chapter 230** entitled "**ZONING**" by repealing the present **§230-26F. Cluster development** and adding a new **§230-26 F** to be entitled "**Cluster development**"; in order to conform with recent changes in the NYS Stormwater Management Design Manual and other requirements, to the Code of the Town of Clay. Motion was seconded by Councilor Weaver.

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

**Bid Advertisement - Crossing Guards:**

Councilor Weaver moved the adoption of a resolution authorizing the advertisement of bids **TO FURNISH ADULT CROSSING GUARDS FOR THE 2012-2013 SCHOOL YEAR (approximately thirty-six [36] weeks) – TOWN OF CLAY**. Said bids to be received at the Office of the Purchasing Director – County of Onondaga, 421 Montgomery Street, Syracuse, New York , until two (2) o'clock P.M., local time on September 4th, 2012. Motion was seconded by Councilor Bray.

Ayes-6 and Noes-1. *Motion carried. Councilor Johnson voted no.*

**Adjournment:**

The meeting was adjourned at 8:02 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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