

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 19th of August, 2013 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Naomi R. Bray	Councilor
William C. Weaver	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

ABSENT:

Robert L. Edick	Deputy Supervisor/Councilor
Joseph A. Bick	Councilor
Bruce N. Johnson	Councilor

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 15th 2013 Town Board Meeting and the August 1st 2013 Special Meeting. Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski stated that both of the public hearings are adjourned at the request of the respective applicants.

REGULAR MEETING:

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

The Applicant requested an adjournment to September 16th, 2013 at 7:50 P.M.

Special Permit (PH) – Town Board Case # 1054 Yelann Momot of

BERGMANN ASSOCIATES and SUNOCO, INC. (R&M):

The Applicant requested an adjournment to September 16th, 2013 at 7:53 P.M.

Appointment (A)- ASSESSOR:

Councilor Bray moved the adoption of a resolution reappointing **ROBERT BICK** as the **ASSESSOR OF THE TOWN OF CLAY**. Said term to expire **September 30, 2019**. Motion was seconded by Councilor Weaver.

Ayes - 4 and Noes-0. Motion carried.

Appointment – PLANNING BOARD:

Councilor Bray moved the adoption of a resolution appointing **MICHELLE BORTON** to fill the unexpired term of Walter Lepkowski as a member of the **TOWN OF CLAY PLANNING BOARD**. Said term to expire **December 31, 2014**. Motion was seconded by Councilor Weaver.

Ayes - 4 and Noes-0. Motion carried.

Agreement(A) – BRINKS:

Councilor Weaver moved the adoption of a resolution renewing a contract with Brinks Incorporated of 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, 2013** and terminating **August 31, 2014**, and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Bray.

Ayes - 4 and Noes-0. Motion carried.

Agreement (A) – CICERO-CLAY SNOW OWLS:

Councilor Weaver 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 Bray.

Ayes - 4 and Noes-0. Motion carried.

**Agreement/ Termination of Covenants & Restrictions (A) - WAL-MART
REAL ESTATE BUSINESS TRUST:**

Councilor Young moved the adoption of a resolution approving the termination and amendment of easements to accommodate the new site plan for Walmart and authorizing the Supervisor to execute any required documents. Motion was seconded by Councilor Bray.

Ayes -4 and Noes-0. *Motion carried.*

Project/Securities (posting) – HARKE FARMS SUBDIVISION:

Councilor Young moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of sewer, drainage water supply and lighting facilities located within the **HARKE FARMS SUBDIVISION**, (Harke Farms Sewer District, Contract No. 1, Gaskin Road Sewer District, Extension No. 2, Contract No. 5 -Lateral, Harke Farms Drainage District, Contract No. 1, Grossman’s Drainage District, Contract No. 5 - Lateral, Harke Farms Lighting District, and Gaskin Road Water Supply District, Extension No. 3) 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 security as shown under correspondence by the Town Engineers’ under date of August 16, 2013: **Overland Drainage Facilities Guarantee - \$70,000.00; Maintenance Guarantee - \$11,617.00** (\$8,322.00 Sewer and \$3,295.00 Drainage); **Highway - \$59,780.00; Monument Deposit - \$2,250.00; Parkland Contributions - \$15,000.00; Future Engineering/Inspection Fees - \$10,000.00;** and any other unpaid fees that may be owed by the Town of Clay for engineering, legal and/or administrative fees; and further contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **COR VERPLANK ROAD COMPANY, LLC**, that the Town accept title to such facilities. Motion was seconded by Councilor Weaver.

Ayes -4 and Noes-0. *Motion carried.*

Easement (drainage & sewer) – HARKE FARMS DRAINAGE DISTRICT:

Councilor Bray moved the adoption of a resolution accepting an easement for sewer and drainage facilities located within **HARKE FARMS SUBDIVISION**, (Harke Farms Sewer District, Contract No. 1, Gaskin Road Sewer District, Extension No. 2, Contract No. 5 - Lateral, Harke Farms Drainage District, Contract No. 1, Grossman’s Drainage District, Contract No. 5 - Lateral) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **December 18,**

2012. Motion was seconded by Councilor Weaver.

Ayes -4 and Noes -0. *Motion carried.*

Warranty Deed, Dedication, Application and Release of Damages – HARKE FARMS DRAINAGE DISTRICT:

Councilor Bray moved the adoption of a resolution accepting a **Warranty Deed, Dedication, Application and Release of Damages** for the roads in Section One (1) located within **HARKE FARMS SUBDIVISION**; from **COR VERPLANK ROAD COMPANY, LLC** (Dell Center Drive, Harke Lane and Hallston Drive all having Permeable Shoulders). Motion was seconded by Councilor Weaver.

Ayes -4 and Noes -0. *Motion carried.*

Bid Advertisement - VAN FOR USE BY THE ANIMAL CONTROL DEPARTMENT:

Councilor Young moved the adoption of a resolution authorizing the advertisement of bids for the purchase of **ONE (1) ALL WHEEL DRIVE, HALF (1/2) TON CARGO VAN FOR USE BY THE ANIMAL CONTROL DEPARTMENT**. Sealed bids will be received by the Town of Clay, at the Office of the Town Clerk, located at 4401 State Route 31, Clay, New York, until **11:00 A.M.**, local time, on **August 30, 2013**, at which time they will be publicly opened and read aloud. Motion was seconded by Councilor Weaver.

Ayes -4 and Noes -0. *Motion carried.*

Authorization/Project – TOCCO VILLAGGIO PLANNED DEVELOPMENT DISTRICT:

Councilor Young moved the adoption of a resolution authorizing the Supervisor to enter into an Agreement on behalf of the Town with **JOLU DEVELOPMENT COMPANY** for the construction/development of **TOCCO VILLAGGIO PLANNED DEVELOPMENT DISTRICT**. Motion was seconded by Councilor Bray.

Ayes- 4 and Noes-0. *Motion carried.*

Project/ Sewer - TOCCO VILLAGGIO SEWER DISTRICT:

Councilor Weaver moved the adoption of a resolution calling a public hearing **September 16, 2013**, commencing at **7:38 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 **"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). Motion was seconded by Councilor Bray.

Ayes- 4 and Noes-0. *Motion carried.*

Project/ Drainage - TOCCO VILLAGGIO DRAINAGE DISTRICT:

Councilor Weaver moved the adoption of a resolution calling a public hearing **September 16, 2013**, commencing at **7:41 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 **"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). Motion was seconded by Councilor Bray.

Ayes- 4 and Noes-0. *Motion carried.*

Project/ Water - TOCCO VILLAGGIO WATER DISTRICT:

Councilor Young moved the adoption of a resolution calling a public hearing **September 16, 2013**, commencing at **7:44 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 **"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). Motion was seconded by Councilor Weaver.

Ayes- 4 and Noes-0. *Motion carried.*

Project/ Lighting - TOCCO VILLAGGIO LIGHTING DISTRICT:

Councilor Bray moved the adoption of a resolution calling a public hearing **September 16, 2013**, commencing at **7:47 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 **"TOCCO VILLAGGIO LIGHTING DISTRICT,"** (Tocco Villaggio Planned Development District). Motion was seconded by Councilor Weaver.

Ayes- 4 and Noes-0. *Motion carried.*

Purchase/Highway - ONE (1) 2013 WESTERN STAR 4900SB TANDEM AXLE PLOW/DUMP TRUCK:

Councilor Weaver moved the adoption of a resolution approving the purchase of **ONE (1) 2013 WESTERN STAR 4900SB TANDEM AXLE PLOW/DUMP TRUCK FOR USE BY THE HIGHWAY DEPARTMENT** for a sum not to exceed Two Hundred Fifteen Thousand and 00/100 (\$215,000.00) Dollars, under **Oneida County Heavy Truck Contract No. 1606** and **Oneida County Plow Equipment Contract No. 1571**. (Contractor - Tracey Road Equipment). Motion was seconded by Councilor Bray.

Ayes - 4 and Noes-0. *Motion carried.*

Bond Resolution/Purchase/Highway - ONE (1) 2013 WESTERN STAR 4900SB TANDEM AXLE PLOW/DUMP TRUCK:

Councilor Weaver moved the adoption of a **Bond Resolution** in the amount of **\$215,000.00** for the purchase of **ONE (1) 2013 WESTERN STAR 4900SB TANDEM AXLE PLOW/DUMP TRUCK FOR USE BY THE HIGHWAY DEPARTMENT**. Motion was seconded by Councilor Bray.

Ayes - 4 and Noes-0. *Motion carried.*

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

David George of 4073 Wetzel Road asked about the former *Liverpool Pool & Spa* building located on the corner of Route 57 and Wetzel Road. He continued that the sign says that they will divide. Mr. George explained that he is concerned about the additional traffic that will be generated if there are more than one business in the building. He added that the traffic is overwhelming now and is similarly concerned with the proposed expansion of *Avacoli's Restaurant*. Mr. George asked about the possibility of a traffic study and an update to the current intersection. He asked about new curb cuts to the expansion of the restaurant; Supervisor Ulatowski explained that actually a curb cut on Wetzel Road would be removed, with the

expansion. He added that he would look further into Mr. Georges' concerns within the next month.

Adjournment:

The meeting was adjourned at 7:57 P.M., upon motion by Councilor Bray and seconded by Councilor Young.

Ayes - 4 and Noes-0. *Motion carried.*