

Approved

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 8th of November, 2017 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
Jim Rowley	Councilor
Eugene Young	Councilor
David Hess	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

William C. Weaver	Councilor
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OTHERS PRESENT:

John Shehadi; Comptroller, Ryan Pleskach; member of the Zoning Board & Dorothy Heller; Town Historian.

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 Hess made a motion to approve the minutes of the October 16th, 2017 meeting. Motion was seconded by Councilor Bray.

Ayes – 6 and Noes – 0. *Motion carried.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that he knew of no cancellations or requests for adjournments.

Correspondence:

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

Several residents were present to protest about the condition of Orion Path. Julie Hyne of 4269 Orion Path explained to the Town Board that they have submitted a petition to have their road paved. (*note: this Petition was submitted on October 5, 2017 to the Town Clerks office where it was copied to the Supervisor, Board Members, Legal Department and Highway Superintendent.*) Ms. Hyne said that she had heard that there is a 2, 4, 5 or 7 year paving plan. She was disturbed that the Town had not responded to the Petition submitted and would like to know when this issue will be addressed. Supervisor Ulatowski explained that he had tried on three occasions to contact someone with an update. He continued that he, the Town Engineer and the Highway Superintendent visited the street and assessed the condition of the road. Ms. Hyne distributed photos to the Board depicting the conditions of the road. Supervisor Ulatowski explained that they are not alone in the Town of Clay and that the request for service to the road is one of the greatest complaints and costs for the Town. He explained that Cornell University has completed a study on the most efficient and cost effective way to address the roads in the upstate climate. Mr. Hyne asked for specifics regarding the study. Ron DeTota, Town Engineer, explained the Cornell Study adding that the Town of Clay has 177 miles of town roads. The study serves to preserve the roads taking into consideration things such as weather and other variable conditions. Mr. DeTota explained that the costs for maintaining the roads are some of the greatest that the town has, therefore a study such as the Cornell Study is beneficial on many levels. Supervisor Ulatowski said that after reviewing Orion Path they have devised a plan to improve the drainage next year and pave the following year. Several residents expressed concerns over waiting until 2019 for the paving. One resident asked the Supervisor to visit his property at 7968 Orion Path in the spring. Supervisor Ulatowski said that he would be happy to do so.

REGULAR MEETING

Zone Change – (SEQR) Town Board Case # 2018 LAKER DEVELOPMENT GROUP, LLC AND AILEEN SCHMIDT:

Councilor Young moved the adoption of a resolution that the application for **LAKER DEVELOPMENT GROUP, LLC AND AILEEN SCHMIDT FOR A ZONE CHANGE** from **RA-100 Residential Agricultural District** to **RC-1 Regional Commercial District** to allow for future development of commercial and retail spaces on vacant land located at **3820-3848 State Route 31, Tax Map No. 053.-01-19.1**, consisting of approximately 6.049± acres of land, 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 of an EIS. Motion Seconded by Councilor Bray.

Ayes – 6 and Noes – 0. *Motion carried.*

Zone Change – (A) Town Board Case # 2018 LAKER DEVELOPMENT GROUP, LLC AND AILEEN SCHMIDT:

Councilor Young moved the adoption of a resolution **approving** the application of **LAKER DEVELOPMENT GROUP, LLC AND AILEEN SCHMIDT FOR A ZONE CHANGE** from **RA-100 Residential Agricultural District** to **RC-1 Regional Commercial District** to allow for future development of commercial and retail spaces on vacant land located at **3820-3848 State Route 31, Tax Map No. 053.-01-19.1**, consisting of approximately 6.049± acres of land. Motion Seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

Zone Change – (SEQR) Town Board Case # 2019 HUMANE CNY:

Councilor Bick moved the adoption of a resolution that the application for **HUMANE CNY FOR A ZONE CHANGE** from **R-10 ONE-Family Residential District** to **RA-100 RESIDENTIAL AGRICULTURAL DISTRICT** to allow for renovations to the existing site and building facilities located at **4915 ½ W. Taft Rd., Tax Map No. 107.-21-54.0**, consisting of approximately 2.73± acres of land, 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 of an EIS. Motion Seconded by Councilor Bray.

Ayes – 6 and Noes – 0. *Motion carried.*

Zone Change – (A) Town Board Case # 2019 HUMANE CNY:

Councilor Bick moved the adoption of a resolution **approving** the application of **HUMANE CNY FOR A ZONE CHANGE** from **R-10 ONE-Family Residential District** to **RA-100 RESIDENTIAL AGRICULTURAL DISTRICT** to allow for renovations to the existing site and building facilities located at **4915 ½ W. Taft Rd., Tax Map No. 107.-21-54.0**, consisting of approximately 2.73± acres of land. Motion Seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

2018 Special Districts Budget for the Town of Clay (PH):

A public hearing to consider the adoption of the proposed **2018 Special Districts Budget for the Town of Clay** was opened by the Supervisor; proof of posting and publication was furnished by the Town Clerk.

2018 Fire Protection Budget for the Town of Clay (PH).

A public hearing to consider the adoption of the proposed **2018 Fire Protection Budget for the Town of Clay** was opened by the Supervisor; proof of posting and publication was furnished by the Town Clerk.

2018 Uniform Water Budget for the Town of Clay (PH):

A public hearing to consider the adoption of the proposed **2018 Uniform Water Budget for the Town of Clay** was opened by the Supervisor; proof of posting and publication was furnished by the Town Clerk.

2018 Preliminary Budget for the Town of Clay, as the 2018 ANNUAL BUDGET (PH):

A public hearing to consider the adoption of the proposed **2018 Preliminary Budget for the Town of Clay**, as the annual budget was opened by the Supervisor; proof of posting and publication was furnished by the Town Clerk.

Supervisor Ulatowski explained that he would open all of the budget hearings together.

John Shehadi, Comptroller for the Town of Clay gave a brief overview of each budget, explaining that the special districts are for the repairs of sewer, drainage etc., the developer pays for the installation. Water and lighting are in consolidated districts. There are 4 fire companies and the village within the Town of Clay Fire Protection districts. The Comptroller said that the fire departments worked diligently once again to submit a reasonable budget. He continued that the water budget affects only about 1/3 of the town; the western portion. The water is purchased from OCWA and costs 25% less than the portion of the Town served by OCWA. He continued that there has not been an increase in two years however they are proposing a 2% increase this year. Mr Shehadi concluded by explaining that the Preliminary Budget is the same as the Tentative Budget (no increases or decreases). A typical \$100,000.00 home outside of the village will see an increase of \$2.54 per year and inside the village will see an increase of \$.36 per year. The total increase will be 2.46% including an increase of \$125,000.00 to the paving budget. This is offset by the revenue the Town has collected which adjusts the 2018 to a total increase of 1.84% again coming in below the Governors 2% Tax Cap. Supervisor Ulatowski thanked the Comptroller. Supervisor Ulatowski **closed** the public hearings.

2018 Special Districts Budget for the Town of Clay (A):

Councilor Bray moved the adoption of a resolution approving and adopting the proposed **2018 Special Districts Budget for the Town of Clay**. Motion Seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried.*

2018 Fire Protection Budget for the Town of Clay (A).

Councilor Bick moved the adoption of a resolution approving and adopting the proposed **2018 Fire Protection Budget for the Town of Clay**. Motion Seconded by Councilor Bray.

Ayes – 6 and Noes – 0. *Motion carried.*

2018 Uniform Water Budget for the Town of Clay(A):

Councilor Rowley moved the adoption of a resolution approving and adopting the proposed **2018 Uniform Water Budget for the Town of Clay**. Motion Seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

2018 Preliminary Budget for the Town of Clay, as the 2018 ANNUAL BUDGET (A):

Councilor Rowley moved the adoption of a resolution approving and adopting the **PRELIMINARY BUDGET** as proposed, for the Town of Clay for the year **2018** as the **TOWN OF CLAY BUDGET** for the fiscal year commencing January 1, 2018. Motion Seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried.*

LOCAL LAW NO. 4 OF THE YEAR 2017 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C (RESCINDED):

Supervisor Ulatowski explained that this item will be rescinded as the Budget was passed and it is below the 2% tax cap therefore negating the need for the Local Law.

Authorization/Grant - JUSTICE COURT ASSISTANCE PROGRAM:

Councilor Bray moved the adoption of a resolution authorizing **Judge Gosch** and **Judge Lauri** to make the necessary applications for a grant from New York State for the **JUSTICE COURT ASSISTANCE PROGRAM** and the execution therefore. Motion Seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

Securities (release) - Northfork Subdivision, Section No. 3:

Councilor Hess moved the adoption of a resolution, pursuant to the written recommendation of the Town Engineers in their letter dated **November 1, 2017**, recommending the **release of securities** withheld for **Northfork Subdivision, Section No. 3** as follows:

Northfork Drainage District, Contract No. 1 from \$10,228 to \$0.
To the Developer, **Group One Development, LLC.**

Motion Seconded by Councilor Rowley.

Ayes – 6 and Noes – 0. *Motion carried.*

Securities (release) – Newbury Woods Subdivision:

Councilor Bick moved the adoption of a resolution, pursuant to the written recommendation of the Town Engineers in their letter dated **November 1, 2017**, recommending the **release of securities** withheld for **Newbury Woods Subdivision** as follows:

Newbury Woods Drainage District, Contract No. 1 from \$15,000 to \$0.
Newbury Woods Drainage District, Contract No. 1 from \$60,000 to \$0. (Overland)
Newbury Woods Sewer District, Contract No. 1 from \$43,500 to \$0.
To the Developer, **JMG Inc d/b/a JMG Custom Homes.**

Motion Seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

Project/ Securities (posting) – MORGAN MEADOWS 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 drainage facilities located within **MORGAN MEADOWS SUBDIVISION**, (Morgan Meadows Drainage District Contract No. 1) and the construction of said facilities having been substantially completed in accordance with the Plans and Specifications thereof; The Town Engineers having verified 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 November 1, 2017: **Overland Drainage Facilities - \$20,000.00; Maintenance Guarantee - \$15,000.00** (\$15,000.00 Drainage); **Highway - \$18,396.00; Monument Deposit - \$900.00; Parkland Contributions - \$5,500.00; Future Engineering/Inspection Fees - \$4,000.00;** 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 **MORGAN ROAD ESTATES, LLC**, that the Town accept title to such facilities. Motion Seconded by Councilor Bray.

Ayes – 6 and Noes – 0. *Motion carried.*

Project/ Easement – MORGAN MEADOWS SUBDIVISION:

Councilor Hess moved the adoption of a resolution accepting easements for drainage facilities located within **MORGAN MEADOWS SUBDIVISION**, (Morgan Meadows Drainage District, Contract No.1) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **November 7, 2016**. Motion Seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried.*

Project/ Warranty, Deed etc. – MORGAN MEADOWS SUBDIVISION:

Councilor Bray moved the adoption of a resolution accepting a Warranty Deed, Dedication, Application and Release of damages for the roads located within **MORGAN MEADOWS SUBDIVISION**; from **MORGAN ROAD ESTATES, LLC**, (Tiger Lily Path having Permeable Shoulders). Motion Seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

PROCLAMATION

AT THE REGULAR MEETING of the Town Board of the Town of Clay held on the **8th** day of **November, 2017**, the following resolution was duly adopted:

WHEREAS, the government of the Town of Clay, County of Onondaga, State of New York celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States, they represent 99.7 percent of all small businesses with employees in the United States, are responsible for 63 percent of net new jobs created over the past 20 years; and

WHEREAS, small businesses employ 48 percent of the employees in the private sector in the United States; and

WHEREAS, on average, 33 percent of consumers' holiday shopping will be done at small, independently-owned retailers and restaurants; and

WHEREAS, 91 percent of all consumers believe that supporting small, independently-owned restaurants and bars is important; and

WHEREAS, 76 percent of all consumers plan to go to one or more small business (or businesses) as part of their holiday shopping; and

WHEREAS, the Town of Clay, State of New York supports our local businesses that create jobs, boosts our local economy and preserve our neighborhoods; and

WHEREAS, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as **SMALL BUSINESS SATURDAY**.

NOW, THEREFORE, BE IT RESOLVED, that I, Damian M. Ulatowski, Supervisor of the Town of Clay do hereby proclaim, November 25, 2017, as **SMALL BUSINESS SATURDAY** and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Town of Clay to be affixed at Town Hall this 8th day of **November**, in the year of our Lord, **TWO THOUSAND SEVENTEEN**.

Damian M. Ulatowski, Supervisor
Town of Clay

Appointment – MOYERS CORNERS FIRE DEPARTMENT, INC.:

Councilor Young moved the adoption of a resolution approving the appointment of **Stephen Curtis** and **Zachery Curtis** as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC.- STATION NO. 1** and **Paul Abdou** as a volunteer member of **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION NO. 3**. Motion was seconded by Councilor Bray.

Ayes – 6 and Noes – 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:18 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried.*

Jill Hageman-Clark RMC / Town Clerk