

APPROVED

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 October, 2020 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
David Hess	Councilor
Brian Hall	Councilor
Ryan Pleskach	Councilor
Kevin Meaker	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

Eugene Young	Councilor
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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 Bick made a motion to approve the minutes of the October 5th, 2020 meeting. Motion was seconded by Councilor Hess.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that all items will be heard tonight.

Correspondence:

There was no correspondence.

REGULAR MEETING:

Adjournment:

Budget – (IH) – TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2021:

Informational hearing to consider the **TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2021**, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski began by reading the 2021 Budget Message (see attached). He explained that the tentative budget for 2021 is \$16.5 million, an increase of \$350,000.00 or 2.03% over the adopted budget for last year; however, the tax rate for residents will remain the same as last year. Grants have been secured to fund projects allowing for low taxes and increased services.

John Shehadi, Comptroller explained that 59.91% of the taxes are school taxes, this being the greatest portion of residential taxes. The next largest portion are the County taxes 12.84%. Sewers are 9.94%, Town administrative 1.82% and 4.92% for highway, fire protection 2.38%, trash 3.85% and consolidated districts (lighting etc.) 4.75%.

There being no questions or comments, Supervisor Ulatowski **closed** the public hearing.

LOCAL LAW NO. 6 OF THE YEAR 2020 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C (PH):

A public hearing to consider adding a proposed Local Law to be entitled “**LOCAL LAW NO. 6 OF THE YEAR 2020 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**” to the code of the Town of Clay, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Withdrawn

Supervisor Ulatowski explained that again this year, the Town of Clay will not exceed the Governors 2% tax cap, therefore, there is no need for the Local Law.

ZONE CHANGE (PH) – Town Board Case # 1153 - NJJP HOLDINGS, LLC AND JOSE VARGAS:

A public hearing to consider the application of **NJJP HOLDINGS, LLC AND JOSE VARGAS FOR A ZONE CHANGE** from **O-1 Neighborhood Office District** to **HC-1 Highway Commercial District** to allow for a Veterinary Clinic located at **7270 Buckley Rd., N. Syracuse, Tax Map No. 112.-07-14.0**, consisting

of approximately 0.9± acres of land, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Three of the owners of the Liverpool Village Animal Hospital spoke on behalf of this application. They began by explaining that this will be a satellite location and they will be performing mainly as a wellness clinic. There will be no boarding, grooming or kenneling at this location. They will not change the footprint and plan little renovations to the inside adding that there is little difference between the setup of a pediatricians office and a veterinary wellness center. The hours of operation would be 8 AM to 5 PM. They plan 3 doctors per day, each seeing approximately 15 pets per day for a total of 45 visits daily. They also are planning on 5 support staff members requiring a total of 8 parking spots for staff.

Councilor Pleskach asked about overnight or kenneling; they responded that initially no, the patient would go to the Liverpool Village Animal Hospital.

Councilor Hess referred to the *Onondaga County Planning Board* Comments regarding their recommendation to the Town to add Veterinary Clinic to the O-1 or a less intense zoning district as an alternative to rezoning the site to avoid future uses of the site that may be incompatible in scale and character to surrounding land uses. Several Board members nodded in agreement.

Sharon DelConte said that she is opposed to this application and explained that her business is directly next door to the parcel. She read a letter that she also handed out to the Town Board (attached). She stated that approving this application would destroy her Counseling Business. She explained that she has run her business for 35 years treating consumers for PTSD, anxiety and other disorders including animal phobias. She continued that the noise generated from outdoor runs, dog training and obedience classes would not only interfere with her business but also violate the Towns noise ordinance. Ms. DelConte said that she also owns agricultural property behind the parcel used for gardening and meditation, a medicine wheel, spiritual work and a labyrinth. In addition she owns property on Kristin Road that is used a rental property.

Councilor Hess asked if a daycare with children playing and making noise, an allowed use would be more compatible. Ms. DelConte said that it would.

Councilor Bick asked the applicant if they are proposing outdoor dog runs. The applicant responded that they are not. He asked if they anticipate excessively barking dogs. They said no explaining that they (Liverpool Village Animal Hospital staff) are professionals just as Ms. DelConte and her staff are.

There was a brief description about noise at the corner of Taft and Buckley Roads; Councilor Bick asked how the noise level is measured at one of the busiest intersections in the area. Commissioner Territo said that there are intermittent loud sounds but it is only when it is persisting that it is considered a violation.

Councilor Pleskach asked again if there would be overnight boarding. The applicant said there would not.

Councilor Meaker explained that he loves dogs but this may not be the right fit for this parcel.

Supervisor Ulatowski said that he would refer this to the Planning Board for review and recommendation.

Councilor Hess made a motion to **adjourn** the public hearing to **November 16, 2020 at 7:35 P.M.** Motion was seconded by Councilor Bick.

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

ZONE CHANGE (PH) – Town Board Case # 1154 - NJJP HOLDINGS, SONBYRNE SALES, INC.:

A public hearing to consider the application of **SONBYRNE SALES, INC. AND EARL WHITE, JR. & PATRICIA WEBER AS TRUSTSEES OF EARL WHITE SR. TRUST AND CANDACE HOLTSBERY FOR A ZONE CHANGE** from **I-1 Industrial District** to **LUC-1 Limited Use for Gasoline Services District** to allow for the construction of a Byrne Dairy Retail Store, Car Wash and Fueling Facility on properties located at **7426, 7434 & 7440 Morgan Road, Clay, Tax Map Nos. 105.-01-08.0, 09.0, 10.0 & 11.1**, consisting of approximately 6.95± acres of land, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Christian Brunelle spoke on behalf of the applicant. He explained that this store will look the same as the Buckley Road store except that it will be 20' longer. There will be 6 islands (12 fueling stations). They will also feature a fueling station in the back for larger vehicles. They will have a carwash on site which will be the first Byrne Dairy with a car wash. Sewers will be served by Wetzels Road pumping station. They are proposing two driveways on Morgan Road and one on Steelway Boulevard. The parcel will be lit by LED lighting and the store will operate 24 hours a day. There will be 55% green space left with no plans for future development on the parcel. There is a 90' buffer and no residential homes will be near.

Councilor Hess said that he is very pleased with the current Byrne Dairy and is glad that this building will look the same except for being longer and they are proposing a two bay touchless carwash. Councilor Hess asked if it would be like Delta Sonic and Mr. Brunelle said that it will not be anything like Delta Sonic, there will not be a towel drying area etc.; however, there will be a small vacuuming area on the side. Councilor Hess then asked if they had considered *Onondaga County Planning Boards* recommendation for a pedestrian crosswalk. Mr. Brunelle said that they are modifying the Site Plan to make those improvements.

There was a brief discussion regarding Steelway Boulevard and if improvements would need to be made to accommodate larger vehicles utilizing the fueling station in the back. Supervisor Ulatowski said that he would set up a meeting to review this especially in light of the distribution center being constructed across the street. Ron DeTota asked if they are proposing charging stations for electric vehicles. Mr. Brunelle said that they will add them if there is a need.

All questions being heard, Supervisor Ulatowski referred this to the Planning Board for review and recommendation.

Councilor Hess made a motion to **adjourn** the public hearing to **November 16, 2020 at 7:38 P.M.** Motion was seconded by Councilor Hall.

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

Easement/ Abandonment (A) – 4070 Balboa Drive:

Councilor Meaker moved the adoption of a resolution approving a 12-foot wide abandonment of a drainage easement per request by the landowner on property located at **4070 Balboa Dr., Liverpool, Tax Map No. 068.-07-01.0** (Michael Harris, property owner) as shown on a map prepared by Lehr Land Surveyors dated July 27, 1990, revised May 6, 1996, (Monterey Park Tract Section No.1, part of Lot No. 49), per Town Engineer letter dated October 14, 2020, and authorizing the Supervisor to execute a Termination of Easement form subject to execution by the landowner. The landowner will bear the responsibility and costs associated with the execution of this document. This resolution is in response to the request by the landowner. The Town Engineer and Planning Department have determined the easement no longer serves any legitimate governmental purpose. Motion was seconded by Councilor Hess.

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

Fire Hydrants (relocation)(A/D) – Bear Road Elementary School:

Councilor Pleskach moved the adoption of a resolution (approving/denying) the relocation of two (2) fire hydrants in the existing Clay Consolidated Water District as proposed on OCWA Map File No. 132, sheet 02 for **Bear Road Elementary School** and authorizing the Supervisor to execute the OCWA fire hydrant application (North Syracuse Central School District). Fire Hydrant Nos. 4377 & 4378, OCWA Project No. 9004031.

Councilor Hess asked who would pay for the relocation of the hydrants; Town? School? Or OCWA? There was a brief discussion and it was decided to **withdraw** this resolution pending more information.

TENTATIVE BUDGET 2021 as the TOWN OF CLAY PRELIMINARY BUDGET (A):

Councilor Bick moved the adoption of a resolution approving the **TENTATIVE BUDGET** as proposed or modified, for the Town of Clay for the year **2021** as the **TOWN OF CLAY PRELIMINARY BUDGET** for the fiscal year commencing January 1, 2021. Motion was seconded by Councilor Hess.

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

Meeting Date Change:

Councilor Hess moved the adoption of a resolution **cancelling** the **November 2, 2020 Town Board Meeting** and rescheduling same for **Wednesday, November 4, 2020**, due to accommodating the Onondaga County Board of Elections, in setting up for **Election Day, November 3, 2020**. Motion was seconded by Councilor Meaker.

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

Bid Award - COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 1:

NO ACTION

Bid Award – COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 2:

NO ACTION

Bid Award – COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 3:

NO ACTION

Bid Award – COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 4:

NO ACTION

Bid Award – COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 5:

NO ACTION

Bid Award – COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 6:

NO ACTION

Bid Award – COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 7:

NO ACTION

Bid Award – COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 8:

NO ACTION

Bid Award – COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 1 through 8:

Councilor Meaker moved the adoption of a resolution awarding a **5 year contract** for **THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 1 THROUGH 8** within the Town of Clay to **Butler Disposal** for the low bid of **\$16,190,436.60**. Said amount being the lowest responsible bidder. Motion seconded by Councilor Hess.

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

Budget (CPH) – 2021 SPECIAL DISTRICTS BUDGET for the TOWN OF CLAY:

Councilor Hall moved the adoption of a resolution calling a public hearing **November 4, 2020**, commencing at **7:35 p.m.**, local time, to consider the adoption of the proposed **2021 Special Districts Budget for the Town of Clay**. Motion was seconded by Councilor Bick.

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

Budget (CPH) – 2021 FIRE PROTECTION BUDGET for the TOWN OF CLAY:

Councilor Hall moved the adoption of a resolution calling a public hearing **November 4, 2020**, commencing at **7:38 p.m.**, local time, to consider the adoption of the proposed **2021 Fire Protection Budget for the Town of Clay**. Motion was seconded by Councilor Pleskach.

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

Budget (CPH) – 2021 UNIFORM WATER BUDGET for the TOWN OF CLAY:

Councilor Hall moved the adoption of a resolution calling a public hearing **November 4, 2020**, commencing at **7:41 p.m.**, local time, to consider the adoption of the proposed **2021 Uniform Water Budget for the Town of Clay**. Motion was seconded by Councilor Meaker.

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

Budget (CPH) – 2021 PRELIMINARY BUDGET as the 2021 ANNUAL BUDGET FOR THE TOWN OF CLAY:

Councilor Hall moved the adoption of a resolution calling a public hearing **November 4, 2020**, commencing at **7:44 p.m.**, local time, to consider the adoption of the proposed **2021 Preliminary Budget for the Town of Clay**, as the annual budget. Motion seconded by Councilor Pleskach.

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

TRAFFIC AND VEHICLES ORDINANCE/ STOP SIGNS (CPH) – COUNTRY MEADOW SUBDIVISION:

Councilor Bick moved the adoption of a resolution calling a public hearing **November 4, 2020**, commencing at **7:47 p.m.**, local time, to consider the amendment of **CHAPTER 211**, entitled **TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for nine (9) stop signs to be installed at the intersections of Fuchsia Path at Johanna Drive, Silvia Path at Justin Drive and Johanna Drive at Justin Drive in Sections H & I of the Country Meadow Subdivision to make three-way stops; and the installation of the necessary signs therefore. Motion seconded by Councilor Hess.

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

TRAFFIC AND VEHICLES ORDINANCE/ STOP SIGNS (CPH) – INVERNESS GARDEN SUBDIVISION:

Councilor Hess moved the adoption of a resolution calling a public hearing **November 4, 2020**, commencing at **7:50 p.m.**, local time, to consider the amendment of **CHAPTER 211**, entitled **TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for 2 additional stop signs to be installed in the intersection to the south of Astilbe Path and to the north of Wintersweet Drive in the

Inverness Garden Subdivision to make a three-way stop; and the installation of the necessary signs therefore. Motion seconded by Councilor Meaker.

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

TRAFFIC AND VEHICLES ORDINANCE/ STOP SIGNS (CPH) – GASKIN PARK SUBDIVISION:

Councilor Pleskach moved the adoption of a resolution calling a public hearing **November 4, 2020**, commencing at **7:53 p.m.**, local time, to consider the amendment of amendment of **CHAPTER 211**, entitled **TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for 3 stop signs to be installed where Pansy Drive meets Buttercup Lane to make a three-way stop in the Gaskin Park Subdivision; and the installation of the necessary signs therefore. Motion seconded by Councilor Meaker.

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

Inverness Gardens PPD (amendment):

Councilor Bick moved the adoption of a resolution that the Town Board of the Town of Clay amend the INVERNESS GARDEN APPROVED PROJECT PLAN- 5th Amended “C” as submitted by IANUZI & ROMANS, P.C., on a map dated August 2, 2007 last revised October 13, 2020.

WHEREAS a request has been received for a PDD-Planned Development District to be known as INVERNESS GARDENS, to move a previously approved driveway onto the commercial portion from a location in alignment with Lobelia Lane, to a new location onto Wintersweet Drive, as shown on above referenced map, upon the condition that the driveway associated with WellNow Urgent Care can be extended and paved to the property line of proposed Lot “C-R3”. Motion seconded by Councilor Hall.

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

Adjournment

The meeting was adjourned at 8:37 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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

Jill Hageman-Clark RMC / Town Clerk

TOWN OF CLAY (10-19-20) 2021 BUDGET MESSAGE

The Tentative Budget for general and highway purposes totals \$16.5 million. This is an increase of \$350,000 or 2.03% over the adopted budget for 2020. \$200,000 of the increase is for additional paving and the other portion represents contractual expenditures as well as employee salaries, wages & benefits.

As proposed, the tax rate for Town residents remains the same as 2020. We strive to provide the best possible delivery of services to our residents at the least possible cost.

The budget funds several Town maintenance projects which total \$170,000; \$30,000 is for the Highway Pole Barn - \$15,000 each for a new roof and siding, \$20,000 for siding at the Senior Center, \$100,000 for Improvements to Meltzer Park including Tennis and Pickle Ball Courts, \$15,000 for safety surfaces and various parks and \$5,000 for swing sets.

In 2016 the Town completed a Road Condition Survey that was modeled after a Cornell University study. They found that early preventative maintenance is a much less costly method for maintaining roads rather than waiting until costly reconstruction of the road surface is required. The additional \$200,000 budgeted in 2021 brings the total appropriation for paving to \$2,300,000 which is targeted to keep on schedule with road maintenance as determined by the Road Condition Survey. The Town purchased a new paver in 2019 which is allowing the Highway paving crew to accomplish an additional 30-40% of road improvements.

In 2019 the Town's Water Department embarked on a major project to install radio read capability for every water meter in the Uniform Water District at a cost of \$876,000 all of which was paid for with available funds of the Water District. This 3 year project is expected to continue through 2021 and 2022. The new meters are giving the Water Dept. the ability to more efficiently capture consumption and payback is expected in 4½ years. Installation is being performed by Water Department employees to additionally minimize the overall cost.

The Town has been and will continue to be proactive in securing grant funding for various projects. Here are some of the projects for which grants have been applied for and/or secured during the last several years:

- 3 Rivers Point – Gazebos and Portable Restroom Trailer: Grant Amt. \$70,000 (DASNY)
 - All-inclusive Playground: Grant Amt. \$75,000 (DASNY)
 - Clean Vehicle – Reimbursement Amt. \$5,000 (NYS DEC)
 - LED Lighting – Reimbursement Amt. \$150,000 (NYSERDA)
 - Greenhouse & Solar Array System: Grant Amt. \$50,000 (DASNY)
 - Memorial Park: Grant Amt. \$50,000 (DASNY)
 - Clay Park Restroom: Grant Amt. \$75,000 (DASNY)
 - Education Center: Grant Amt. \$125,000 (DASNY)
 - Brownfield Environmental Restoration Program: Grant Amt. \$2.9 million (NYS DEC)
 - Wellness Grant (providing wellness opportunities for staff) - \$400/annually (PERMA)
 - Wal-Mart Foundation Community Grant (providing reusable bags to residents) - \$3,500
 - LED Lighting Town-wide Switchover. Grant money of \$150,000 provided by NYSERDA's CEC (Clean Energy Communities Program). The Town was named a Clean Energy Community by the State of NY for completing four (4) High Impact Actions: (1) Created a Unified Solar Permit (2) Clean Energy Upgrades (3) Completed Energy Code Enforcement Training (4) Installation of a Clean Fleet Charging Station.
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