

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 4th of November, 2020 at 7:30 P.M., there were:

PRESENT:

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

ABSENT:

None

OTHERS PRESENT:

Russ Mitchell; Planning Board Chairman, Hal Henty; Planning Board, Rob Bick; Assessor, John Shehadi; Comptroller and several Volunteer Fire Fighters.

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 19, 2020 meeting. Motion was seconded by Councilor Hall.

Ayes – 7 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:

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

Supervisor Ulatowski explained that he would open all of the budget hearings together and that John Shehadi, the Town Comptroller would give an overview of the various budgets for 2021.

Mr. Shehadi explained all of the budgets and gave a power point presentation(see attached) of each budget broken down.

Mr. Shehadi surmised that residents will see no increase in their Town taxes, no decrease in town services due to securing grant monies for many projects (see 2021 Budget Message, attached).

Cheryl Iorio asked about the solar panels and if the Town has seen a significant savings since their installation. Supervisor Ulatowski said about 1/3 less for the Town Hall and about ½ less for the Highway Garage.

All questions having been heard, Supervisor Ulatowski **closed** the public hearings.

A public hearing to consider the adoption of the proposed **2021 Special Districts Budget for of the Town of Clay** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Closed

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

A public hearing to consider the adoption of the proposed **2021 Fire Protection Budget for the Town of Clay** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Closed

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

A public hearing to consider the adoption of the proposed **2021 Uniform Water Budget for the Town of Clay** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Closed

Budget (PH) - Proposed 2021 PRELIMINARY BUDGET as the ANNUAL BUDGET:

A public hearing to consider the adoption of the proposed **2021 Preliminary Budget for the Town of Clay**, as the annual budget was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Closed

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

A public hearing 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 was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski began by explaining that a request had made for stop signs and none had been shown in the Site Plan. The Highway Superintendent and the Town Constable have reviewed this and concluded that signs should be placed.

He asked if anyone was present to speak on behalf of this request; no one spoke. There being no questions or comments he **closed** the public hearing.

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

A public hearing 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 at the intersection to the south of Astilbe Path and to the north of Wintersweet Drive in the Inverness Gardens Subdivision to make a three-way stop; and the installation of the necessary signs therefore was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Again, the Supervisor said that the request had been made for additional stop signs.

Patricia Seeland asked where the additional two stop signs would be placed.

Cheryl Hawa said that she is in favor of the additional signs. She said that when she moved in there was a gate, however; that gate is no longer there and people drive through carelessly disregarding the blind spot created by the curve in the road.

Several other residents were in favor of the placement of two additional stop signs.

There being no questions or comments he **closed** the public hearing.

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

A public hearing 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 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 was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

He asked if anyone was present to speak on behalf of this request; no one spoke. The Supervisor reiterated that the Highway Superintendent and the Town Constable have recommended that the signs be placed. There being no questions or comments he **closed** the public hearing.

Release of Securities (\$25,000.00) - VIP True North, LLC. :

Councilor Hall moved the adoption of a resolution, pursuant to the written recommendation of the Town Engineers, in an email dated October 6, 2020, recommending the **release of securities** withheld for **VIP True North, LLC**. M&T Bank Letter of Credit Number SB2305850001 in the amount of \$25,000. Motion was seconded by Councilor Meaker.

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

Easement/ Right-of-Way(A) - NIAGARA MOHAWK POWER CORPORATION:

Councilor Meaker moved the adoption of a resolution approving and granting a twenty (20) foot Grant of Right-of-Way of Easement to **NIAGARA MOHAWK POWER CORPORATION** for a new pole and service on the Town owned property located at Three Rivers Point (part of Tax Map No. 017.-01-02.3) to construct, repair and maintain electrical facilities across the land described in the easement. The easement also includes a “Trimming Easement Area.” A copy of the proposed easement and legal description have been supplied to the Town Board and approved by the Town Attorney and Engineer. This resolution also authorizes the Supervisor to execute the necessary instrument therefore. Motion was seconded by Councilor Young.

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

Capital Reserve Fund (amending) (A):

Councilor Young moved the adoption of a resolution stating:

Whereas, the Town Board authorized the establishment of a Capital Reserve on December 17, 2012 in the General Part Town Fund, and

Whereas, the Town expects to have \$1,250,000 of available monies to supplement said Reserve, \$750,000 in 2020 and \$500,000 in 2021, now therefore be it

Resolved, the General Part Town Capital Reserve Fund is hereby authorized to be increased by \$1,250,000 and the 2020 and 2021 budgets amended therefore. Motion was seconded by Councilor Meaker.

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

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

Councilor Meaker moved the adoption of a resolution approving and adopting the proposed **2021 Special Districts Budget for the Town of Clay**. Motion was seconded by Councilor Pleskach.

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

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

Councilor Meaker moved the adoption of a resolution approving and adopting the proposed **2021 Fire Protection Budget for the Town of Clay**. Motion was seconded by Councilor Pleskach.

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

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

Councilor Meaker moved the adoption of a resolution approving and adopting the proposed **2021 Uniform Water Budget for the Town of Clay**. Motion was seconded by Councilor Pleskach.

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

Proposed PRELIMINARY BUDGET (A) as the 2021 ANNUAL BUDGET:

Councilor Bick moved the adoption of a resolution approving and adopting the **PRELIMINARY BUDGET** as (proposed or modified), for the **TOWN OF CLAY ANNUAL BUDGET** for the fiscal year commencing January 1, 2021. Motion was

seconded by Councilor Pleskach.

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

Special Permit (CPH) – Town Board Case # 1155 – North East Battery & Alternator, LLC:

Councilor Pleskach moved the adoption of a resolution calling a public hearing **November 16, 2020**, commencing at **7:41 P.M.**, local time, to consider the application of **NORTHEAST BATTERY & ALTERNATOR, LLC FOR A SPECIAL PERMIT** pursuant to **Section 230-17E. (2) (a) [4] & [5]** to store batteries for wholesale purposes at the existing warehouse facility located at **4632 Crossroads Park Dr., Tax Map No. 115.-01-17.1**. Motion was seconded by Councilor Meaker.

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

Zone Change (CPH) – Town Board Case # 1156 – CNY Property Holdings:

Councilor Pleskach moved the adoption of a resolution calling a public hearing **November 16, 2020**, commencing at **7:44 P.M.**, local time, to consider the application of **CNY PROPERTY HOLDINGS, LLC FOR A ZONE CHANGE** from RA-100 Residential Agricultural District to I-1 Industrial District for the construction of a new contractor service yard and a 5,000 square foot storage building with possible office use on vacant land located at **9017 Mud Mill Rd., Tax Map No. 042.-01-08.2**, consisting of approximately 7.05± acres of land. Motion was seconded by Councilor Bick.

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

Additional Agenda:

Assessment/ Certiorari – GALILEO APOLLO IV Sub LLC and AMERICO REAL ESTATE COMPANY:

Councilor Hall moved the adoption of a resolution authorizing and approving the settlement of the New York State Supreme Court Tax Certiorari action (Index No. 2015EF3025 et. al.) entitled **GALILEO APOLLO IV Sub LLC v. Town of Clay and AMERICO REAL ESTATE COMPANY v. Town of Clay** (as subsequent owner during the pendency of this action) effecting Tax Map No. 080.-01-01.0, 080.-01-01-0./3, 080.-01-01.2, 080.-01-01.3.0 and 080.-01-03.0/3 for property located at the “Shops at Seneca Mall.” Although there are five (5) parcels, this matter is treated as a single economic unit and all figures below are for the total of the parcels. The agreed reduction shall be accomplished by allocating part of the relief to different parcels and by reducing the assessment to the corresponding fair market values according to the attached matrix and Stipulation of Settlement, beginning in the

2015 tax year and continuing to tax year 2019. Town refunds (total for both cases) will be paid according to the Stipulation of Settlement attached in the amount not to exceed \$7,500.00. This resolution also authorizes the Supervisor and the Town Attorney to execute any and all documents necessary to complete this matter. Motion was seconded by Councilor Meaker.

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

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

Councilor Pleskach moved the adoption of a resolution **approving** the amendment to **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 was seconded by Councilor Bick.

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

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

Councilor Pleskach moved the adoption of a resolution **approving** the amendment to **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 at the intersection to the south of Astilbe Path and to the north of Wintersweet Drive in the Inverness Gardens Subdivision to make a three-way stop; and the installation of the necessary signs therefore. Motion was seconded by Councilor Bick.

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

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

Councilor Pleskach moved the adoption of a resolution **approving** the amendment to **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 was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 8:18 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