

APPROVED

At the ORGANIZATIONAL MEETING and REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 4th of January, 2021 at 7:00 P.M., there were:

PRESENT:

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

ABSENT:

Brian Hall Councilor

OTHERS PRESENT (Remotely):

Russ Mitchell; Planning Board Chairman, Hal Henty; Planning Board member.

The meeting was called to order by Supervisor Ulatowski at 7:00 P.M. All present joined in the Pledge of Allegiance.

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ORGANIZATIONAL MEETING: 7:00 P.M.

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Official Rules of Procedure – Roberts Rules of Order:

Supervisor Ulatowski moved the adoption of a resolution that Roberts Rules of Order be the official rules of procedure at Town Board Meetings, subject to the Rules provided by the Town Law and like Statutes which shall prevail (except that there shall be no second reading of resolutions at Town Board Meetings unless the same is requested, and that there shall be no votes taken when the question of a pending resolution is called, unless an objection is stated to voting upon such resolution forthwith). Motion was seconded by Councilor Meaker.

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

Town Board Meeting Schedule:

Supervisor Ulatowski moved the adoption of a resolution establishing the **first** and **third** Mondays of each month as the meeting nights for the **Town Board** and **7:30**

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P.M., local time, as the hour of commencement. Motion was seconded by Councilor Pleskach.

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

Supervisor Ulatowski moved the adoption of a resolution rescheduling the Monday, January 18th 2021 (Martin Luther King, Jr. Day) Town Board Meeting to Wednesday, January 20th 2021; rescheduling the Monday, September 6th 2021 (Labor Day) Town Board Meeting to Wednesday, September 8th 2021 and rescheduling the Monday, November 1st 2021 (Election Day - Tuesday, November 2nd) Town Board Meeting to Wednesday, November 3rd 2021. Motion was seconded by Councilor Meaker.

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

Supervisor Ulatowski moved the adoption of a resolution cancelling the **July 5th and August 2nd, 2021** Town Board Meetings. **NOTE: The Town Board will meet only July 19th and August 16th, 2021.** Motion was seconded by Councilor Hess.

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

*Councilor Pleskach suggested and that the resolution be amended to include only one meeting in February (**February 1st 2021**) and cancelling the meeting February 15th, 2021 for Presidents Day and to allow for participation in the Association of Towns conference.*

The Town Hall will be closed on the following Holidays in **2021**; New Year's Day observance, Friday, January 1st; Martin Luther King, Jr. Day - Monday, January 18th; Presidents' Day - Monday, February 15th, cancelling the Town Board Meeting (see previous); Good Friday – April 2nd (Town Hall to close at 12:15 P.M., Highway at 11:00 A.M.); Memorial Day Weekend - Friday, May 28th and Monday, May 31st; Independence Day Monday July 5th; Labor Day - Monday, September 6th; Election Day - Tuesday, November 2nd; Veteran's Day - Thursday, November 11th (observed); Thanksgiving Day Thursday, November 25th and Friday, November 26th; Christmas – Friday December 24th and Christmas Day, Monday, December 27th (observed); and New Year's Eve Friday December 31st.

GENERAL COMMITTEE appointment by the Supervisor:

Special Districts	Supervisor Ulatowski
Finance	Supervisor Ulatowski/ Councilor Pleskach
Parks & Recreation	Councilor Meaker
Public Safety	Councilor Young
Highway & Public Works	Councilor Hess
Planning & Development	Councilor(s) Hall and Meaker
Zoning Board of Appeals	Councilor Pleskach
Personnel	Supervisor Ulatowski/ Councilor Bick
Industrial Development	Councilor(s) Bick and Pleskach
Building	Councilor Bick

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Recreation Facilities & Grants Special Committee	Councilor Bick
Liaison North Syracuse School District	Councilor Meaker
Liaison Liverpool School District	Councilor(s) Pleskach and Hall

Councilor Meaker moved the adoption of a resolution that the annual salaries for the **Town Personnel** for **2021** be established as follows:

Supervisor	\$ 69,430.00
Deputy Supervisor	\$ 18,824.00
Councilors	\$ 16,302.00
Judges	\$ 47,064.00
Commissioner of Parks & Recreation	\$ 0
Commissioner of Finance	\$ 34,442.00
Commissioner of Planning & Development	\$ 88,697.00
Town Clerk	\$ 66,278.00
Receiver of Taxes	\$ 66,278.00
Assessor	\$ 90,724.00
Highway Superintendent	\$ 95,693.00
Water Superintendent	\$ 78,568.00

Motion was seconded by Councilor Hess.

Ayes – 6 and Noes – 1. *Motion carried. Councilor Pleskach opposed.*

Appointments:

Councilor Meaker moved the adoption of a resolution appointing Councilor **Bick** as **Deputy Supervisor**. Motion was seconded by Councilor Young.

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

Councilor Pleskach moved the adoption of a resolution appointing the Supervisor as **Administrator of Special Districts**. Motion was seconded by Councilor Bick.

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

Councilor Pleskach moved the adoption of a resolution approving the annual membership of the Town of Clay in the **Association of Towns** and payment of the annual dues in the amount of \$1,650.00. Motion was seconded by Councilor Bick.

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

Councilor Pleskach moved the adoption of a resolution appointing **Supervisor Ulatowski** as **delegate** to the **Association of Towns**. Motion was seconded by Councilor Bick.

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

Councilor Pleskach moved the adoption of a resolution appointing **Councilor Meaker** as **alternate delegate** to the **Association of Towns**. Motion was seconded by Councilor Bick.

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

Authorization – Check Signing:

Councilor Pleskach moved the adoption of a resolution authorizing the **Deputy Supervisor** to sign checks drawn on Town funds in the absence of the Supervisor. Motion was seconded by Councilor Young.

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

Town Engineers:

Councilor Bick moved the adoption of a resolution that **C & S Engineers, Inc.** be retained by the Town of Clay to perform such **Special District** services as the Town may require and authorizing the Supervisor to enter into an annual contract with said firm. Motion was seconded by Councilor Meaker.

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

Councilor Bick moved the adoption of a resolution authorizing the **Town Engineers** to update the “**Town of Clay Zoning Map**” annually, with payment for same to be authorized from the General Fund of the Town of Clay. Motion was seconded by Councilor Meaker.

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

Town Attorneys:

Councilor Bick moved the adoption of a resolution retaining **Germain & Germain** as attorney(s) for the **Zoning Board of Appeals**, and to receive **\$18,000.00** for the **Zoning Board of Appeals** work for the year **2021**. Motion was seconded by Councilor Hess.

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

Councilor Bick moved the adoption of a resolution retaining **Bond, Shoeneck and King** as attorney(s) for the **Planning Board**, and to receive **\$30,000.00** for the **Planning Board** work for the year **2021**. Motion was seconded by Councilor Hess.

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

Bank Designation:

Councilor Hess moved the adoption of a resolution designating the following as the official **2021 depository banks** for the Town of Clay: **M & T Bank; JP Morgan Chase Bank; Bank of America Bank; Alliance Bank, N.A.; Solvay Bank, RBS Citizens Bank, Key Bank, NY CLASS and Pathfinder Bank** – pooled cash investment program (class), or successor. Motion was seconded by Councilor Bick.

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

Newspaper Designation:

Councilor Hess moved the adoption of a resolution designating the **Syracuse Post Standard** as the official Town Newspaper for **2021** and designating the **Eagle Star Review** as an additional newspaper for the publication of legal notices. Motion was seconded by Councilor Bick.

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

Appointment – Town Officers:

Councilor Hess moved the adoption of a resolution appointing **Aaron Bellows** as an approved contractor to provide the service of **Electrical Inspector** for the year **2021**. Motion was seconded by Councilor Meaker.

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

Councilor Hess moved the adoption of a resolution appointing **Russ Mitchell** as **Chairman of the Planning Board** for the year **2021**. Motion was seconded by Councilor Bick.

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

Councilor Young moved the adoption of a resolution appointing **Edward Wisnowski** as **Chairman of the Zoning Board of Appeals** for the year **2021**. Motion was seconded by Councilor Meaker.

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

Councilor Young moved the adoption of a resolution appointing **Deborah Magaro-Dolan** as a **Member of the Zoning Board of Appeals**. Said term to expire December 31, 2025. Motion was seconded by Councilor Meaker.

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

Councilor Young moved the adoption of a resolution appointing **Jill Hageman-Clark** for a term of **5** years as a member of the **Board of Ethics**, pursuant to Ethics Law, Chapter 22, Article IV, Board of Ethics. Said term to expire December 31, 2025. Motion was seconded by Councilor Meaker.

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

Councilor Young moved the adoption of a resolution appointing **Dorothy Heller** and **Harold Baker** as **Town Historians** for the year **2021**. Motion was seconded by Councilor Meaker.

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

Councilor Pleskach moved the adoption of a resolution **eliminating** the **Legal Secretary/ Assistant** position as of **January 1, 2021**, and moving all functions of that office to the **Executive Office** going forward. Motion was seconded by Councilor Bick.

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

Councilor Young moved the adoption of a resolution appointing **Judy Rios** and **Chelsea Clark** as **Safety Committee Chairs** for the year **2021**. Motion was seconded by Councilor Meaker.

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

Councilor Bick moved the adoption of a resolution appointing **Michael McCarthy** as **Constable** for the year **2021**. Motion was seconded by Councilor Pleskach.

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

Councilor Bick moved the adoption of a resolution appointing **Richard Helterline** as **Substitute Constable** for the year **2021**. Motion was seconded by Councilor Hess.

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

Councilor Bick moved the adoption of a resolution appointing **Jill Hageman-Clark**, as a **Marriage Officer** for the Town of Clay, pursuant to Section 11 of the New York State Domestic Relations Law, effective immediately. Said appointment expires **December 31, 2021**. Motion was seconded by Councilor Meaker.

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

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REGULAR MEETING – JANUARY 4, 2021

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Approval of Minutes:

Councilor Hess made a motion to approve the minutes of the December 21, 2020 meeting. Motion was seconded by Councilor Young.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that item number 5 on the agenda would not be heard at the request of the applicant.

Correspondence:

Supervisor Ulatowski said that he had received correspondence regarding the approved (11/18/2019) solar project on Waterhouse Road, from Renee Sadowski. He began by explaining the time line for the application, beginning in August of 2019 and ending with the approval. He explained that there were several public hearings and that the residents within 200’ of the solar project were notified as a courtesy.

MOBILE HOME LICENSE 2021 (PH):

A public hearing to consider the application of **CASUAL ESTATES, LLC D/B/A MADISON VILLAGE MOBILE HOME COURT**, for the renewal of its license for the year **2021** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Thomas Catalano spoke on behalf of the Mobile Home Court; he began by explaining that he is the new Regional Manager. He continued that they are removing vacant homes and replacing them with new ones, 18 this year. There are 274 owner occupied homes and 119 rentals. Mr. Catalano continued that they are improving the landscaping in the park. Mr. Catalano said that there are some drainage issues; the Supervisor said that he would look into that.

Councilor Hess commented on the recent violence in the park and inquired as to how they will mitigate the increase in crime. Mr. Catalano said that he is working with the home office and may install cameras. Councilor Meaker asked about a security detail or perhaps an officer to patrol the park. Mr. Catalano said that he will work on this.

Supervisor Ulatowski said that they received a positive recommendation from Jim Condon for the license renewal. He thanked Mr. Catalano and encouraged him to freely communicate with the town. The Supervisor **closed** the public hearing.

SPECIAL PERMIT (PH/Adj.) – TOWN BOARD CASE # 1158 – B. SCOTT GILLESPIE (4-5 LUMBER WAY, LLC):

No Action

Councilor Hess made a motion to adjourn the public hearing to **January 20, 2021 at 7:41 P.M.** Motion was seconded by Councilor Bick.

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

Zone Change (PH/Adj.) – Town Board Case # 1156 – CNY Property Holdings:

A public hearing 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. (Adjourned to this date and time from the December 21, 2020 Town Board Meeting) was opened by the Supervisor.

Bob Fortino spoke on behalf of this application. He began by explaining that they had been before the Planning Board and Russ Mitchell, the Chairman, recommended that the Zone Change be denied but the applicant should be allowed to construct the contractors yard and the storage building based on the zoning of the neighboring parcels including a National Grid / 30 acre solar substation. There was a discussion about the 500' perimeter strip around the Industrial. Commissioner Territo explained that it was created as an awareness of a change from one zone to another.

Mr. Fortino reasoned that the parcel is surrounded by high voltage lines and the rail road making it useless as a residential home.

Councilor Bick asked what would prevent the applicant from constructing a 500' barn. Commissioner Territo said that it would be acceptable within the agricultural zoning. Councilor Bick asked what would prevent the applicant from growing hay and storing it in the barn. Mr. Fortino explained that he is looking to use the structure for large storage such as boats, etc.

Councilor Hess said that he believes that this is a contradiction to the Northern Land Use Study; he suggested that the Board look into this adding that the zone change would affect what could be constructed in the future.

Councilor Pleskach said, three sides were zoned for industrial. Councilor Young asked what is to the north? Residential? Councilor Hess explained that across Mud Mill (north) is the industrial zoned parcels, the south side of Mud Mill and extends north on Caughdenoy Road is not touched by the industrial zoning.

Supervisor Ulatowski said that he would like to research this further and gain better understanding; he added that a decision will be made at a later date.

Jim Wheeler said that he had no idea that his parcel was in an industrial zone and wondered when this took place. Commissioner Territo explained that researching this they found that the change took place in 1969. Supervisor Ulatowski said that they will delve deeper into this. There being no more questions or comments, the Supervisor **closed** the public hearing.

Bid/ (RFQ) - Three Rivers Brownfield Opportunity Area (BOA) Pre-Development Project, Three Rivers Point:

Councilor Young moved the adoption of a resolution authorizing the Supervisor to advertise for a Request for Qualifications (RFQ) from qualified firms interested in providing technical consulting services associated with Component 1 of the **Three Rivers Brownfield Opportunity Area (BOA) Pre-Development Project, Three Rivers Point**, within the Town of Clay. Said RFQ's to be received **until January 12, 2021, 2:00 P.M.**, local time. Motion was seconded by Councilor Hess.

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

Appointment (A) – MOYERS CORNERS FIRE DEPARTMENT, INC.:

Councilor Young moved the adoption of a resolution approving the appointment of **Richard Curtis, David Morrow, Melissa Hyde, Antonio DeJesus and David Bradley** as members of the **MOYERS CORNERS FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Meaker.

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

Zone Change (CPH) – Town Board Case # 1159 – ROBERT ALUZZO:

Councilor Pleskach moved the adoption of a resolution calling a public hearing **January 20, 2021**, commencing at **7:35 P.M.**, local time, to consider the application of **ROBERT ALUZZO FOR A ZONE CHANGE** from RA-100 to I-2 on 0.48± acres of overall 0.786 acre parcel. Motion was seconded by Councilor Hess.

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

ADDITIONAL AGENDA

Certiorari (amended) – JR&R II, LLC c/o Runnings:

Councilor Meaker moved the adoption of a resolution **amending** and approving the settlement of the New York State Supreme Court Tax Certiorari actions (Index Nos. 6344/2018, 5916/2019 and 4038/2020) entitled **JR&R II, LLC c/o Runnings v. The Assessor of the Town of Clay et. al effecting** Tax Map No. 21.00-1-6.4 for property located at 3949 Route 31 in Clay (Runnings Store) reducing the assessment of parcel 21.00-1-6.4 from \$300,400 for the year 2018 to \$273,650, for the year 2019 from 300,400 to 240,000, and for the year 2020 from 300,400 to 217,250. This settlement includes a full waiver of statutory interest by the Petitioner for all years with a RPTL 727 “increase freeze” applied in accordance with the terms and conditions as stated in the proposed Stipulation of Settlement (attached) which includes a full market value assessment for 2021 at 2,000,000, a full market value assessment for 2022 at 3,000,000 and a full market value assessment for 2023 at 4,000,000. Refunds paid to the Petitioner by the Town pursuant to the proposed Stipulation of Settlement shall be made in an amount not to exceed \$16,000.00. This resolution also authorizes the Supervisor and Town Attorney to execute any and all documents necessary to complete this matter and for the Town to pay the proportionate share of legal expenses associated with obtaining a professional appraisal. Motion was seconded by Councilor Young.

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

Certiorari (A) – J.G.B., Inc. & Broadstone Liverpool Portfolio, LLC:

Councilor Meaker moved the adoption of a resolution authorizing and approving the settlement of the New York State Supreme Court Tax Certiorari actions (Index No. 003968/2020) entitled **J.G.B, Inc. & Broadstone Liverpool Portfolio, LLC v. The Assessor of the Town of Clay et. al effecting** Tax Map No. 116.-01-01.7 for property located at 4855 & 4875 Executive Drive by reducing the assessment of the parcel from \$118,500.00 for the year 2020 to \$94,800.00, and \$85,320.00 for 2021. This settlement includes the Town responsibility to pay refunds in an amount not to exceed \$2,600.00. The Petitioner has agreed to waive and statutory interest with a RPTL 727 "increase freeze" applied in accordance with the terms and conditions as stated in the proposed Stipulation of

Settlement (attached). This resolution also authorizes the Supervisor and Town Attorney to execute any and all documents necessary to complete this matter. Motion was seconded by Councilor Young.

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

Adjournment:

The meeting was adjourned at 7:49 P.M. upon motion by Councilor Young and seconded by Councilor Meaker.

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

Jill Hageman-Clark RMC / Town Clerk