

February 7, 2011

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 7th of February, 2011 at 7:30 P.M., there were:

PRESENT:

Damian M. Ulatowski	Supervisor
Robert L. Edick	Deputy Supervisor/Councilor
Clarence A. Rycraft	Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Joseph A. Bick	Councilor
Bruce N. Johnson	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert M. Germain	Town Attorney
Ron DeTota	Town Engineer

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 Bray moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on **January 19, 2011**. Motion was seconded by Councilor Bick.

Ayes-7 and Noes-0. Unanimously carried.

CANCELLATION AND/OR REQUESTED ADJOURNMENTS:

None

Correspondence:

None

REGULAR MEETING:

License (PH) CASUAL ESTATES MOBILE HOME COURT:

A public hearing to consider the application of **CASUAL ESTATES MOBILE HOME COURT** for the renewal of its license for the year **2011** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski opened the public hearing by reading a letter from the Code Officer stating that Casual Estates Mobil Home Court had removed unsafe homes and added 15 new homes.

Russ Mitchell said that the applicant should have attended the meeting and addressed the community. Supervisor Ulatowski said that the applicant has done so in the past. He asked if there were anymore questions or comments. Hearing none, he closed the public hearing.

Zone Change (PH) Town Board Case # 1034 MARIE C. GRAVINA, EXECUTRIX TO THE ESTATE OF EUGENE C. GRAVINA and MAPLERIDGE PROPERTIES, LLC:

A Public hearing to consider the application of **MARIE C. GRAVINA, EXECUTRIX TO THE ESTATE OF EUGENE C. GRAVINA and MAPLERIDGE PROPERTIES, LLC**, for a change of zone from **RC-1 Regional Commercial District** to **R-APT Residential Apartment District** on property located at **4816 Buckley Road (Tax Map No. 096.-11-03.0)** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Hal Romans was present for the applicant. He explained that the applicant is proposing to develop the 6.5 acre parcel with 4 buildings. The project will connect and match the existing Ravada Hill Apartments. The proposal could support 42 two bedroom apartments or 44 one bedroom apartments.

Mr. Romans continued by addressing the County Recommendations that include addressing the storm water runoff and a drainage study of the existing rear and buffer, traffic study, checking with OCWA to insure that there is sufficient water.

There are existing woods and brush to the rear and that will remain wild as the buffer and for drainage. Councilor Johnson asked if the new buildings will blend with the existing ones. Mr. Romans said that they will. Councilor Edick asked if the driveway will be directly across the street from Dr. Drackers office. Mr. Romans stated that he was not sure and that the County DOT would have to make a recommendation.

Russ Mitchell, president of the 4-Seasons / Clairmont Homeowners Association explained that the drainage is the primary concern to the residents in these

developments. He continued that he is not against the development of the apartments however the storm water needs to be addressed before building begins.

Scott Cavallo, a resident, added that there is a severe problem with water in the basements and the problem has worsened over the past five years. Mr. Mitchell added that this is the highest point in the town. Mr. Romans said that both he and the applicant are aware of this and the current drainage issues. He added that they plan to leave as much green area; in addition they will work out the details with the town engineer.

Mr. Mitchell also stated that the Onondaga County Planning Board incorrectly stated that this is in the Liverpool Central School District when in fact it is in the Cicero-North Syracuse School District.

Supervisor Ulatowski asked if there were any further questions and there were none.

Councilor Edick made a motion to adjourn the public hearing to **March 7, 2011 at 7:38 P.M.** Motion was seconded by Councilor Bray.

Ayes-7 and Noes-0. *Unanimously carried.*

Zone Change (PH/Adj) Town Board Case #1020 COR VERPLANK ROAD COMPANY, LLC:

A Public hearing to consider the application of **COR VERPLANK ROAD COMPANY, LLC**, for a change of zone from **RA-100 RESIDENTIAL AGRICULTURAL DISTRICT** to **RESIDENTIAL R-15 DISTRICT**, on part of Tax Map No. 021.-01-2.3 consisting of 77.19± acres of land, located on Ver Plank Road and part of Tax Map No. 021.-01-03.4 being land located at 3950 Ver Plank Road and from **R-APT APARTMENT DISTRICT** to **RESIDENTIAL R-15 DISTRICT** on part of Tax Map No. 021.-01-2.3 consisting of 10.88± acres of land located on Ver Plank Road (Adjourned to this date and time at the January 19th, 2011 Town Board Meeting.) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

The applicant requested an adjournment.

Councilor Bray made a motion to adjourn the public hearing to **March 7, 2011 at 7:41 P.M.** Motion was seconded by Councilor Johnson.

Ayes-7 and Noes-0. *Unanimously carried.*

Local Law No. 1 of the Year 2011 (PH) amending Chapter 230, entitled 'ZONING', Sections 230-17C I-1 Industrial District, paragraph (2)(e) and

230-17D. I-2 Industrial District, paragraph (2)(e):

Public hearing to consider proposed local law to be entitled **Local Law No. 1 of the Year 2011** amending **Chapter 230**, entitled 'ZONING', **Sections 230-17C I-1 Industrial District, paragraph (2)(e)** and **230-17D. I-2 Industrial District, paragraph (2)(e)** by adding to such paragraphs **Commercial Nursery** and **Commercial Greenhouse** and renumbering according to the Code of the Town of Clay. The purpose of this amendment would permit Commercial Nursery and Commercial Greenhouse in the I-1 and I-2 zoning districts by Town Board Special Permit approval. (Adjourned to this date and time at the January 19th, 2011 Town Board Meeting.) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Commissioner Territo explained that the Planning Board had given a favorable recommendation based on the information presented at both boards.

Supervisor Ulatowski asked if there were any additional questions or comments. Hearing none he closed the public hearing.

Bid Award - ONE MULTIPURPOSE EXCAVATOR, 2007 OR NEWER, CARRIER MOUNTED, SINGLE ENGINE FOR USE BY THE TOWN OF CLAY HIGHWAY DEPARTMENT:

Councilor Weaver moved the adoption of a resolution awarding a contract to **Vantage Equipment** for the purchase of **ONE MULTIPURPOSE EXCAVATOR, 2007 OR NEWER, CARRIER MOUNTED, SINGLE ENGINE FOR USE BY THE TOWN OF CLAY HIGHWAY DEPARTMENT** for the low bid of \$93,180.00. Said amount being the lowest responsible bid. Motion was seconded by Councilor Bick.

Ayes-7 and Noes-0. *Unanimously carried.*

Bond Resolution/ Purchase/Highway - ONE MULTIPURPOSE EXCAVATOR, 2007 OR NEWER, CARRIER MOUNTED, SINGLE ENGINE:

Councilor Weaver moved the adoption of a **Bond Resolution** in the amount of \$93,180.00 for the purchase of **ONE MULTIPURPOSE EXCAVATOR, 2007 OR NEWER, CARRIER MOUNTED, SINGLE ENGINE FOR USE BY THE TOWN OF CLAY HIGHWAY DEPARTMENT**. Motion was seconded by Councilor Bick.

Ayes-7 and Noes-0. *Unanimously carried.*

License Renewal (A) CASUAL ESTATES MOBILE HOME COURT:

Councilor Johnson moved the adoption of a resolution approving the application of **CASUAL ESTATES MOBILE HOME COURT** for the renewal of its license for the year **2011**. Motion was seconded by Councilor Weaver.

Ayes-7 and Noes-0. *Unanimously carried.*

Local Law No. 1 of the Year 2011 (A) Chapter 230, entitled 'ZONING', Section 230-17C I-1 Industrial District and 230-17D. I-2 Industrial District, paragraph (2)(e):

Councilor Johnson moved the adoption of a resolution approving proposed local law to be entitled **Local Law No. 1 of the Year 2011** amending **Chapter 230**, entitled **'ZONING', Section 230-17C I-1 Industrial District, paragraph (2)(e)** by adding subparagraphs **[4] Commercial Nursery** and **[5] Commercial Greenhouse** thereto and amending **Section 230-17D. I-2 Industrial District, paragraph (2)(e)** by adding subparagraphs **[6] Commercial Nursery** and **[7] Commercial Greenhouse** and renumbering accordingly to the Code of the Town of Clay. The purpose of this amendment would permit Commercial Nursery and Commercial Greenhouse in the I-1 and I-2 zoning districts by Town Board Special Permit approval. Motion was seconded by Councilor Edick.

Ayes-7 and Noes-0. *Unanimously carried.*

Local Law No. 2 of the Year 2011 (A) amending Chapter 22 entitled 'ETHICS':

Councilor Bray moved the adoption of a resolution approving proposed local law to be entitled **Local Law No. 2 of the Year 2011** amending **Chapter 22** entitled **'ETHICS'**, by adding a new paragraph to **Section 22-5 Rules with respect to conflicts of interest**; by adding to said **Section 22-6 Standards applying to all Town Employees** a new paragraph **"K"**, and by adding to **Section 22-14 Powers**, new paragraphs **"P."** and **"Q."** to make improvements to the Code of Ethics of the Town of Clay to comply with recommendations by the NYS Comptroller. Motion was seconded by Councilor Rycraft.

Ayes-7 and Noes-0. *Unanimously carried.*

Street Lights/Project - LAWTON VALLEY HUNT, SECTION NO. 16 SUBDIVISION:

Councilor Edick moved the adoption of a resolution authorizing the installation of three (3) 100 watt high-pressure sodium fixtures mounted on 16' fiberglass embedded poles using 100w fixtures to help illuminate the developed portion within **LAWTON VALLEY HUNT, SECTION NO. 16 SUBDIVISION** all as shown on National Grid's map therefore. The estimated annual cost for the underground

lighting fixtures is **\$751.17** to be charged to the **CLAY CONSOLIDATED LIGHTING DISTRICT**. Motion was seconded by Councilor Johnson.

Ayes-7 and Noes-0. *Unanimously carried.*

Street Lights/Project - INVERNESS GARDENS:

Councilor Edick moved the adoption of a resolution authorizing the installation of seventeen (17) 100 watt high-pressure sodium fixtures mounted on 14' fiberglass embedded poles using 100w fixtures to help illuminate the developed portion within **INVERNESS GARDENS**, for the site of the 2011 Parade of Homes. The estimated annual cost of **\$4,256.63** to be charged to the **CLAY CONSOLIDATED LIGHTING DISTRICT**. Motion was seconded by Councilor Weaver.

Ayes-7 and Noes-0. *Unanimously carried.*

Agreement/Project - LIVERPOOL POOL & SPA:

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to enter into a Standard Developer's Agreement on behalf of the Town with **LIVERPOOL POOL & SPA – NYS ROUTE 31 PROJECT**. Motion was seconded by Councilor Johnson.

Ayes-7 and Noes-0. *Unanimously carried.*

Project (sewer) (CPH) - LIVERPOOL POOL & SPA:

Councilor Edick moved the adoption of a resolution calling a public hearing **March 7th, 2011** commencing at **7:35 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 "**LIVERPOOL POOL & SPA SEWER DISTRICT**" and for the construction and acquisition of a lateral sewer system therein to be designated and known as "**LIVERPOOL POOL & SPA SEWER DISTRICT, CONTRACT NO. 1**". (Liverpool Pool & Spa – NYS Route 31.) Motion was seconded by Councilor Weaver.

Ayes-7 and Noes-0. *Unanimously carried.*

Appointment - Hearing Officer/ MOYERS CORNERS FIRE DEPARTMENT, INC:

Move the adoption of a resolution approving the appointment of the President or Vice President of the **MOYERS CORNERS FIRE DEPARTMENT, INC.**, to serve as Hearing Officer on behalf of the Town at the public hearing to be held **March 1st, 2011**, at **7:00 P.M.**, local time, pursuant to Section 147(f) of the Internal

Revenue Code of 1986, as amended, at the Moyers Corners Fire Department, Inc., Station No. 2, located **7697 Morgan Road, Liverpool, New York**, in connection with its proposal to finance the acquisition of a **2011 Sutphen 100' Ariel Truck – Model SPH100** by borrowing from Chase Equipment Leasing, Inc., in an amount not to exceed **\$760,000.00**, plus interest and further, approving the publication of the public hearing notice of said public hearing, and as required by law for Moyers Corners Fire Department to receive exclusion from federal income taxation of the interest payable under said Lease/Purchase Agreement. The obligations of the Fire Company will not be a debt of the State of New York or the Town of Clay, nor shall either entity bear any liability therefore.

NO ACTION - Pending Review

Certiorari - M. GOLDBERG & SONS SYRACUSE, INC.:

Councilor Bick moved the adoption of a resolution authorizing and approving the settlement of the certiorari actions entitled **M. GOLDBERG & SONS SYRACUSE, INC. vs. THE TOWN OF CLAY**, et al, **Tax Map No. 14.-01-01-31.1**, on property located at **506 S, Main Street for Tax Year 2009/2010, Index No. 2009-5117** **reducing** the assessment from **\$123,800.00** to **\$57,890.00** and **Tax Year 2010/11, Index No. 2010-4084** reducing the assessment from **\$123,800.00** to **\$57,890.00**; and **Tax Map No. 007.-01-02.0** on property located on **S. Main Street** **reducing** the Assessment from **\$10,200.00** to **\$4,750.00** for Tax Year **2009/10, Index No.: 2009-5117**; and reducing the assessment from **\$10,200.00** to **\$4,750.00** for Tax Year **2010/11, Index No.: 2010-4084** – TOC File # 1941. Motion was seconded by Councilor Johnson.

Ayes-7 and Noes-0. *Unanimously carried.*

Inter Municipal Agreement between the Town of Clay and the Town of Salina (Inverness Gardens Section No. 1):

NO ACTION

Appointment - TOWN JUSTICE:

Councilor Bick moved the adoption of a resolution appointing D. Jeffrey Gosch as Town Justice for the Town of Clay to fill the unexpired term of former Justice Christopher S. Gaiser. Motion was seconded by Councilor Edick.

Ayes-7 and Noes-0. *Unanimously carried.*

Supervisor Ulatowski stated that Mr. Gosch has been a practicing Attorney since 1982, previously employed by the Law firm of Hancock and Estabrook as well as

private practice. He has a list of activities that he has supported over the years. The Supervisor ended by welcoming Judge Gosch as the new Town Justice. Councilor Bray added that Mr. Gosch is experienced in many aspects of the law. Councilor Johnson agreed and also thanked Judge Lauri for all of the additional work that he did during this transition.

Adjournment:

The meeting was adjourned at 7:58 P.M. upon motion by Councilor Bray and seconded by Councilor Bick. Ayes-7 and Noes-0. *Unanimously carried.*