

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the October 2nd, 2023 at 7:30 P.M., there were:

PRESENT:

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

ABSENT:

OTHERS PRESENT:

Russ Mitchell, Planning Board Chairman; Hal Henty, Planning Board Member and Joe Nicoletti, Highway Superintendent.

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 September 18, 2023 Town Board meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments:

Supervisor Ulatowski said that items 6 and 7 would not be heard and item 8 is withdrawn at the request of the applicant. Additionally, item 10 will be adjourned at the request of the applicant.

Correspondence:

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda; several residents raised hands.

Edward Hall of Finch Path submitted photos of catch basins that could be a hazard to vehicles and pedestrians alike. He explained that he had taken the photos all over town and reached out to several board members. He continued that he was the Syracuse City Chief Inspector and would like to offer his help to save tax payer money.

Supervisor Ulatowski said that he would be happy to tour the town with the Highway Superintendent and the Town Engineer and thanked Mr. Hall for his concern.

Beverly Gibbs of Ginger Road said that the traffic speed should be lowered on her road. She explained that the road is somewhat narrow and there are two curves in the road. She asked that the speed be lowered to 20 MPH on the road and reduced to 15 MPH on the curve with proper signage. She said that there are a great deal of people living on this road and one house has 19 people living there.

Supervisor Ulatowski explained that 30 MPH is the minimum for residential area neighborhoods and school zones are the only areas with a posted speed under 30 MPH. There was a discussion about signs reducing speed on a curve and perhaps that being a possibility.

Ms. Gibbs then asked if the Supervisor had reached out to the owner of the wooded property at the end of Princess Path to see if they would donate the land for a park for the kids to play. The Supervisor said that it is not an option.

Ms. Gibbs said that she is not comfortable with Town employees entering her backyard to close out a permit etc. She asked that they call her prior to entering her yard. Supervisor asked who had entered her yard and she said that she would find the persons name. Supervisor Ulatowski said that he would make the Codes Department aware.

Ms. Gibbs said that she had one last thing she wanted to mention. She said that there is a hickory tree in the neighbors yard or in the easement. The tree drops nuts in her yard and she is concerned that someone will be hurt.

REGULAR MEETING:

ZONE CHANGE (SEQR) – Town Board Case # 1189 - JUNTAO YAN/DANIELLE FABRIZIO & DAVID CHRISTINE:

No Action

ZONE CHANGE (A/D) – Town Board Case # 1189 - JUNTAO YAN/DANIELLE FABRIZIO & DAVID CHRISTINE:

No Action

ZONE CHANGE (PH/Adj.) – Town Board Case # 1187 - MORGAN ROAD STORAGE/KRAFT REAL ESTATE, LLC.:

****APPLICANT REQUESTED TO WITHDRAW****

ZONE CHANGE – (PH/Adj.) – Town Board Case # 1178 - TIDAL WAVE AUTO SPA:

No one was present to speak on behalf of the applicant, however, there were many residents present. There was a discussion on whether or not the Board could take resident comments. The applicant requested an adjournment to the November 20, 2023 from the September 6, 2023 meeting. The Town Board adjourned the public hearing to this meeting.

Councilor Meaker made a motion to go into Executive Session. Motion was seconded by Councilor Young. The Town Board left the bench at 7:58 PM.

Councilor Meaker made a motion to end Executive Session at 8:08 PM, motion was seconded by Councilor Young.

Councilor Meaker made a motion to reconvene at 8:09 PM, motion was seconded by Councilor Magaro-Dolan.

Supervisor Ulatowski explained that the Town Board is still waiting on the Traffic Study and a recommendation from the Planning Board. A few residents said that they felt that the applicant is dragging his feet and that this has gone on since May.

Councilor Hess made a motion to adjourn the public hearing to November 20, 2023 at 7:35 PM. Motion was seconded by Councilor Bick.

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

****UPDATE 10/3/2023 - APPLICANT REQUESTED TO WITHDRAW****

ZONE CHANGE (PH) – Town Board Case # 1193 - VICKSBURG ESTATES, LLC. / RIVER GROVE APARTMENTS:

****APPLICANT REQUESTED TO ADJOURN TO NOVEMBER 8, 2023****

Councilor Hess made a motion to adjourn the public hearing for Town Board Case #1193 VICKSBURGH ESTATES LLC./RIVER GROVE APARTMENTS to November 8, 2023 at 7:35 PM. Motion was seconded by Councilor Pleskach.

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

ZONE CHANGE (PH) – Town Board Case # 1194 – DONALD R. & CAROLYN J. CLARK IRREVOCABLE TRUST/CLARK-BURROWS:

A public hearing to consider the application of **DONALD R. & CAROLYN J. CLARK IRREVOCABLE TRUST/CLARK-BURROWS SUBDIVISION** for a Zone Change from RA-100 Residential Agricultural District to R-7.5 One-Family Residential District, for land located at **6 Jay Path, Tax Map No. 094.-21-46.1**. The existing parcel currently has two difference zoning districts.

ZONE CHANGE (PH) – Town Board Case # 1195 – DONALD R. & CAROLYN J. CLARK IRREVOCABLE TRUST/CLARK-BURROWS:

A public hearing to consider the application of **DONALD R. & CAROLYN J. CLARK IRREVOCABLE TRUST/CLARK-BURROWS SUBDIVISION** for a Zone Change from RA-100 Residential Agricultural District to O-2 Office District, to allow for land located at **6 Jay Path, Tax Map No. 094.-21-46.1**, to be combined with an existing O-2 parcel.

Supervisor Ulatowski said that he would answer both public hearings together. Tim Coyer was present on behalf of the applicants. Supervisor Ulatowski asked for some clarification. Mr. Coyer explained that Case #1194 is for a zone change to match the residential parcel and Case # 1195 is for the barn portion.

Councilor Young asked what the barn is used for. Mr. Donald Clark explained that the lower level is used by his wife for retail (vintage gifts). Mr. Coyer surmised they are just cleaning it up and making it better.

Councilor Hess said that he is all for this; Supervisor Ulatowski agreed and said that he was referring both cases to the Planning Board.

Councilor Hess made a motion to adjourn both cases to October 16, 2023 at 7:38 PM and 7:41 PM. Councilor Pleskach seconded the motion.

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

AUDIT (Town) 2022 – (Accepting):

Councilor Young moved the adoption of a resolution that the Town of Clay does hereby accept the **Town Audit** of the Town for the Fiscal Year ending December 31, 2022. Motion was seconded by Councilor Meaker.

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

PRESENTING - 2024 TOWN OF CLAY TENTATIVE BUDGET:

The Town Clerk presents the **2024 TOWN OF CLAY TENTATIVE BUDGET** to the Town Board Members pursuant to Town Law. (these were placed in the Town Board Members mailboxes.)

LOCAL LAW NO. 4 (CPH) OF THE YEAR 2023 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C:

Councilor Meaker moved the adoption of a resolution calling a public hearing **October 16, 2023**, commencing at **7:44 p.m.**, local time, to consider adding a proposed Local Law to be entitled **“LOCAL LAW NO. 4 OF THE YEAR 2023 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C”** to the code of the Town of Clay. Motion was seconded by Councilor Magaro-Dolan.

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

Authorization - AMERICAN RESCUE PLAN ACT (ARPA) FUNDING:

Councilor Meaker moved the adoption of a resolution authorizing the Supervisor to transfer **American Rescue Plan Act (ARPA)** funding in the amount of \$511,190.29 to the General Capital Fund for the Gaskin Road Infrastructure Repairs project and transfer funding in the amount of \$62,304.00 to the General Capital Fund for the Clay Fire Department generator purchase. Motion was seconded by Councilor Magaro-Dolan.

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

LOCAL LAW No. 5 of the YEAR 2023 to amend Chapter 163 entitled “Parks and Recreation” by amending Section 163-6 entitled “Prohibited uses and activities,” adding Section 163-6 (O) Smoking:

Councilor Magaro-Dolan moved the adoption of a resolution calling a public hearing **October 16, 2023**, commencing at **7:47 P.M.**, local time, to consider **LOCAL LAW NO. 5 OF THE YEAR 2023 to amend Chapter 163 entitled “Parks and Recreation” by amending Section 163-6 entitled “Prohibited uses and activities,” adding Section 163-6 (O) Smoking:** Smoke and vaping free zones.

Tobacco or marijuana smoking and/or vaping and tobacco or marijuana use shall be prohibited in all Town-owned buildings owned, leased, used, operated, or maintained

by the Town of Clay or any department of the Town of Clay (hereinafter "Town building"), without exception.

- Tobacco or marijuana smoking (or vaping) and tobacco or marijuana use in any form shall also be prohibited within 30 feet of any Town building not located in a park, recreation area or playground.
- Tobacco or marijuana smoking (and vaping) and tobacco or marijuana use of any type shall be prohibited in all Town-owned parks, playgrounds, and recreation areas.
- The Town Board further determines and declares that all Town-owned parks, recreation areas and playgrounds shall be designated as tobacco-free and marijuana-free zones.

Motion was seconded by Councilor Pleskach.

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

Misc – QUIT CLAIM DEED – ROBERT P. ALUZZO/OSWEGO ROAD, LLC:

Councilor Hess moved the adoption of a resolution approving the Quit Claim Deed to Robert P. Aluzzo/Oswego Road, LLC., and further authorizing the Supervisor to execute the same, for property adjacent easterly to 8302 Old Route 57, portion of former Route 57, on +/- .58 acres of land. This action is subject to the approval of the Town Attorney as to form and content of the proposed deed and easement.

Motion was seconded by Councilor Pleskach.

Councilor Meaker asked for a Roll Count vote, and it went as follows:

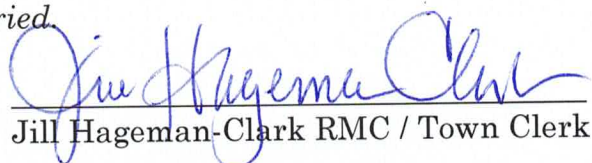
Councilor Magaro-Dolan – Aye	Councilor Meaker – Abstain
Councilor Young – Aye	Supervisor Ulatowski – Aye
Councilor Bick – Aye	Councilor Hess – Aye
Councilor Pleskach – Aye	

Ayes – 6 and Noes – 0. Councilor Meaker Abstaining. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:31 P.M. upon motion by Councilor Young and seconded by Councilor Magaro-Dolan. Supervisor Ulatowski thanked Holly Page for sitting in tonight.

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


 Jill Hageman-Clark RMC / Town Clerk