

February 1, 2010

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 1<sup>st</sup> of February, 2010 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., at which time he introduced Cub Scout Troop 116 and asked them to lead in the Pledge of Allegiance. All present joined in.

**Approval of Minutes:**

Councilor Bray moved the adoption of a resolution approving the Minutes of the Town Board Meeting of **January 20<sup>th</sup>, 2010** and **December 21<sup>st</sup>, 2009, (as corrected)**.

Motion was seconded by Councilor Edick.

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

**Correspondence:**

Receipt of the 2009 Report of Revenue by the Clay Town Court as required by the New York State Office of Court Administration on January 5, 2010.

**Cancellations and/or requested adjournments:**

None

**WATER - RATE INCREASE:**

Councilor Rycraft moved the adoption of a resolution approving amendment of the **2010 Town of Clay Water Budget**, increasing the water rates 10% across the board, due to the increased rates charged to the Town by OCWA. Motion was seconded by Councilor Edick.

*Supervisor Ulatowski offered the opportunity for residents to ask questions due to a misprint in the Neighbors section of the Post Standard regarding the date of the Public Hearing. No one responded.*

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

**Special Permit (SEOR) WARNER ENERGY, LLC:**

Councilor Bick moved the adoption of a resolution that the application of **WARNER ENERGY, LLC**, for a **SPECIAL PERMIT FOR A UTILITY SUBSTATION** to allow for the installation of a 16.96 kWp open field solar farm, pursuant to Section 230.27, I. (2)(e)[1][a] on part of premises located at 7526 Morgan Road, (part of Tax Map No. 105.-01-13.1) is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town. The proposed project will not have a significant effect on the environment and therefore does not require the preparation of an EIS. Motion was seconded by Councilor Johnson.

*Supervisor Ulatowski added that he was very much in favor of this project and wished the applicant success.*

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

**Special Permit (A) WARNER ENERGY, LLC:**

Councilor Edick moved the adoption of a resolution approving the application of **WARNER ENERGY, LLC**, for a **SPECIAL PERMIT** with respect to a **Utility Substation to allow for the installation of a 16.96 kWp open field solar farm, pursuant to Section 230.27(1)(2)(e)** on a part of premises located at **7526 Morgan Road**, (part of Tax Map No. 105.-01-13.1). Motion was seconded by Councilor Bray.

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

**Local Law No. 1 of the Year 2010 (PH) Amending Chapter 230-13, entitled ZONING:**

A public hearing to consider proposed **Local Law No. 1 of the year 2010 amending Chapter 230** entitled '**ZONING**', **Section 230-13** to add a new paragraph **K**. to be entitled **R-SR Senior Residence District** and amend **Section 230-11 Terms defined** to add and/or delete definitions of words to define terms within said proposed local law to the code of the Town of Clay was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. The purpose of this proposed local law is to create a zone, which accommodates persons who are age 62 and above with particular living needs and to define words included therein. Adjourned to this date and time at the January 20<sup>th</sup>, 2010 Town Board Meeting.

Commissioner Territo began by explaining that the Planning Board recommended approval at the January 27<sup>th</sup>, 2010 meeting by a vote of 4-eyes to one nay. He added that the one vote against was due to the age requirement (the member felt that it should be lower).

Councilor Bick asked about the availability of services for people under 62 years old. Councilor Johnson answered by stating that the priority would be to facilitate the residents first. June Baycura asked for clarification. Councilor Johnson explained that the residents within the district would receive first priority for services. She then asked about the retail, specifically what types of businesses will they try to attract?

Councilor Johnson said small retail including but not limited to a barber shop, coffee shop,

doctors office, businesses orientated to the residents of this district. Councilor Johnson explained that the trend indicates that seniors are staying in their homes necessitating the creation of a zone that will attract developers and allow for retail limited to 2000 sf.

June Baycura asked about the minimal acreage. Councilor Johnson responded that it will be five (5) acres.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

**Purchase/Highway - TWO (2) 2010 WESTERN STAR 4900SA TANDEM AXLE PLOW/DUMP TRUCKS:**

Councilor Weaver moved the adoption of a resolution authorizing the purchase under **NYSOGS Contract No. PC62376, TWO (2) 2010 WESTERN STAR 4900SA TANDEM AXLE PLOW/DUMP TRUCKS FOR USE BY THE HIGHWAY DEPARTMENT**, for a sum not to exceed **\$360,000.00**. Motion was seconded by Councilor Rycraft.

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

**Bond Resolution/Purchase/Highway - TWO (2) 2010 WESTERN STAR 4900SA TANDEM AXLE PLOW/DUMP TRUCKS:**

Councilor Weaver moved the adoption of a **Bond Resolution** in the amount of **\$360,000.00** for the purchase of **TWO (2) 2010 WESTERN STAR 4900SA TANDEM AXLE PLOW/DUMP TRUCKS FOR USE BY THE HIGHWAY DEPARTMENT**. Motion was seconded by Councilor Rycraft.

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

**Local Law No. 2 of the Year 2010 Chapter 226 entitled "WATERFRONT CONSISTENCY LAW":**

Councilor Bray moved the adoption of a resolution calling a public hearing **March 1<sup>st</sup>, 2010**, commencing at **7:38 P.M.**, local time, to consider proposed **Local Law No. 2 of the year 2010**, to consider adding a new **Chapter 226**, to be entitled "**WATERFRONT CONSISTENCY LAW**" to the Code of the Town of Clay. The purpose of this proposed local law is to provide a framework for the Town of Clay to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct Town/Planning Board actions located in the waterfront area; and to assure that such actions and direct actions are consistent with the said policies and purposes of the Local Waterfront Revitalization Program. Motion was seconded by Councilor Rycraft.

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

**Zone Change (CPH) SPELL BOUND HOLDINGS, INC.:**

Councilor Johnson moved the adoption of a resolution calling a public hearing **March 1<sup>st</sup>, 2010**,

commencing at **7:41 P.M.**, local time, to consider the application of **SPELL BOUND HOLDINGS, INC.**, for a change of zone from **RA-100 Residential Agricultural District** to **NC-1 Neighborhood Commercial District** on property located at **7337 Oswego Road**, (Tax Map No. 104.-02-22.0). Motion was seconded by Councilor Bick.

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

**Personnel (A) - Finance Department/ Payroll Clerk:**

Councilor Bick moved the adoption of a resolution approving adjustment to the Town of Clay's employee count within the **Finance Department** with the **Onondaga County Department of Personnel** by one (1) new permanent position for a **Payroll Clerk**, in accordance with the requirements of **New Position Duties Statement**, dated **February 1<sup>st</sup>, 2010**, Form P-300 rev. 7/99. Motion was seconded by Councilor Johnson.

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

**Local Law No. 3 of the Year 2010 (CPH) Amending Chapter 230, entitled ZONING:**

Councilor Johnson moved the adoption of a resolution calling a public hearing **March 1<sup>st</sup>, 2010**, commencing at **7:44 P.M.**, local time, to consider proposed **Local Law No. 3 of the Year 2010, amending Chapter 230-13**, entitled '**ZONING**', amending **Section 230-16 B.(2)(e)** to delete the present subparagraph [4] Motor vehicle sales, service, and rental and renumber the subparagraph accordingly and to add subparagraphs [7] Motor vehicle service. [8] Motor vehicle sales and [9] Motor vehicle rentals to said **Section 230-16 B.(2)(e)**; amending **Section 230.16 C. (2)(e)** to delete the present subparagraph [4] Motor vehicle sales, service, and rental and renumber the subparagraphs accordingly and to add subparagraphs [6] Motor vehicle service. [7] Motor vehicle sales and [8] Motor vehicle rentals to said **Section 230.17 C.(2)(e)**; to amend **Section 230.17 C.(2)(e)** to add subparagraph [3] Motor vehicle rental; to amend **Section 230.17 D.(2)(e)** to add subparagraph [5] Motor vehicle rental; and to amend **Section 230-11 Terms defined**, to delete the term **MOTOR VEHICLE SALES, SERVICE, RENTAL** and to add the terms **MOTOR VEHICLE RENTAL, MOTOR VEHICLE SALES, MOTOR VEHICLE SERVICE** to said section 230-17 of the Code of the Town of Clay. The purpose of said amendments is to clarify the terms for better application and understanding in the Code of the Town of Clay. Motion was seconded by Councilor Edick.

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

**Adjournment:**

The meeting was adjourned at 7:53 P.M. upon a motion by Councilor Bray and seconded by Councilor Bick.

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