

## APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 21<sup>st</sup>, of September, 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
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

### ABSENT:

### OTHERS PRESENT:

Russ Mitchell; Planning Board Chairman and Hal Henty; Planning Board and Rob Bick; Assessor.

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 Hall made a motion to approve the minutes of the September 9<sup>th</sup>, 2020 meeting. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried. Councilor Hess abstained due to his absence.*

### **Cancellation and/or requested adjournments.**

There were no cancellations or adjournments

### **Correspondence:**

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda.

Ute Wood of Orange Commons asked about a sign entering the Town of Clay on Route 31. Supervisor Ulatowski said that the Highway department has been busy with paving projects but he will reach out to them again.

**REGULAR MEETING:**

**Resolution (PH) Local Law No. 5 of the Year 2020 – Real Property Tax Law (RPTL) – Section 487:**

A public hearing to consider Local Law No. 5 of 2020 pursuant to **Section 487 of the Real Property Tax Law (RPTL)** to “opt out” of allowing real property tax exemptions pursuant to Section 487 of the PRTL and declare improvements related to solar and wind energy systems fully taxable in the Town of Clay was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski explained that the Local Law will enable the Town to opt out of legislation intended to exempt solar projects from taxation. He continued, that as the number of solar projects increase, the tax base would adversely be affected by the loss of revenue.

Rob Bick, Assessor for the Town of Clay, agreed that the Town should opt out and not allow the loss of revenue adding that they are still using services provided by the town.

Supervisor Ulatowski asked legal counsel if we could opt in if we chose. Mr. Germain said that was possible.

Councilor Hess asked if the previously approved solar projects will remain exempt and they will.

The Supervisor asked if any of the residents had questions and they did not.

There was a discussion as to whether this will apply to commercial solar only or will relate to residential solar as well. Supervisor Ulatowski said that he will research this and he **closed** the public hearing.

**Special Permit (PH/Adj.) – Town Board Case # 1151 - ROCKLYN COMMERCIAL, LLC AND WOODSIDE COMMERCIAL, LLC:**

A public hearing to consider the application of **ROCKLYN COMMERCIAL, LLC AND WOODSIDE COMMERCIAL, LLC FOR A SPECIAL PERMIT** pursuant to **Section 230-18G.(2)(b)** to allow for the construction of a WellNOW Urgent Care (hospital/clinic) on vacant land located at **4938 West Taft Rd. and Wintersweet Dr., Tax Map No. 116.1-01-01.1.** (Adjourned to this date and time from the September 9, 2020 Town Board Meeting) was opened by the Supervisor.

Steve Calocerinos, engineer for the project, gave an overview of the parcel and what was discussed at the previous meeting. He continued that he had been before the Planning Board last week and the majority of the board was in favor. The driveways (2) were the issue.

Councilor Young said that he is in favor of this project; however, he does not like the driveway located on the curve. He continued that both driveways should be moved up on Wintersweet.

Councilor Pleskach asked if they are replacing the allowed 15,000 sq. ft. of retail with 3500 sq. ft. of medical. Mr. Calocerinos said that this will be less invasive to the entrance of the PDD.

Councilor Meaker asked if it is necessary by law to have two entrances to the medical center. Mr. Calocerinos said that he was not sure if it is required by law.

Again, the conversation circled around the driveways in proximity to the residential parcels. After lengthy discussion, it was made clear that the driveway on the curve that was the most controversial was not approved on the map in 2016. Mike Bragman Jr. explained that at the October 12, 2016 Planning Board meeting the PDD was amended to reflect the requested update changing the access to across from Lobelia Lane. Several residents stated that they are unhappy with that driveway.

Patrick Donegan of Rocklyn Companies explained that the second drive (on the curve) will connect future commercial properties as an access road keeping the commercial traffic from the residential area.

Councilor Hall stated that this public hearing is not about where the driveways will be constructed but whether or not the Special Permit should be granted. Since the PDD only shows one driveway, the applicant will need to iron out the driveway issue during site plan review. Supervisor Ulatowski asked if the Site Plan is granted will the Board have the opportunity to review this again and weigh in on the driveway(s) going forward. One gentleman said that the driveway at the residential portion is not preferable; however, this driveway is already approved. Ron DeTota suggested a right in and right out at the proposed second drive. Supervisor Ulatowski agreed that this is just a public hearing regarding the special permit and if approved the applicant will need to return for the second access to the parcel and the Town Board will have the opportunity to vote on that.

All questions and comments having been heard, the Supervisor **closed** the public hearing.

**Lighting – Anguilla Drive:**

Councilor Hall moved the adoption of a resolution authorizing the installation of four (4) LED Carriage –B luminaries to be installed on 14’ fiberglass embedded poles to help illuminate **Anquilla Drive**. The estimated annual cost for the lighting fixtures is **\$1,041.84**. Motion was seconded by Councilor Meaker.

Ayes – 6 and Noes – 0. *Motion carried. Councilor Hess abstained due to employment.*

**Lighting – The Farmstead Subdivision:**

Councilor Hall moved the adoption of a resolution authorizing the installation of four (4) LED Carriage –B luminaries to be installed on 14’ fiberglass embedded poles to help illuminate **The Farmstead Subdivision**. The estimated annual cost for the lighting fixtures is **\$1,041.84**. Motion was seconded by Councilor Meaker.

Ayes – 6 and Noes – 0. *Motion carried. Councilor Hess abstained due to employment.*

**Lighting – Riverwalk Subdivision:**

Councilor Hall moved the adoption of a resolution authorizing the installation of three (3) LED Carriage –B luminaries to be installed on 14’ fiberglass embedded poles to help illuminate **Riverwalk Subdivision**. The estimated annual cost for the lighting fixtures is **\$781.38**. Motion was seconded by Councilor Meaker.

Ayes – 6 and Noes – 0. *Motion carried. Councilor Hess abstained due to employment.*

**Appointment - Commissioner of Parks & Recreation:**

Councilor Hess moved the adoption of a resolution appointing Wayne Morris as Commissioner of Parks & Recreation until December 31, 2020. Motion was seconded by Councilor Hall.

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

**Policy (A) – Sexual Harassment for the Year 2021:**

Councilor Hess moved the adoption of a resolution adopting the Harassment Prevention Policy, including Sexual Harassment for the year 2021. Motion was seconded by Councilor Bick.

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

**Project/ Securities (posting) – TOCCO VILLAGGIO SUBDIVISION SECTION 2:**

Councilor Meaker moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of sewer and drainage and facilities located within **TOCCO VILLAGGIO SUBDIVISION SECTION 2**, (Tocco Villaggio Sewer District; Contract No. 1; Tocco Villaggio Drainage District; Contract No. 1) and the construction of said facilities having been

substantially completed in accordance with the Plans and Specifications thereof; The Town Engineers having verified that the facilities have been satisfactorily completed and that the developer post the following security as shown under correspondence by the Town Engineers' under date of September 18, 2020: **Overland Drainage Facilities - \$5,000; Maintenance Guarantee - \$32,000** (\$17,000 Sewer and \$15,000 Drainage); **Highway - \$46,956; Monument Deposit - \$900; Past Due & Future Engineering/Inspection Fees - \$7,500;** and any other unpaid fees that may be owed by the Town of Clay for engineering, legal and/or administrative fees; and further contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **TOCCO VILLAGGIO II, LLC**, that the Town accept title to such facilities. Motion was seconded by Councilor Bick.

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

**Project/ Easements – TOCCO VILLAGGIO SUBDIVISION SECTION 2:**

Councilor Meaker moved the adoption of a resolution accepting easements for sewer and drainage facilities located within **TOCCO VILLAGGIO SUBDIVISION SECTION 2**, (Tocco Villaggio Sewer District; Contract No. 1, and Tocco Villaggio Drainage District; Contract No. 1) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **January 29, 2018**. Motion was seconded by Councilor Hess.

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

**Project/ Warranty, Deed etc. – TOCCO VILLAGGIO SUBDIVISION SECTION 2:**

Councilor Meaker moved the adoption of a resolution accepting a Warranty Deed, Dedication, Application and Release of damages for the roads located within **TOCCO VILLAGGIO SUBDIVISION SECTION 2**; from **TOCCO VILLAGGIO, LLC**, (Pareti Place, Bellini Boulevard and Legionnaire Drive all having Permeable Shoulders). Motion was seconded by Councilor Pleskach.

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

**Bid Advertisement - COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 1:**

Councilor Pleskach moved the adoption of a resolution authorizing the advertisement of bids on **October 1, 2020** for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 1** within the Town of Clay. Said Bids to be received until

**October 16, 2020 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

**Bid Advertisement - COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 2:**

Councilor Pleskach moved the adoption of a resolution authorizing the advertisement of bids on **October 1, 2020** for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 2** within the Town of Clay. Said Bids to be received until **October 16, 2020 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

**Bid Advertisement - COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 3:**

Councilor Pleskach moved the adoption of a resolution authorizing the advertisement of bids on **October 1, 2020** for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 3** within the Town of Clay. Said Bids to be received until **October 16, 2020 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

**Bid Advertisement - COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 4:**

Councilor Pleskach moved the adoption of a resolution authorizing the advertisement of bids on **October 1, 2020** for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 4** within the Town of Clay. Said Bids to be received until **October 16, 2020 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

*Ute Wood asked if they could include bulk items into the collection. Supervisor said that they are considering this but want to keep trash collection affordable for the residents.*

**Bid Advertisement - COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 5:**

Councilor Pleskach moved the adoption of a resolution authorizing the advertisement of bids on **October 1, 2020** for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 5** within the Town of Clay. Said Bids to be received until **October 16, 2020 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

**Bid Advertisement - COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 6:**

Councilor Pleskach moved the adoption of a resolution authorizing the advertisement of bids on **October 1, 2020** for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 6** within the Town of Clay. Said Bids to be received until **October 16, 2020 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

**Bid Advertisement - COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 7:**

Councilor Pleskach moved the adoption of a resolution authorizing the advertisement of bids on **October 1, 2020** for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 7** within the Town of Clay. Said Bids to be received until **October 16, 2020 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

**Bid Advertisement - COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No. 8:**

Councilor Pleskach moved the adoption of a resolution authorizing the advertisement of bids on **October 1, 2020** for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 8** within the Town of Clay. Said Bids to be received until **October 16, 2020 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

**Bid Advertisement - COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT No 1-8:**

Councilor Pleskach moved the adoption of a resolution authorizing the advertisement of bids on **October 1, 2020** for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT Nos. 1 through 8** within the Town of Clay. Said Bids to be received until **October 16, 2020 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

**Adjournment:**

The meeting was adjourned at 8:19 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