

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 6th of February, 2012 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Robert L. Edick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Joseph A. Bick	Councilor
Bruce N. Johnson	Councilor
Eugene B. Young	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert 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 the adoption of a resolution to **Approve** the Minutes of the January 18, 2012 Town Board Meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments.

None

Correspondence:

Receipt of the 2011 Report of Revenue by the Clay Town Court as required by the New York State Office of Court Administration on February 1st, 2012.

REGULAR MEETING:

License Renewal for the Year 2012 (PH)CASUAL ESTATE MOBILE HOME COURT:

A public hearing to consider the application of **CASUAL ESTATE MOBILE HOME COURT** for the renewal of its license for the year 2012 was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Commissioner Territo read a letter from Mr. Condon (Code Enforcement Officer). Mr. Condon states that all violations were resolved prior to December 31, 2011. There have been seven (7) demolitions in the past year and fourteen (14) new homes have been added.

Supervisor Ulatowski asked if the license was for a year. Commissioner Territo stated that it is.

Russ Mitchell stated that someone from the park should be present for the public hearing. He added that he felt that it is a mistake to approve it with out a representative from the park. There was a short discussion regarding whether or not the applicant could be compelled to be present to keep the town posted as to what is going on there. Mr. Mitchell suggested that in the future they should be asked to come as a courtesy.

Supervisor Ulatowski said that he would reach out to them in the future. He then asked if anyone else wished to comment. Hearing no more comments, he closed the public hearing.

Local Law No. 1 of the YEAR 2012 (SEQR) - Chapter 230 entitled "ZONING" Section 230-11:

Local Law No. 1 of the YEAR 2012 (A/D) - Chapter 230 entitled "ZONING" Section 230-11:

Supervisor Ulatowski stated that there will be **No Action** regarding the Local Law No. 1 of 2012.

Deferred Compensation Plan for Employees (Amended):

Councilor Edick moved the adoption of a resolution approving the amendment and restating of the Town of Clay Deferred Compensation Plan for Employees of Clay by approving the adoption of the **Amended Model Plan**, effective **August 26th, 2011**, to conform to the **NEW YORK STATE DEFERRED COMPENSATION PLAN FOR EMPLOYEES OF THE TOWN OF CLAY**. A copy of a formal resolution will be on file in the Town Clerk's Office. Motion was seconded by Councilor Weaver.

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

Agreement - Board of Elections/Voting Machines:

Supervisor Ulatowski said that this item will not be heard as the Board wishes to research it further.

Appointment (A) CLAY VOLUNTEER FIRE DEPARTMENT, INC.:

Councilor Young moved the adoption of a resolution approving the appointment of **ANDREW JOHNSON** as a volunteer member of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Bray.

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

Hydrants - Riverwalk Water Supply District:

Councilor Bick moved the adoption of a resolution authorizing the installation of two (2) fire hydrants in the **Riverwalk Water Supply District**, and authorizing the Supervisor to execute the OCWA fire hydrant application (**Riverwalk Subdivision**). Motion was seconded by Councilor Edick.

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

Hydrants - Gaskin Road Water Supply District, Extension No. 1:

Councilor Bick moved the adoption of a resolution approving the installation of a three (3) fire hydrants in the **Gaskin Road Water Supply District, Extension No. 1** and authorizing the Supervisor to execute the OCWA fire hydrant application (**Clay North Apartments**). Motion was seconded by Councilor Johnson.

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

Onondaga County Metropolitan Water Board (CIH) - Terminal Reservoir Project:

Councilor Edick moved the adoption of a resolution calling an Informational Hearing **March 19th, 2012**, commencing at **7:35 P.M.**, local time, to be conducted by the **Onondaga County Metropolitan Water Board** regarding the **Terminal Reservoir Project** to be constructed on property owned by the Water Board located on Water Board Road at the intersection of NYS Route 31. In order to comply with new EPA Water Treatment Rules the Water Board proposes to construct two 15 MG closed water tanks. Motion was seconded by Councilor Bick.

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

Uniform Justice Court Act:

Councilor Johnson moved the adoption of a resolution acknowledging receipt of a Report on Agreed Upon Procedures for the Period January 1st, 2009 through December 31st, 2010, regarding our Justice Court, as requested by and prepared for the Town of Clay in compliance with Section 2019-a of the Uniform Justice Court Act. It is also requested that the Town Clerk forward a copy of the aforementioned report and a certified copy of the Town Board's resolution to Linda Miller, Chief Internal Auditor, NYS Office of Court Administration, (98 Niver Street, Cohoes, New York 12047). Motion was seconded by Councilor Bray.

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

Assessment/Certiorari - COLE INVESTMENT GROUP:

Councilor Bick moved the adoption of a resolution authorizing and approving the settlement of the certiorari action entitled **COLE INVESTMENT GROUP vs. THE TOWN OF CLAY**, et al, Tax Map No. 011.-02-19.0, on property located at 117 South Main Street, **Our File No. TOC 1838** reducing the Assessment from **\$21,000.00** to **\$11,500.00**, for Tax Year **2007/08**, **Index No.: 2007-4585**; from **\$11,500.00** to **\$9,811.00**, for Tax Year **2008/09**, **Index No.: 2008-6117**, from **\$11,500.00** to **\$9,720.00**, for Tax Year **2009/10** **Index No.: 2009-5228**; from **\$11,500.00** to **\$9,720.00**, for Tax Year **2010/11**, **Index No.: 2010-4018** from **\$11,500.00** to **\$9,720.00**, for Tax Year **2011/12**, **Index No.: 2011-4669** from **\$11,500.00** to **\$9,720.00**. The sum of such payback on behalf of the Town will not exceed **\$60.00**. (Note taxes are not paid for 2011 or 2012, thus no payback and the Receiver of Taxes has received corrected bills for 2011 and 2012.) Motion was seconded by Councilor Edick.

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

Cluster Development -ELDAN HOMES, INC., THE ESTATES AT WILDFLOWER:

Councilor Bick moved the adoption of a resolution that the Town of Clay Town Board authorizes the Town of Clay Planning Board to consider and process an application for a cluster development:

WHEREAS, an application for subdivision approval currently pending, and known as **THE ESTATES AT WILDFLOWER**, said application proposes a total of 187± acres comprised of 41 residential building lots on two parcels of land located on the north side of VerPlank Road, east of Henry Clay Boulevard (Tax Map Nos.: 043.-01-15.4 and 043.-01-34.1;) and

WHEREAS, the applicant is seeking to change the previously approved 10-lot cluster plan into a 41-lot clustered subdivision using the zoning provision of clustering; and

NOW, THEREFORE BE IT RESOLVED that the said application be and the same hereby is referred to the Planning Board of the Town of Clay for its examination and approval pursuant to the Town of Clay Zoning Code, with the provision that no fewer than 3 lots will be located on the southern parcel (Tax Map No.: 043.-01-15.4) and also that the open space shall not be attached to a building lot or granted to the Town; and

BE IT FURTHER RESOLVED that the owner/applicant shall submit an application for cluster development on such property to Planning and Development. Motion was seconded by Councilor Edick.

The Town Clerk called for a roll count and it went as follows:

Councilor Young	Opposed
Councilor Weaver	Opposed
Councilor Bray	Opposed
Supervisor Ulatowski	In Favor
Councilor Edick	In Favor
Councilor Bick	In Favor
Councilor Johnson	Opposed

Ayes-3 and Noes-4. *Motion failed.*

Purchase/Highway - 2012 Three Quarter Ton Crew Cab 4x4 Pickup Truck:

Councilor Bray moved the adoption of a resolution authorizing the purchase of a **2012 Three Quarter Ton Crew Cab 4x4 Pickup Truck for use by the Highway Department of the Town of Clay** in a sum not to exceed **\$34,000.00**. (The Town of Clay has received a check in the amount of **\$15,544.00** representing insurance proceeds due to the accident.) Motion was seconded by Councilor Weaver.

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

Purchase/Highway - 2012 WESTERN STAR 4900FA SINGLE AXLE PLOW/DUMP TRUCK:

Councilor Young moved the adoption of a resolution approving the purchase of **ONE (1) 2012 WESTERN STAR 4900FA SINGLE AXLE PLOW/DUMP TRUCK FOR USE BY THE HIGHWAY DEPARTMENT** under NYSOGS Contract # PC62376 in an amount not to exceed **TWO HUNDRED THOUSAND AND 00/100 (\$200,000.00) DOLLARS**. (Contractor: Tracey Road Equipment.) Motion was seconded by Councilor Weaver.

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

Purchase/Highway - 2012 JOHN DEERE 624K PAYLOADER:

Councilor Weaver moved the adoption of a resolution approving the purchase of **ONE (1) 2012 JOHN DEERE 624K PAYLOADER FOR USE BY THE HIGHWAY DEPARTMENT** under NY SOGS Contract # PC22063 in an amount not to exceed **ONE HUNDRED FIFTY THOUSAND AND 00/100 (\$150,000.00) DOLLARS.** (Contractor: Five Star Equipment, Inc.) Motion was seconded by Councilor Johnson.

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

ONONDAGA COUNTY COMMUNITY DEVELOPMENT DIVISION for the year 2012 (CPH):

Councilor Bray moved the adoption of a resolution calling a public hearing **March 5th, 2012**, commencing at **7:41 P.M.**, local time, to solicit from Town of Clay residents their comments and input regarding the use of funds by the Town of Clay with respect to the applications for funding filed with **ONONDAGA COUNTY COMMUNITY DEVELOPMENT DIVISION** for the year **2012**. Motion was seconded by Councilor Weaver.

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

Authorization/Application - ONONDAGA COUNTY COMMUNITY DEVELOPMENT:

Councilor Weaver moved the adoption of a resolution authorizing application to **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2012**. Motion was seconded by Councilor Bray.

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

Agreement/Amendment - ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN:

Councilor Weaver moved the adoption of a resolution authorizing amendment to the **ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN**. Motion was seconded by Councilor Bray.

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

License Renewal for the Year 2012 (A)CASUAL ESTATE MOBILE HOME COURT:

Councilor Bick moved the adoption of a resolution **approving** the application of **CASUAL ESTATES MOBILE HOME COURT** for the renewal of its license for

the year **2012**. Motion was seconded by Councilor Edick.

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

Joyce Cerrito asked if she could address the board.

Supervisor Ulatowski apologized and gave her the floor.

Ms. Cerrito stated that drivers are not stopping for the pedestrian cross walk on Route 57 near Dunkin Doughnuts. Supervisor Ulatowski said that he would look into it with the County.

Ms. Cerrito continued that there are many drainage issues on Bayberry Circle. There are puddles that cross the road. She added that the resident at 38 Bayberry Circle, Suzanne Connelly, has had a lot of drainage issues. Additionally 53 Bayberry Circle has some very large potholes. Supervisor Ulatowski directed her to call the highway department.

Supervisor Ulatowski asked if anyone else wished to address the Board.

Dan Barnaba, developer for The Estates at Wildflower, stated that he was disappointed at the decision of the board. He asked the Board for guidance.

Councilor Johnson said that the North Corridor requires 5 acre lots above VerPlank Road. Mr. Barnaba countered that when the Northern Land Use Study began it encompassed all property north of Rout 31 and now it is only north of VerPlank Road. He asked if the Board was concerned about the proposed green space and how it would be maintained.

Councilor Edick suggested that Mr. Barnaba attend the next pre-meeting to discuss it with the Board.

Adjournment:

The meeting was adjourned at 8:08 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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