

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 20th of May, 2013 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 Young	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Doug Wickman	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 to **Approve** the Minutes of the May 6th 2013 Town Board Meeting. Motion was seconded by Councilor Weaver.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski announced that the public hearing for proposed stop signs at the corners of Farmstead Road and Blumer Road has been rescheduled to **June 3, 2013 at 7:41 p.m.**

Correspondence:

Supervisor Ulatowski asked if anyone wished to address the Town Board on anything not on the agenda.

Wayne Barnes of Lawdon Street asked if the Board had looked into the possibility of repaving Lawdon Street. He continued that the road has not been paved in 37 years and he has called the Town three times this year. He said that potholes have been repaired but the entire road has not been repaved. Another resident said that the road was last paved in 1967. Many residents spoke out about the paving, as well as drainage issues on this street. Supervisor Ulatowski said that he did not have the paving list but will look further into this. In addition he said that he will go out and look at the road with the Highway Superintendent and the Deputy Supervisor. He asked the residents to be patient and said that he would address this at the next meeting.

Another resident said that the road is crowning. Councilor Edick said that some of the roads are designed this way to work with the French drains.

Another resident asked if a traffic light is being installed at the intersection of Bear and Allen Roads. Supervisor Ulatowski stated that the County is installing a traffic light at that intersection. Another resident asked about repaving that intersection. Councilor Weaver stated that it is a County road.

REGULAR MEETING:

Traffic and Vehicles (No Parking)(SEQR) – Amendment to Traffic & Vehicles Ordinance - Chapter 211 Section 211-18 and 211-47 – Trastevere Road:

Councilor Bick moved the adoption of a resolution that the amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-18 “PARKING PROHIBITED AT ALL TIMES,”** and **SECTION 211-47, SCHEDULE XIV “PARKING PROHIBITED AT ALL TIMES,”** is a type 2 action and 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.

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

Traffic and Vehicles (No Parking)(A) – Amendment to Traffic & Vehicles Ordinance - Chapter 211 Section 211-18 and 211-47 – Trastevere Road:

Councilor Bick moved the adoption of a resolution approving amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-18 “PARKING PROHIBITED AT ALL TIMES,”** and **SECTION 211-47, SCHEDULE XIV, “PARKING PROHIBITED AT ALL TIMES,”** to designate and provide for no parking at all times on both sides of **TRASTEVERE ROAD from where it begins at FORTUNA PARKWAY and continue to the northern intersection of WEBLANK WAY;** and the installation of the necessary signs therefore. Motion was seconded by Councilor Johnson.

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

Zone Change (PH) – Town Board Case # 1052 - RICHARD F. CHRISTIANA:

A public hearing to consider the application of **RICHARD F. CHRISTIANA** for a **CHANGE OF ZONE** from **O-1 Neighborhood Office** to **NC-1 Neighborhood Commercial**, to allow for the commercial use of a building on property located at **7924 Oswego Road, Tax Map No. 081. 12-43.0** was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Craig Billinson, attorney, was present on behalf of the applicant. Mr. Billinson began by displaying maps to show the zoning of the surrounding parcels. He continued that the applicant wishes to continue to operate his business in the building in the front and will lease the rear building for a hair dresser. There is adequate parking in the front of the lot and a buffer to the rear. Mr. Billinson presented a letter from a neighbor in support of this zone change.

Councilor Young asked if there would be a change to the foot print and there will not. Councilor Johnson asked the Commissioner of Planning and Development if there are any issues because the building was only built as a garage. Mr. Territo said that nothing is needed for the zone change.

Supervisor Ulatowski asked if there were any further questions. Hearing none he **closed** the public hearing.

Traffic and Vehicles (Stop Sign)(Adj.) – Amendment to Traffic & Vehicles Ordinance - Chapter 211 Section 211-12 – Blumer Road:

Public hearing of proposed stop signs at the corners of Farmstead Road and Blumer Road has been rescheduled to **June 3, 2013 at 7:41 p.m.**

Traffic and Vehicles (Stop Sign)(PH/Adj.) – Amendment to Traffic & Vehicles Ordinance - Chapter 211 Section 211-12 and 211-42 – WHITE TAIL PATH and GUY YOUNG ROAD:

A public hearing to consider amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX, SECTION 211-42**, to designate and provide for **ONE STOP SIGN** to be installed at the northwest corner of **WHITE TAIL PATH** where it intersects with **GUY YOUNG ROAD**; and the installation of the necessary sign therefore. (Adjourned to this date and time from the May 6, 2013 Town Board Meeting) was opened by the Supervisor.

Supervisor Ulatowski said that he has received letters from the Town Constable and the Highway Superintendent supporting the installation of a stop sign.

Councilor Bray asked if the Planning Board had reviewed the Site Plan. Mr. Territo said that the stop signs are addressed in the preliminary plan phase however this did not happen for this project. Councilor Bray said that this should be completed during the pre-plan phase at the Planning Board

Supervisor Ulatowski asked if there were any further questions. Hearing none he **closed** the public hearing.

Agreement (Franchise Renewal) (A) - TIME WARNER CABLE NORTHEAST LLC D/B/A TIME WARNER CABLE:

Councilor Johnson moved the adoption of a resolution approving renewal of the Cable television franchise held by **TIME WARNER CABLE NORTHEAST LLC D/B/A TIME WARNER CABLE** to consider a Franchise Renewal Agreement which would renew the Time Warner Cable's cable television franchise for an additional ten (10) years, commencing with the date of approval by the Public Service Commission, and further bring the franchise into conformity with certain provisions of the Federal Cable Communication Policy Act of 1984, as amended. Subject to approval as to form and content by the Town Attorney. Motion was seconded by Councilor Edick.

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

Fire Hydrants(3) –(A) Gaskin Road Water Supply District Extension No. 1:

Councilor Young moved the adoption of a resolution authorizing the installation of **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, a/k/a Rivers Pointe Apartments**). These hydrants will be incorporated into the Clay Consolidated Water District. Motion was seconded by Councilor Weaver.

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

Fire Hydrants(5) –(A) Gaskin Road Water Supply District Extension No. 3:

Councilor Young moved the adoption of a resolution authorizing the installation of **five (5)** fire hydrants in the **Gaskin Road Water Supply District Extension No. 3** and authorizing the Supervisor to execute the OCWA fire hydrant application (**Harke Farms**). These hydrants will be incorporated into the Clay Consolidated Water District. Motion was seconded by Councilor Weaver.

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

Fire Hydrants(3) –(A) Red Barn Acres Water Supply District:

Councilor Young moved the adoption of a resolution authorizing the installation of **three (3)** fire hydrants in the **Red Barn Acres Water Supply District** and authorizing the Supervisor to execute the OCWA fire hydrant application (**Red Barn Acres**). These hydrants will be incorporated into the Clay Consolidated Water District. Motion was seconded by Councilor Weaver.

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

Agreement – (A)LIVERPOOL CENTRAL SCHOOL DISTRICT:

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to execute a **LEASE AGREEMENT** between the **LIVERPOOL CENTRAL SCHOOL DISTRICT** and the **TOWN OF CLAY** with regards to the use of the school's facilities for the Town's Athletic Sports Programs for the current year which shall extend from **June 10, 2013 to August 30, 2013**, at a cost of approximately **\$3,108.62**. Motion was seconded by Councilor Bray.

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

Project/ Securities - RIVERWALK, SECTION NO. 2 SUBDIVISION:

Councilor Weaver moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of drainage and sewer facilities located within **RIVERWALK, SECTION NO. 2 SUBDIVISION** (Riverwalk Sewer District, Contract No. 1 and Riverwalk Drainage District, Contract No. 1) and the construction of said facilities having been completed in accordance with the previously approved Plans and Specifications thereof; the Town Engineers having certified that the facilities have been satisfactorily completed and that the developer post the following securities: **\$65,000.00** to guarantee the cost of completing the **Overland Drainage and Grading Facilities** requirements as shown on the list provided by the Town Engineers under correspondence dated May 15, 2013; **\$18,883.00 Maintenance Guarantee; \$58,520.00 Highway Construction Guarantee; \$1,800.00 Monument Deposit; \$13,000.00 Parkland Contribution;** and further contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **RIVERWALK ASSOCIATES, INC.** that the Town accept title to such facilities. Motion was seconded by Councilor Edick.

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

Project/Sewers/Drainage (A) - RIVERWALK, SECTION NO. 2 SUBDIVISION:

Councilor Johnson moved the adoption of a resolution accepting the on-site easements for drainage and sewer facilities located within **RIVERWALK, SECTION NO. 2 SUBDIVISION** from **RIVERWALK ASSOCIATES, INC.**, all as shown on a Final Plan prepared by Ianuzi and Romans Land Surveying, P.C., dated September 24, 2012, last revised May 9, 2013. Motion was seconded by Councilor Bick.

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

Project/Warranty Deed etc. - RIVERWALK, SECTION NO. 2 SUBDIVISION:

Councilor Johnson moved the adoption of a resolution accepting a **Warranty Deed, Dedication, Application and Release of damages** for Town Highways located within **RIVERWALK, SECTION NO. 2 SUBDIVISION** from **RIVERWALK ASSOCIATES, INC.** (Wolf Tree Path 1,026', Buttonbush Place 360' and Wood Duck Path 704') and (All pavement being 26 feet wide having permeable shoulders with under drain). Motion was seconded by Councilor Weaver.

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

Special Permit (CPH) – Town Board Case # 1053 - MICHAEL BELL:

Councilor Bray moved the adoption of a resolution calling a public hearing **June 17, 2013**, commencing at **7:35 P.M.**, local time, to consider the application of **MICHAEL BELL FOR A SPECIAL PERMIT TO ALLOW FOR A CAMPGROUND** pursuant to **Section 230-13 A. (2) (e) [6]** on part of property located at **10152 Caughdenoy Road, Tax Map No. 039.-02-6.1**, consisting of 36.34± acres of land. Motion was seconded by Councilor Weaver.

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

Project (Sewer) (CPH) - ALLEN ROAD SEWER DISTRICT:

Councilor Bray moved the adoption of a resolution calling a public hearing **June 17, 2013**, commencing at **7:38 P.M.**, local time, to consider a Petition for the construction and acquisition of a lateral sewer system within the **ALLEN ROAD SEWER DISTRICT** to be designated and known as "**ALLEN ROAD SEWER DISTRICT, CONTRACT NO. 29 LATERAL.**" (Buckley Meadow and Buckley Woods Subdivisions). Motion was seconded by Councilor Weaver.

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

Project (Drainage) (CPH) – BUCKLEY MEADOW DRAINAGE DISTRICT:

Councilor Edick moved the adoption of a resolution calling a public hearing **June 17, 2013**, commencing at **7:41 P.M.**, local time, to consider a Petition for the creation of a drainage district within the Town of Clay to be designated and known as "**BUCKLEY MEADOW DRAINAGE DISTRICT**" and for the construction and acquisition of a drainage system therein to be designated and known as "**BUCKLEY MEADOW DRAINAGE DISTRICT, CONTRACT NO. 1.**" (Buckley Meadow and Buckley Woods Subdivisions). Motion was seconded by Councilor Bick.

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

Assessment/ Certiorari(A) - SEARS ROEBUCK AND CO. #1623:

Councilor Bray moved the adoption of a resolution authorizing and approving the settlement of the certiorari action entitled **SEARS ROEBUCK AND CO. #1623 vs. THE ASSESSOR OF THE TOWN OF CLAY, et al**, Tax Map No. 028.-01-40.5 on property located at **4155 State Route 31, Clay, NY**, reducing the Assessments from **\$378,300.00** to **\$292,905.00** for **Tax Years 2010 to 2011, Index Nos.: 2010-4006 and 2011-4547**, and from **\$378,300.00** to **\$294,261.00** for **Tax Year 2012, Index No.: 2012-3907**. Motion was seconded by Councilor Weaver.

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

Assessment/ Certiorari(A) - HUB PROPERTIES TRUST:

Councilor Edick moved the adoption of a resolution authorizing and approving the settlement of the certiorari action entitled **HUB PROPERTIES TRUST, a MARYLAND REAL ESTATE INVESTMENT TRUST vs. THE ASSESSOR OF THE TOWN OF CLAY, et al**, Tax Map No. 105.-02-03.0 on property located at **7481 Henry Clay Blvd., Clay, NY**, reducing the assessment from **\$68,300.00** to **\$58,320.00** for **Tax Year 2010, Index No.: 2010-4106**, from **\$68,300.00** to **\$51,840.00** for **Tax Year 2011, Index No.: 2011-4102** and **\$68,300.00** to **\$39,060.00** for **Tax Year 2012, Index No.: 2012-EF29**. The Real Property Tax Law Section 727 applies to the **2012** assessment of **\$39,060.00**, except if there is a revaluation in **2013, 2014 and 2015** that the full value shall be not more than **\$900,000.00**. Motion was seconded by Councilor Weaver.

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

Adjournment:

The meeting was adjourned at 8:10 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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