

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 7, 2024, at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Eugene Young	Councilor
Ryan Pleskach	Councilor
Deborah Magaro-Dolan	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner Planning/Development
Neil Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

David Hess	Councilor
Luella Miller	Councilor

OTHERS PRESENT:

Russ Mitchell, Chairman of the Planning Board was present.

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 Bick made a motion to approve the minutes of the September 16, 2024, Regular Town Board Minutes. Councilor Pleskach seconded the motion.

Ayes – 5 and Noes – 0. *Motion carried.*

Cancellations and/or requested adjournments:

None

Correspondence:

Newbury Woods Residents

Many residents were present to discuss the abutting property to the development that was up for auction the next day. The property was supposed to be transferred to the HOA by the developer. There is a covenant that says that the “green space will not be ‘platted’ as a buildable lot, not counted into the required open space calculation for clustering is the area that consists of wetlands, and an area for storm water.” The (planning board) Chairman asked who would care for the green area; Hal Romans (surveyor) replied “it would be either an HOA or an entity approved by the Planning and Town Boards”. *(from the Planning Board minutes of January 13, 2010.)*

Rick Beiswenger, of 8494 Newbury Place, spoke on behalf of the residents in attendance. He explained that 26 of the 35 households signed up to be here tonight. He discussed the pending auction with regard to the covenant. He asked if someone were to purchase it, would they be able to build. Neil Germain said the buyer would purchase with encumbrance, and therefore would be unable to obtain a building permit. This information would be available on the deed. Additionally, the builder never conveyed the property as he was supposed to.

Many residents spoke explaining their concern about the purchase of this property and the possibility of construction. They asked if the Town could delay the auction or purchase the property. Jen Grimsley of 8515 Newbury Place asked about the Covenant Restriction. This applies to utilities, and the land must be returned to its natural state once work is completed. She asked why the property was not given to the HOA as instructed? Councilor Young said that it should have been given to the Town.

Lloyd Darrohn of 8483 Newbury Place began by asking why one of the neighbors cleared the green area near her home. He stated that he filed a complaint and wondered if she knew something the rest of the neighbors were unaware of.

Rob Hack of 8483 Newbury Place suggest that the Town is running the risk of a lawsuit. He asked if the property belonged to the HOA or was forever wild. Neil Germain stated that all of those records are public

information and continued that the property owners, Group One Development defaulted on their agreement.

Charles LaComb of 8463 Newbury Place asked if they are two separate lots. They are space A and space B, one agreement.

Supervisor Ulatowski said that he would research. This is a tax delinquency by the developer; the Town does not own this property and never did but he would do what he could to help. He said that he would send an email. Neil Germain said that he would call the County.

Tom Marzullo asked about the zoning, if it is zoned vacant residential, Can the County change the zoning. The Supervisor said only the Town can change the zoning.

UPDATE: *Tuesday October 8, 2024, the developer paid the taxes and arrears, the property was taken off auction.*

REGULAR MEETING:

Traffic & Vehicle (CPH) – TWO (2) STOP SIGNS Mediator Way and Weller Hall Place:

A public hearing to consider the amendment of **CHAPTER 211**, entitled **TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to install two additional stop signs at the intersection of Mediator Way and Weller Hall Place, creating a three-way stop; and installation of the necessary signs therefore, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Erin Cottrill of 4830 Lepinski Farm Place spoke on behalf of the residents requesting two additional stop signs as traffic enters the development. Currently there is a one way stop at a four-way intersection. The existing stop sign is at the south east corner of Mediator Way and Weller Hall Place. They are requesting two signs to create a three-way stop, without impeding traffic enter the development.

Renee Guariglia of 4754 Lynnvile Way said that she walks and it is very dangerous. She stated that it was stupid to only place one stop sign at a four way stop and could lead to a lawsuit. She went on asking why they should go through all of this for a stop sign when the development is ten years old. She said that she will not let her son drive in the development.

Supervisor Ulatowski said that they are still waiting to hear from the Town Constable for his recommendation on this request.

Sally Murel of 8433 Mediator Way said that the north west intersection of Mediator Way and Weller Hall Place is where she lives. The cars drive too fast and there are children playing, workmen, deliveries, Amazon, Grub Hub, Postal trucks, residents etc. she would like to see a three way stop in front of her house and speed limit signs.

Councilor Magaro-Dolan said that she would prefer a four-way stop at the intersection of Weller Hall and Mediator. Several Board members and residents were opposed citing that this would back up traffic coming from Maple Road into the development.

Councilor Pleskach said that he would reach out to the Highway Superintendent regarding this. Councilor Young asked if the stop sign are the responsibility of the developer. They are if they are on the site plan.

Supervisor Ulatowski **closed** the public hearing.

SPECIAL PERMIT (CPH) – Town Board case # 1212 - MIRABITO ENERGY PROJECTS/KELLY-TOBIN DEVELOPMENT CORP.:

Councilor Young moved the adoption of a resolution calling a public hearing on **October 21, 2024**, commencing at **7:38 P.M.**, local time to consider the application of Town Board Case #1212: **MIRABITO ENERGY PROJECTS/KELLY-TOBIN DEVELOPMENT CORP.**, for

a Special Permit pursuant to Section 230-16 B.(2)(e)[7] – Drive-in Service to allow for a drive-thru coffee shop on land located at **Route 31 at Lawton Road, Tax Map No. 077.-34-17.1** consisting of +/-9.57 acres of land. The property is located in the HC-1 Highway Commercial District. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (CPH) – Town Board case # 1213 - MIRABITO ENERGY PROJECTS/KELLY-TOBIN DEVELOPMENT CORP.:

Councilor Young moved the adoption of a resolution calling a public hearing on **October 21, 2024**, commencing at **7:41 P.M.**, local time to consider the application of Town Board Case #1213: **MIRABITO ENERGY PROJECTS/KELLY-TOBIN DEVELOPMENT CORP.**, for a Special Permit pursuant to Section 230-16 B.(2)(e)[7] – Drive-in Service to allow for a drive-thru bank on land located at **Route 31 at Lawton Road, Tax Map No. 077.-34-17.1** consisting of +/-9.57 acres of land. The property is located in the HC-1 Highway Commercial District. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

LOCAL LAW NO. 3 OF THE YEAR 2024 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN A GENERAL MUNICIPAL LAW SECTION 3-C:

Councilor Pleskach moved the adoption of a resolution calling a public hearing on **October 21, 2024**, commencing at **7:44 P.M.**, local time, to consider adding a proposed Local Law to be **entitled “LOCAL LAW NO. 3 OF THE YEAR 2024 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN A GENERAL MUNICIPAL LAW SECTION 3-C”** to the code of the Town of Clay. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (CPH) – Town Board Case # 1214 – 3567 RT 31 TT, LLC/TULLY’S TENDERS:

Councilor Pleskach moved the adoption of resolution calling a public hearing on **October 21, 2024**, commencing at **7:47 P.M.**, local time, to consider the application of Town Board Case #1214: **3567 RT 31 TT, LLC/TULLY’S TENDERS**, for a Special Permit pursuant to Section 230-16B.(2)(e)[2] – Restaurant, and Section 230-16B.(2)(e)[7] – Drive Thru, to allow for a drive-thru restaurant, on land located at 3567 Route 31, Tax Map No. 019.-02-29.1 consisting of +/-1.88 acres of land. The property is located in the HC-1 Highway Commercial District. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (CPH) – Town Board case # 1275 - EMPOWER PARKINSON WELLNESS CENTER/EMPOWER PARKINSON, INC.:

Councilor Pleskach moved the adoption of resolution calling a public hearing on **October 21, 2024**, commencing at **7:50 P.M.**, local time, to consider the application of Town Board Case #1275: **EMPOWER PARKINSON WELLNESS CENTER/EMPOWER PARKINSON, INC.**, for a Special Permit pursuant to Section 230-15B.(2)(e)[3] – Medical Office, to allow for a medical office on land located at **4886-4888 W. Taft Road, Tax Map No. 116.-02-01.0**, consisting on +/-1.84 acres of land. The property is located in the O-2 Office District. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 4 and Noes – 0 and 1 - Abstaining. *Motion carried. Councilor Bick abstaining due to Employment.*

Project/Lighting (CPH) - RED BARN EXTENSION LIGHTING DISTRICT:

Councilor Magaro-Dolan moved the adoption of a resolution calling a public hearing on **October 21, 2024**, commencing at **7:53 P.M.**, local time to consider a Petition for a lighting district within the Town of Clay to be known as **“RED BARN EXTENSION LIGHTING DISTRICT”**. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

Project/Drainage (CPH) - RED BARN EXTENSION DRAINAGE DISTRICT:

Councilor Magaro-Dolan moved the adoption of a resolution calling a public hearing on **October 21, 2024**, commencing at **7:56 P.M.**, local time to consider a Petition for a drainage district within the Town of Clay to be known as **“RED BARN EXTENSION DRAINAGE DISTRICT”**. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

Project/Sewer (CPH) - RED BARN EXTENSION SEWER DISTRICT:

Councilor Magaro-Dolan moved the adoption of a resolution calling a public hearing on **October 21, 2024**, commencing at **7:59 P.M.**, local time to consider a Petition for a sewer district within the Town of Clay to be known as **“RED BARN EXTENSION SEWER DISTRICT”**. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

Project/Water (CPH) - RED BARN EXTENSION WATER DISTRICT:

Councilor Magaro-Dolan moved the adoption of a resolution calling a public hearing on **October 21, 2024**, commencing at **8:02 P.M.**, local time to consider a Petition for a water district within the Town of Clay to be known as **“RED BARN EXTENSION WATER DISTRICT”**.

Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

2025 TOWN OF CLAY TENTATIVE BUDGET:

Town Clerk presents the **2025 TOWN OF CLAY TENTATIVE BUDGET** to the Town Board Members pursuant to Town Law. The Town Supervisor read the following Budget Message:

TOWN OF CLAY 2024 BUDGET MESSAGE

The Preliminary Budget for general and highway purposes totals \$17.74 million. As proposed, the tax rate for Town residents remains the same for the fourth consecutive year. Total spending is \$524,637 greater or 3% over the adopted budget for 2023. The increase includes necessary additions to contractual expenditures as well as employee salaries, wages & benefits. The Town has been and will continue to be proactive in securing grant funding for various projects throughout Clay. The more recent grants totaling more than \$4.3 Million dollars include:

- Purchase of Street Sweeper for the Highway Dept.
- Euclid Restaurant Restoration
- Three Rivers - Maider Rd. ERP Project
- Three Rivers - BOA Pre-development Project
- Central Park Restroom
- Project Green Education Center
- Town of Clay Memorial Park
- Senior Center Parking Lot Paving
- Senior Center Siding Replacement
- Steelway Blvd. Repaving Project

The Town is migrating the Planning Dept. Software Municipality for the Highway, Town Clerk and Supervisor's Offices as well as to provide online services for Town Residents. The Town is continuing its effort to provide preventative road repair as a

more efficient method for maintaining roads. To date for 2023, 9.5 miles of Town roads have been repaved. 2.5 miles by contractors and 7 miles by the Town Highway Dept. The 2024 budget includes a total appropriation for paving of \$2.3 million which is targeted to keep on schedule with road maintenance as determined by the Cornell Road Condition Survey. As always, the Town of Clay strives to provide the best possible delivery of services to our residents at the least possible cost.

Securities/Release (A) – RIVERWALK SUBDIVISION SECTION

3A – (Amended):

Councilor Bick moved the adoption of a resolution, pursuant to the written recommendation of the Highway Superintendent, on a letter dated September 24, 2024, recommending the release of securities withheld for **Riverwalk Subdivision Section 3A-Amended**, for Beaver Watch Path. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

ARPA) (A) – General Capital Fund:

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to transfer American Rescue Plan Act (ARPA) funding in the amount of \$54,462.66 to the General Capital Fund for Town Hall Improvements and transfer funding in the amount of \$25,227.64 to the General Capital Fund for Welcome Center Improvements and transfer funding in the amount of \$61,236.70 to the General Capital Fund for the Town Hall Roof Installation Project and transfer funding in the amount of \$ 262,582.92 to the to the General Capital Fund for the Clay Park Central Restroom Project. Motion was seconded by Councilor Pleskach.

Ayes – 5 and Noes – 0. *Motion carried.*

**BID ADVERTISEMENT - COLLECTION AND DISPOSAL OF
BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 2, 3, AND
4:**

Councilor Magaro-Dolan the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 2, 3, AND 4** within the Town of Clay. Said Bids to be received until November 8, 2024, at 11:00 A.M., local time. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

**BID ADVERTISEMENT - COLLECTION AND DISPOSAL OF
BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 5, 7, AND
8:**

Councilor Magaro-Dolan moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 5, 7, AND 8** within the Town of Clay. Said Bids to be received until November 8, 2024, at 11:00 A.M., local time. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

ADDITIONAL AGENDA

**ARPA Funds (A) - Clay Park Central – Tennis and Pickleball
Court:**

Councilor Pleskach moved the adoption of a resolution authorizing the use of ARPA Funds for Clay Central Park Tennis and Pickleball Court reconstruction based on using NJPA & Sourcewell Cooperative purchasing, contract #031022-AST in an amount not to exceed

\$373,651.00; and further authorizing the Supervisor to execute any necessary documents on behalf of the Town of Clay. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried.*

ARPA Funds (A) - Clay Park North – Baseball Field Lighting:

Councilor Magaro-Dolan moved the adoption of a resolution authorizing the use of ARPA Funds for Clay Park North, for the purchase of 90' Baseball Field Lights based on using Sourcewell Cooperating purchasing, contract #071619-CPL in an amount not to exceed \$459,000.00; and further authorizing the Supervisor to execute any necessary documents on behalf of the Town of Clay. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

ARPA Funds (A) - Clay Park Central – Splash Pad:

Councilor Young moved the adoption of a resolution authorizing the use of ARPA Funds for purchasing Clay Park Central Splash Pad equipment and installation using NPPGov Cooperative procurement organization in an amount not to exceed \$548,360.56 and further authorizing the

Supervisor to execute any necessary documents on behalf of the Town of Clay. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

ARPA Funds (A) - Clay Park Central – Football Field Lighting:

Councilor Bick moved the adoption of a resolution authorizing the use of ARPA Funds for purchasing Clay Park Central Football Field lights

based on using Sourcewell Cooperative purchasing contract #071619-CPL in an amount not to exceed \$293,000.00 and further authorizing the Supervisor to execute any necessary documents on behalf of the Town of Clay. Motion was seconded by Councilor Pleskach.

Ayes – 5 and Noes – 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:48 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried.*



Jill Hageman-Clark RMC / Town Clerk