

TOWN OF CLARKSON
TOWN BOARD MEETING
Nov. 27, 2007

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, Nov. 13, 2007, at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 PM

PRESENT:

Paul Kimball	Supervisor
Christa Filipowicz	Councilperson
Allan Hoy	Councilperson
Patrick Didas	Councilperson
Harlan Purdy	Councilperson
Frances Wilcox	Town Clerk
David Goodwin	Highway Supt.
Richard Olson	Town Attorney

ALSO:

William Ey	Ass't to Supervisor
Pam Dolliver	Assessor
Dennis Scibetta	Building Insp/Code Enf.

**excused

Supervisor Kimball opened the meeting, and Fran Wilcox, Town Clerk, led all those present in the Pledge of Allegiance.

OPEN FORUM

No one spoke.

PUBLIC HEARINGS

2008 FIRE PROTECTION CONTRACTS IN THE CLARKSON FIRE PROTECTION DISTRICT

Supervisor Kimball opened the public hearing. He stated the amount of the 2008 contract is \$238,563.00. No one spoke. Supervisor Kimball closed the hearing.

Motion by Councilperson Hoy

Second by Councilperson Purdy

To adopt the 2008 Fire Protection Contracts in the amount of \$238,563.00.

Unanimously carried.

LOCAL LAW #5-2007**AMENDING THE CODE OF ETHICS**

Supervisor Kimball opened the public hearing. He explained the this local law will amend Chapter 14 of the Clarkson Code with respect to the ethical requirements required by officers and employees of the Town of Clarkson.

No one spoke. Supervisor Kimball closed the hearing..

Motion by Councilperson Didas

Second by Councilperson Filipowicz

To adopt Local Law #5-2007 Amending the Code of Ethics

Unanimously carried.

The law is as follows:

408 Code of Ethics

Policy Statement – The Town Board of the Town of Clarkson recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this town as part of our state’s important system of local government. It is the purpose of this Code of Ethics to implement this objective through the establishment of standards of conduct and to provide for punishment of violation of such standards, as provided for herein.

There may be instances when a policy or regulation appears difficult to interpret or to apply. In those cases, clarification should be sought through the normal supervisory channels. If necessary, further questions should be directed to the Town Board which has responsibility for the oversight of the policy.

Applicability of other laws – The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflict of interest provisions or procedures prescribed by statute of the State of New York and also in addition to common law rules and judicial decisions relating to the conduct of town officers, to the extent that the same are more severe in their application than this code.

Definitions – As used in this chapter, the following terms shall have the meanings indicated:

- **Interest** – A pecuniary or material benefit accruing to a municipal employee, unless the context otherwise requires.

- **Town** – Any board, commission, district, council or other agency, department or unit of the government of the Town of Clarkson.
- **Town Employee** – Any officer or employee of the Town of Clarkson, whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

Conflicts of Interest – No town employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. In addition, the Town recognizes the right of Town staff to engage in employment opportunities outside the Town. Outside employment must not conflict with the duties, responsibilities, and regular periods of work of the staff member at the Town. The Town relies on the judgment and integrity of the staff member to avoid conflicts with the staff member's commitment to the Town.

Guidelines

- a). Employment at the Town is considered to be the primary appointment and employment elsewhere should not interfere with this primary job commitment.
- b). Staff who accept employment elsewhere in addition to Town employment must be aware of any Town requirement to work extra hours at scheduled or unscheduled times. The Town expects employees to meet these requirements in spite of other employment commitments.
- c). Staff are encouraged to discuss outside employment opportunities with their supervisors. Specific Town approval of outside employment is not required unless the proposed outside employer engages in business transactions with the Town and the employee would be in a position to influence either employer in connection with those transactions. In such cases, written department head approval is required before the employee may accept the outside position.
- d). Staff may use accrued vacation and holidays for outside employment if the time off is approved and does not interfere with the normal operations of the department.
- e). Staff may not use Town facilities, staff or other resources in performing work for another employer. Employees shall not transmit to outsiders or otherwise use for personal gain Town-funded or supported property, work products, results, materials, records, or information developed with Town funding or other support. Use of Town resources, including facilities, personnel, equipment, or confidential information, except in a purely incidental way, for any purposes other than the performance of the individual's Town employment is prohibited. The Town name, logo or letterhead must be used in connection with Town business only, and not for any personal communication or purpose.

Standards of Conduct - An officer or employee is subject to, and must abide by, the following standards of conduct:

- No Town employee shall accept other employment which will impair his independence of judgment in the exercise of the employee's official duties.
- No Town employee shall accept employment or engage in any business or professional activity which requires the employee to disclose confidential information which the employee has gained by reason of the employee's official position or authority.
- No Town employee shall use or attempt to use the employee's official position to secure unwarranted privileges or exemptions for the employee or others.
- No Town employee shall engage in any transaction as a representative or agent of the Town with any business activity which the employee has direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of the employee's official duties.
- A Town employee shall not, by the employee's conduct, give reasonable basis for the impression that any person can improperly influence the employee or duly enjoy the employee's favor in the performance of the employee's official duties or that the employee is affected by the kinship, rank, position or influence of any party or person.
- Each Town employee shall abstain from making personal investments in enterprises which the employee has reason to believe may be directly involved in decisions to be made by the employee or which will otherwise create substantial conflict between the employee's duty in the public interest and the employee's private interest.
- Each Town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that the employee is likely to be engaged in acts that are in violation of the employee's trust.
- No Town employee employed on a full-time basis nor any firm or association of which such employee is a member nor corporation, a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Town in which such employee serves or is employed.
- No town employee shall accept any gift over the value of \$50 in any form as to raise questions of undue influence in official duties.

Penalties for Offenses – In addition to any penalty contained in any other provision of law, any such town employee who shall knowingly and intentionally violate any of the

provisions herein may be fined, suspended or removed from office or employment in the manner provided by law.

Reporting of Suspected Violations

a. Duty to Report — To maintain the highest standards of business conduct, the Town depends on each individual to report potential or perceived conflicts of interest involving themselves or others (discussed below) and suspected violations of applicable laws, regulations, government contract and grant requirements, or of this Code (together referred to as "violations"). Failure to report known or suspected violations is itself a breach of Town ethical standards and can lead to discipline, up to and including separation from the Town.

b. Reporting Procedures — Employees should understand that the Town encourages reporting of violations and makes available a wide variety of ways that can be done. Personnel are encouraged to report violations to their immediate supervisor, but may also report to the Town Board.

c. Confidentiality — Reports of suspected violations may be made confidentially, and even anonymously, although the more information given, the easier it is to investigate the reports. The Town will take all appropriate steps to ensure the level of confidentiality desired, but sometimes the Town's legal obligations to investigate or address a violation will override the individual's wish for confidentiality. It is against Town policy, and in many cases illegal, to retaliate against a person (e.g. by terminating a job) who reports a violation of law, regulation or grant or contract requirement.

d. Cooperation — All employees must cooperate fully in the investigation of any misconduct.

(Town Code § 14)

LOCAL LAW #6 COLD WAR VETERAN'S TAXATION EXEMPTION

Supervisor Kimball opened the public hearing. He explained that this law, if adopted, will amend Chapter 122 of the Clarkson Code, TAXATION, to allow a partial tax exemption to certain veterans who served in the US Military between September 2, 1945 and December 26, 1991. No one spoke.

Motion by Councilperson Hoy

Second by Councilperson Filipowicz

LOCAL LAW #6-2007
TOWN OF CLARKSON, MONROE COUNTY

"A LOCAL LAW FOR A COLD WAR VETERAN'S TAXATION EXEMPTION"

Be it enacted by the Town Board of the Town of Clarkson:

SECTION 1. TITLE

This Local Law shall be know as Local Law #6-2007 **"A LOCAL LAW FOR A COLD WAR VETERAN'S TAXATION EXEMPTION"** of the Town of Clarkson.

SECTION 2. The following provision is added to Chapter 122 of the Clarkson Code:

**ARTICLE IV
COLD WAR VETERANS EXEMPTION**

§122-9. Exemption Granted.

Pursuant to the authority in §458-b of the Real Property Law of the State of New York, the following exemption is adopted for qualifying Veterans, subject to the requirements and limitations set forth in the Real Property Law.

§122-10 Level of Exemption.

- a. Ten percent (10%) of the assessed value not to exceed \$8,000.00 equalized by the latest state equalization rate.
- b. The product of the assessed value multiplied by fifty percent (50%) of service connected disability rating, not to exceed \$40,000.00 equalized by the latest state equalization rate.

SECTION 3. SEVERABILITY

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provisions been excluded.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect on January 3, 2008 and shall be used in the preparation of assessment rolls on or after March 1, 2008.

The law is as follows:

Basic 10% (maximum \$8,000 Service and \$40,000 Disability)

Unanimously carried.

TRANSFER

Motion by Councilperson Didas

Second by Councilperson Filipowicz

To authorize the transfer of \$6,000.00 from 1990-485A to 1860-2010A

For the purpose of IT improvements for Server and network updates.

Unanimously carried.

STORMWATER

CALL FOR PUBLIC HEARINGS ON LOCAL LAW #7; #8; #9

Motion by Councilperson Hoy

Second by Councilperson Filipowicz

To call for a public hearing on December 11, 2007, at the Clarkson Town Hall, 3710 Lake Road at 7:00 PM to consider adoption of the following Local Laws:

LOCAL LAW #7-2007 “Local Law for Construction Storm water Pollution Prevention and Erosion and Sediment Control” This Local Law, if adopted, will guide, regulate, and control the design, construction, use, and maintenance of certain development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land in the Town of Clarkson

LOCAL LAW # 8-2007 “Local Law for the Design and Management of Post-Construction

Storm water Pollution Prevention Measures” This Local Law, if adopted, establishes minimum storm water management requirements and controls which are intended to prevent damage to the environment.

LOCAL LAW # 9-2007 “Illicit Discharge Connection Storm water Local Law” This Local Law, if adopted, is intended to provide a mechanism, through monitoring, inspection and enforcement, for reducing Pollutants in storm water discharges and prohibiting storm water discharges to sanitary sewers.

Unanimously carried.

AUTHORIZATION FOR INTERSECTION LIGHTING AT LAWRENCE ROAD AND HIDEAWAY LANE

Motion by Councilperson Purdy

Second by Councilperson Didas

RESOLVED: Niagara Mohawk is hereby authorized and directed to do the following work in the Town of Clarkson, St. Light Account # 77538-79101:

Install: One 150 whps lamp and cobra head luminaire at the intersection of Hideaway Lane and Lawrence Rd.

Estimated Annual Cost: \$160
Unanimously carried.

INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF MONROE

This agreement will provide the Town with an amount of funds equal to any sales tax revenue reduction incurred by the Town as a result of the County's election of the intercept described in Section 2 of Chapter 58 of the Laws of New York 2005.

Motion by Councilperson Purdy

Second by Councilperson Hoy

To authorize the Supervisor to sign the agreement with the County.

Discussion:

Councilperson Filipowicz said she would like more time to review the agreement.

The agreement has a deadline of December 10, 2007.

Motion tabled.

A special Town Board meeting will be held Tuesday, December 4, 2007 to decide on what action the Board wants to take on this agreement. The Clerk will post the meeting.

**APPLICATION TO NEW YORK STATE SHARED MUNICIPAL SERVICES
INCENTIVE GRANT PROGRAM FOR THE 2007-08 PROGRAM YEAR**

Motion by Councilperson Hoy

Second by Councilperson Filipowicz

Resolved, that the governing board of the Town of Clarkson authorizes David Goodwin, Highway Superintendent, to submit an application to the New York State Shared Municipal Services Incentive grant Program for the 2007-1008 Program Year. As lead applicant, the Town of Clarkson will be responsible for all financial and administrative processes relating to the grant program. The Towns of Hamlin, Parma and Sweden will participate as co-applicants and will support the Town of Clarkson in all grant administration matters pertaining to the application.

The purpose of the application, titled the Clarkson, Hamlin Parma, and Sweden Highway Partnership Program, is to secure funds to purchase a street sweeper for use by the Town of Clarkson, Hamlin, Parma and Sweden to reduce costs for all municipalities. Prior to purchase of the sweeper, all municipalities involved will enter into a form a inter-municipal agreement concerning service and usage of the equipment.

The maximum amount of funds applied for is not to exceed \$200,000. Should an award be made, the Town of Clarkson will contribute one-fourth of the required 10% match required through the DA5130.201 fund from the 2008 budget.

Unanimously carried.

PURCHASE FENCING

Supt. Goodwin asked for authorization to purchase fencing for the north side of the highway property which is not fenced presently. By installing the section of fence, The property will be completely fenced in. The highway will do the installation. He has a quote from Northern Fence in the amount of \$.

Motion by Councilperson Hoy

Second by Councilperson Didas

To authorize the purchase of fence with a cap of \$6,000.00 for materials.

Unanimously carried.

CARRY OVER VACATION

Motion by Councilperson Hoy

Second by Councilperson Didas

To approve Michael Farrell, Highway employee to carry over vacation.

Unanimously carried.

PURCHASE USED ARMY TRUCK

Supt. Goodwin asked the Board to authorize the purchase of a used Army truck, after inspection, for \$3,000.00. The truck is located in PA.

Motion by Councilperson Filipowicz

Second by Councilperson Hoy

To authorize Supt. Goodwin to travel to PA. to inspect the used Army truck and purchase, not to exceed \$3,000.00.

Unanimously carried.

MINUTES 10-27

Motion by Councilperson Purdy

Second by Councilperson Filipowicz

To approve the 10-27-07 minutes

Unanimously carried.

Motion for adjournment at 8:00 PM by Councilperson Didas; second Councilperson Hoy. Unanimously carried.