

TOWN OF CLARKSON
TOWN BOARD MEETING
September 09, 2008

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, Sept. 09, 2008 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
Sheldon Meyers	Councilperson
Sharon Mattison	Town Clerk
David Goodwin	Highway Supt.
Richard Olson	Attorney for the Town

ALSO:

**William Ey	Ass't to Supervisor
Pam Dolliver	Assessor
**Larry Gurslin	Building Insp/Code Enf.

**Excused

Supervisor Kimball opened the meeting, and Sharon Mattison; Town Clerk led all those present in the Pledge of Allegiance. A moment of silence was observed for those serving in the military.

OPEN FORUM

Cyad Heckman, 3149 Sweden Walker Rd., appeared before the Board for an update on the Outdoor Furnace Law. Mr. Heckman first appeared in April asking the Board to review the Law that other towns had implemented. Supervisor Kimball informed him that the Board would review the outdoor furnace fact sheets and photo's he submitted and readdress the issue at a future Board meeting.

At a regular meeting of the Town Board of the Town of Clarkson held at the Town Court House 3655 Lake Road, Clarkson, New York on September 9, 2008

Present: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Meyers

**COMPREHENSIVE PLAN
DETERMINATION OF SIGNIFICANCE FOR SEQR**

Offered by: Councilperson Filipowicz Seconded by: Councilperson Meyers

WHEREAS, the Clarkson Town Board (hereinafter referred to as Town Board) has considered the final draft of the document entitled **Clarkson Comprehensive Plan** (hereinafter referred to as "The Plan"); and

WHEREAS, the Town Board has also given consideration to the public hearing record and the advisory reports from the County of Monroe Department of Planning; and

WHEREAS, there have been no written comments or concerns submitted to the Town Clerk on the adequacy of the Environmental Record prepared on The Plan; and

WHEREAS, the Town Board has previously declared itself to be Lead Agency, has sent the required notices to other involved agencies and has received no opposition, thereby making the Town Board Lead Agency for purposes of SEQRA; and

WHEREAS, the Town Board as the Lead Agency makes the following determination of significance based upon its review of the criteria for determining significance as set forth in Section 617.7 (c) of the State Environmental Quality Review (SEQR) Regulations.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1: That the Town Board hereby makes the following determination of the criteria set forth above as to whether or not the adoption of The Plan will (or will not) likely result in a significant adverse impact upon the environment:

(i) The Plan does *not* envision a substantial change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or, a substantial increase in potential for erosion, flooding, leaching or drainage problems. The Plan provides specific goals, objectives and recommended actions to promote the protection of these environmental features. Adoption of The Plan and implementation of the recommended actions is likely to result in the mitigation of these development components upon the environment in the Town.

(ii) The Plan does *not* provide for the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; adverse impacts on significant habitat areas; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; or any other significant adverse impact upon the natural resources. The Plan provides specific goals, objectives and recommended actions to promote the protection of these environmental features. Adoption of The Plan and implementation of the recommended actions is likely to result in positive environmental impacts on these criteria.

(iii) The Plan does *not* provide for the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14 (g) of the SEQRA Regulations.

(iv) The Plan does *not* propose the creation of a material conflict with the Town's current plan as set forth on various documents on file in the Town Hall. As such, the specific goals, objectives and recommended action statements have been formatted to address, to the level determined appropriate by the community, the functional areas that comprise a comprehensive plan as defined under Section 272-a of the New York State Town Law.

(v) The Plan does *not* propose action which would impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character. Continued efforts to preserve the Clarkson Corners Historical District will mitigate the potential for negative impacts in these areas.

(vi) The Plan does *not* recommend a major change in the use of either the quantity or type of energy used to support existing and planned areas of growth and development. The Plan recommends a pattern of growth and development that has been reviewed by and accepted by the residents of the community, as evidenced by the public participation process and public hearing record. This pattern of development builds upon the energy infrastructure used to support existing growth and planned areas for development.

(vii) The Plan does *not* propose action which would create a hazard to human health.

(viii) The Plan does *not* propose action which would likely result in a substantial change in the use, or intensity of use, or land including agricultural, open space or recreational resources, or in its capacity to support existing uses. While refining recreational opportunities is a goal & policy of the Plan, it is expected that these efforts will not attract additional users to these facilities.

(ix) The Plan does *not* encourage or attract a large number of people to a particular place or places for more than a few days, when compared to the number of people who would come to such place absent the action. The Plan does not promote events or activities which would encourage or attract large numbers of people to a particular place. Existing community events and festivals have not been promoted in The Plan, as this is not one of the planning considerations set forth in Section 272-a of New York State Town Law.

(x) The Plan does *not* create a material demand for other actions which would result in one of the above consequences.

(xi) The Plan does *not* recommend changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the

environment. The Plan does, however, recommend that site specific actions which have the potential to adversely affect the environment identify mitigation measures as part of any review under the SEQR provisions. This action will minimize the potential for two or more elements together having a substantial adverse impact on the environment.

(xii) The Plan does *not* propose two or more related actions to be undertaken, funded, or approved by an agency, none of which has or would have a significant impact on the environment, or when considered cumulatively would meet one or more of the criteria in this section of the SEQR Regulations.

SECTION 2. The adoption and maintenance of the **Town of Clarkson Comprehensive Plan**, sets forth a logical and environmentally sensitive pattern for future land use growth and development; and

SECTION 3. The Plan contains goals, objectives and recommended actions that adequately identify each of the considerations set forth in Section 272-a of the New York State Town Law to adequately protect and preserve the environment in the Town of Clarkson, Monroe County, New York; and

SECTION 4. The Plan's adoption by the Town Board will provide a comprehensive basis for municipal and private sector decisions affecting growth and development that are felt most likely to result in positive effects upon the environmental quality of life in the Town of Clarkson; and

SECTION 5. The Plan's adoption and maintenance will not result in any potentially significant adverse impacts upon the environment.

SECTION 6. The Town Board directs the Supervisor to sign and to issue a Negative Declaration on the action to adopt The Plan.

SECTION 7. Public notice of this determination is to be filed in accordance with the procedures set forth in the State Environmental Quality Review (SEQR) Regulations.

Ayes: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Meyers

Nays: None

Abstain: None

Absent: None

At a regular meeting of the Town Board of the Town of Clarkson held at the Town Court House 3655 Lake Road, Clarkson at 7:00 PM on September 9, 2008

Present: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Meyers

ADOPTION OF COMPREHENSIVE PLAN

Offered by: Councilperson Filipowicz Seconded by: Councilperson Hoy

WHEREAS, significant decisions affecting the immediate and long-term protection, enhancement, growth and development of the Town of Clarkson are made by the various Town Boards, and,

WHEREAS, among the most important powers and duties granted by the state legislature to Town governments is the authority and responsibility to undertake Town comprehensive planning and to regulate land use for the purpose of protecting the health, safety and general welfare of its citizens, and,

WHEREAS, the adoption by the Town of Clarkson Town Board of the document entitled **Town of Clarkson Comprehensive Plan** will provide a document which can be readily identified and be available for use by the public, and,

WHEREAS, there has been evidence of adequate consideration given to the diversity of resources and conditions that exist within the Town, and,

WHEREAS, there has been extensive public participation by Clarkson residents in an open, responsible and flexible planning process, and,

WHEREAS, the above cited Comprehensive Plan is a means to make consistent and accountable decision making to promote the health, safety and general welfare of the people of the Town and gives due consideration to the needs of the people of the region of which the Town is a part, and,

WHEREAS, all substantive and procedural requirements of the State Environmental Quality Review (SEQR) regulations have been complied with and a determination of non-significance has been recorded.

NOW, THEREFORE, BE IT RESOLVED

SECTION 1: That the Clarkson Town Board does hereby adopt the **Town of Clarkson Comprehensive Plan** as the Official Comprehensive Plan Document for the Town.

SECTION 2: That certified copies of the adopted Town of Clarkson Comprehensive Plan are to be kept on file at the Town Hall.

SECTION 3: That this resolution shall take effect immediately.

Ayes: Supervisor Kimball

Nays: None

Abstain: None

Absent: None

Councilperson Filipowicz thanked everyone on the Town Board for their help on the Comprehensive Plan. She will send a letter thanking the committee as well.

PROPERTY MAINTENANCE CODE

Code Enforcement Officer not present, matter tabled to future meeting.

MOTTO CONTEST UPDATE

Councilperson Didas advised the Board there were 47 entries received. An e-mail of all entries was sent to all Board members, Town Clerk and Historian to be rated 1-10. The results were narrowed down to the top four entries that will be placed on the Town website and in the Herald in no particular order. Clarkson residents may then cast their vote by filling out and submitting an individual ballot on or before Monday, September 22, 2008 at 11:59 PM. The winning motto will become the official motto of the Town of Clarkson.

INTERMUNICIPAL AGREEMENT

Shared Street Sweeper: To be purchased through Shared Services Intermunicipal Grant, Contract No. C-078809.

This agreement is made this _____ day of _____, 2008, between the Participating Towns.

Participating Towns: Clarkson, Hamlin, Parma, Sweden.

Purpose: The purpose of this agreement is to establish both purchase and operational protocol.

General: The four participating towns applied for and were awarded a grant to purchase a Street Sweeper through the Shared Municipal Services Incentive Grant Program 2007-2008. The following sections deal with the; Length of term, Termination of the agreement, and Purchase and Operation of the street sweeper.

Length of Term of the Intermunicipal Agreement: The length of term for this Intermunicipal Agreement is to be Five (5) years from the date listed above.

Termination of the Agreement: Any town may elect to terminate their participation in this agreement after the completion of the first year of the agreement. If such election is made to terminate, no refund of funds contributed to date shall be made or expected by the town electing to terminate. Additionally any town that elects to terminate will still be responsible for their portion of the operational expenses for the year that they elect to terminate. Such charge shall be determined using the terms listed in the Operational section of this agreement.

Purchase:

1. The sweeper to be purchased shall be bid using the guidelines developed by the NYS Comptroller's office for the purchase of municipal equipment.
2. The four named towns shall each pay an equal share of the initial purchase price of the Street Sweeper.
3. The State Funding Portion of the Grant shall be divided equally among the four named towns upon receipt of payment from the State of New York upon the completion of the contract.
4. Each of the four named towns shall be responsible for a minimum of twenty five percent of the Local Share as detailed in the contract. Additionally each of the four named towns shall be responsible for twenty five percent of any amount of the original purchase that exceeds the Total Project Cost of \$192,817.89. As listed in the grant.

Operational:

1. The Town of Clarkson, as the lead town shall register the street sweeper.
2. Each of the four named towns shall provide insurance coverage for the use of the machine while it is in their presence. The level of insurance shall be the same as for any of their on-road vehicles in their fleet.
3. Each of the named towns shall designate a maximum of two operators, and a mechanic to be trained by the manufacturer upon delivery of the street sweeper. These operators shall be the primary operators and mechanics for the street sweeper. Additional operators may be trained by existing operators and any instructional material provided by the manufacturer as deemed necessary by the towns Highway Superintendent.
4. The Town of Clarkson shall be named as the lead town, and shall be responsible for:
 - a. Instituting a Log Book to be maintained in the sweeper for the purpose of documenting the exact hours used by each town. The information will be transferred to an accounting system upon each return to the lead town for storage and or maintenance. The log book shall also detail any maintenance or repair work and by whom.
 - b. The Town of Clarkson shall be responsible for stocking consumable parts, i.e. brooms, belts, filters, etc.
 - c. The Town of Clarkson shall also be responsible for the purchase of all repair parts as needed for the maintenance of the street sweeper.
5. The Town of Clarkson, acting as the lead town, shall bill the partner towns annually for their share of the maintenance for the year. The share for each town will be

determined by the percentage of total hours that the town utilized the street sweeper during the year. This billing will be done annually in December of each year.

- 6. Each town will be responsible for doing routine maintenance for the street sweeper, as required by the manufacturer’s recommendations, while the street sweeper is in their possession. This includes the replacement of worn brooms and other related parts from the normal course of operation. Additionally, the town using the sweeper is responsible for returning it to the lead town in a ready to operate condition. (This includes both a full tank of fuel and usable brooms.)
- 7. In the event of any major repairs being needed, the Highway Superintendents of the named towns shall meet to determine the best course of action.
- 8. In the event of a major repair being needed the mechanics time required will be tracked and billed back to the other towns as part of the annual usage bill each December. Parts purchases shall be coordinated through the Lead Towns Mechanic for this type of repair.
- 9. In the event that any of the four named towns contracts to do work for another municipality, the hours logged will be logged against the town doing the work. Additionally the town must provide a certified operator to run the street sweeper.
- 10. This agreement may be changed or amended at any time upon agreement of the four Highway Superintendents for the named towns, and with agreement from the named towns Town Boards.

Approved by:

_____	_____
Town of Sweden	Date
_____	_____
Town of Clarkson	Date
_____	_____
Town of Hamlin	Date
_____	_____
Town of Parma	Date

At a regular meeting of the Town Board of the Town of Clarkson, Monroe County, New York, held at the Town Court, 3655 Lake Road in said Town, on the 9th day of September, 2008, at 7:00 P .M., there were:

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Meyers

ABSENT: None

Introduced by: Councilperson Hoy
Seconded by: Councilperson Filipowicz

TOWN OF CLARKSON, MONROE COUNTY

**RESOLUTION AUTHORIZING SUPERVISOR TO SIGN
STREET SWEEPER INTERMUNICIPAL AGREEMENT WITH THE TOWNS
OF HAMLIN, SWEDEN AND PARMA**

WHEREAS, that the Town of Clarkson, Town of Hamlin, Town of Sweden and Town of Parma have applied for and received a Shared Municipal Services Incentive Grant for the purchase of a street sweeper to be used by all four municipalities; and

WHEREAS, the Highway Superintendents for the four (4) towns have prepared an Intermunicipal Agreement, a copy of which is attached hereto to set forth the procedure for sharing in the cost and use of this street sweeper; and

WHEREAS, this Board has reviewed the contents of the agreement and discussed it with the Town of Clarkson Highway Superintendent;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the Supervisor is hereby authorized to sign the Intermunicipal Agreement for the Shared Street Sweeper on behalf of the Town of Clarkson a copy of which is attached hereto and made a part hereof.

SECTION 2. That this resolution shall take effect immediately.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Meyers

NAYS: None

Whereupon the Resolution was declared adopted

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH GAR ASSOCIATES FOR REASSESSMENT SUPPORT SERVICES FOR 2009

Supervisor Kimball asked Assessor Dolliver if she had anything to add. She stated that GAR has assisted the Town since the original reassessment in 2004. Their proposal for 2008 is \$15,000 for assistance on the annual update; cost has remained unchanged since 2005. In January the Town received a State annual maintenance payment of \$12,075, leaving the cost to the Town at less than \$3,000. Councilperson Meyers questioned if the Town ever put this service out for bid. Supervisor Kimball informed Councilperson Meyers that yes it was bid in 2004 and at that time GAR offered the most complete services. Councilperson Meyers stated that he was not ready to agree, as he needed more clarification. Supervisor Kimball reminded the Board there was a GAR workshop on June 10, 2008 regarding the reassessment.

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To authorize the Supervisor to sign agreement with GAR Associates for the Annual Reassessment Support Services.

Ayes: Supervisor Kimball, Councilpersons Hoy, Filipowicz, and Didas

Nay: Councilperson Meyers

NYS DEC URBAN AND COMMUNITY FORESTRY GRANT

Supervisor Kimball informed the Board that the Town of Clarkson Tree Inventory & Community Forestry Management Plan project has been approved for a total State share of \$5,979.17.

BUILDING INSPECTOR REPORT

Larry Gursslin who was not in attendance submitted a written report. All questions regarding the Bowen property will be deferred to possible executive session.

HIGHWAY SUPT. REPORT

Highway Supt., Dave Goodwin, gave an update on the status of all bridge construction. Junk drop off days are October 25th and 27th, 2008. Chip sealing has begun on Drake Rd., Craig Hill Dr. and Gallup Rd. They have received only one complaint, a resident feels he can no longer drive his classic car on Drake Rd due to the loose stone used in the chip sealing process, unfortunately there is no other affordable option. Dave informed the Board that Mon. Co, Soil and Water Conservation District and DEC Region 8 will be holding a seminar on October 2nd, 2008 regarding DEC MS4 stormwater permit GP-0-08-

002, and he is encouraging all Planning and Town Board members to attend along with Town Engineer, JP Schepp. Dick Olson, Attorney for the Town will research the legality of the permit.

MINUTES

Motion by Supervisor Kimball
Second by Councilperson Didas
To approve August 26, 2008 minutes as amended.
Unanimously carried.

AUDIT—09-1-2008

Vouchers 20081090-200811132; Total \$9410.79; Gen. \$7801.58; SL \$3001.84
Motion by Councilperson Hoy
Second by Councilperson Meyers
Unanimously carried.

EXECUTIVE SESSION

Motion by Councilperson Filipowicz
Seconded by Councilperson Didas to move into an Executive Session at 7:35 PM to discuss potential litigation. Unanimously carried
Motion by Councilperson Filipowicz
Seconded by Councilperson Hoy that the Board return to regular session at 8:30 PM.
Unanimously carried

Motion to adjourn at 8:30 p.m. by Councilperson Didas
Second by Councilperson Hoy
Unanimously carried.

Respectfully submitted,

Sharon S. Mattison
Town Clerk

APPROVED 09/27/2008