

TOWN OF CLARKSON  
TOWN BOARD MEETING  
May 26, 2009

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, May 26, 2009 at the Clarkson Courthouse, 3655 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
Kristin Coon	Deputy Town Clerk

**ALSO:**

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

\*\*excused

Supervisor Kimball opened the meeting, and Kristin Coon, Deputy Town Clerk led all those present in the Pledge of Allegiance. A moment of silence was observed for those serving in the military overseas and for those who did not return.

**OPEN FORUM**

Pat Tooley of 1937 Colby Street stated that as of today's date, 560 special needs children will be coming to the Special Friends Rodeo on June 11, 2009 and he anticipates over 1000 children will attend in total. He expressed appreciation to the town for making the event possible. Supervisor Kimball thanked P. Tooley for his hard work on this event.

Steve Pratt of 2845 Redman Rd. inquired about the possibility of obtaining public water. Supervisor Kimball stated that this has been looked into in the past and the cost was prohibitive due to the small number of residents in the area to share the cost. Kimball said most of the town does not qualify for state grants due to average household income. He indicated the town would assist the Pratt's by conducting a postcard survey of area residents to gauge the interest in pursuing this matter. Councilperson Meyers told Mr. Pratt that he would check with the County of Monroe to see if there was any history of well water testing on his and surrounding properties, although no guarantees, poor results can help when trying to obtain grants. S. Pratt also asked about the new veteran's memorial park being built on Ridge Rd, and the status of the roll call sign currently located on the front lawn of the town hall. Supervisor Kimball said it was going to be updated and moved to the new memorial park.

Colleen Rogers of 9 Glidden Circle, Hamlin spoke about her concerns with a neighbor's motocross track. She was joined by her husband Bill Rogers, Kim Martin of 11 Glidden Circle, Eric & Susan Paul of 12 Glidden Circle, Al & Joyce Marciano of 7 Glidden Circle, Gary & Carla Boff of 5 Glidden Circle, Rob Newsome of 4 Glidden Circle, and Marlene & Darren Blocker of 16 Glidden Circle. The residents stated multiple instances of loud motocross racing on the property of Christopher Ioannone of 599 Clarkson Hamlin Townline Rd. Their concerns included excessive noise and dust. They added that police and fire departments were called to the residence on Sunday May 24, 2009 due to two bonfires on the property, one of which was estimated at 24 feet in diameter and with flames visible above the roof of a two-story home. Building Inspector Fabry indicated he was summoned to the property during this event and spoke with the owner, fining him for the bonfire and warning him about future conduct. Inspector Fabry told C. Ioannone that even one complaint from a neighbor would cause Fabry to issue an appearance ticket for court. Town Attorney Richard Olson stated there is a zoning code which addresses dust,

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offensive conduct, smoke and odor. He added that the current noise law provides penalties for violations during the day that extend 50- feet over the property line.

Inspector Fabry said C. Ioannone is allowed to let his children ride their motocross bikes on the property, but not other people. He stated there is no permit required for the motocross track, nor are there regulations for a non-detention pond on the property, in response to K. Martin's question. Supervisor Kimball asked that neighbors file a written complaint with specifics each time an incident occurs in the future and file the document with Inspector Fabry. Town Attorney Olson said to include any pertinent photos or video tape with the written complaints. He said that a cease and desist order is only available through the State Supreme Court. The local noise ordinance can be enforced by the Monroe County Sheriff's Dept. and the New York State Police, therefore these agencies should be called for each incident as well. Supervisor Kimball suggested small claims court as an avenue for relief from the dirt and dust issues. He stated he would contact the Captain of Zone C of the Monroe County Sheriff Dept. to make him aware of the problem. Concerned residents left their names and contact information with the town board so that Town Attorney Olson can meet with them to inform them as to what is required on their written complaints.

**PUBLIC HEARING-LOCAL LAW #2-2009 "REMOVAL OF BRUSH, GRASS, RUBBISH OR WEEDS AND SPRAYING OF POISONOUS SHRUBS OR WEEDS"**

Supervisor Kimball opened the public hearing.

Ed and Laura Chapman of 199 Lawrence Rd. expressed their concern about Local Law #2, *Removal of Brush, Grass, Rubbish or Weeds and Spraying Poisonous Shrubs or Weeds*, and whether it would impact their property. Supervisor Kimball replied the law is similar to other towns' laws regarding this matter and it is merely intended to allow the town to recover the cost of lawn maintenance of abandoned properties in subdivisions. After receiving a complaint, the code enforcement officer would come before the board and a notice would be sent to the home owner. After ten days, the highway department would perform the necessary maintenance as overtime work and such expense would then be billed to the homeowner, rather than using taxpayers' funds. The Chapmans expressed concern that their 500 feet of intentionally wild, un-mowed property would cause them to be ticketed. Supervisor Kimball assured them that this is not the intent of the local law and that it would be utilized in a reasonable way. Wayne Ward of 3267 Sweden Walker Rd. asked if the property had to be abandoned to fall under this law and Supervisor Kimball said it did not. He added that the Town of Greece has had a similar law in place for 20 or 30 years. When asked why it was necessary for the highway department to charge overtime pay for this, Supervisor Kimball explained that the current highway department schedule is very full and there is no time available for this extra task. Town Attorney Richard Olsen added that due to insurance issues town employees must be utilized for this work.

Tom Parker of 76 Lynnwood Drive stated he lives across the street from an abandoned house in need of mowing and asked if one complaint was enough to start the process. Inspector Fabry indicated that was the case and that he is currently working on the house in question.

Stanley Pogroszewski of 2479 Lake Rd. expressed concern about potential abuse of the law during a dispute between neighbors.

Dave Miller of 3042 Sweden Walker Rd. asked if the homeowner would have an opportunity to respond after being served. Supervisor Kimball stated there would be a ten day waiting period and that the town would certainly work with people who responded to the notice. In reply to D. Miller's concern about abuse in the future, Inspector Fabry pointed out that the current standard is the NYS Property Maintenance Law which incorporates an average lawn height of ten inches. Thelma Rombaut of 180 Gilmore Rd expressed concern about her hedgerow being targeted due to the poison ivy it contains. Highway Supt. David Goodwin responded that poison ivy is very prevalent in the town and it wouldn't be logical to pursue cases like that. Supervisor Kimball stated that the law would be utilized with common sense as a guide.

Supervisor Kimball closed the Public Hearing.

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**RESOLUTION ADOPTING NEGATIVE DECLARATION SEQR;**

**LOCAL LAW #2-2009**

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Hoy

**TOWN OF CLARKSON**

May 26, 2009

New York State Environmental Quality Review Act ("SEQRA")-  
Determination of Nonsignificance  
(Negative Declaration)

**Local Law #2-2009**

**WHEREAS**, the Town Board of the Town of Clarkson proposes to add a provision to the Town Code to provide for a procedure to have brush, grass, rubbish and weeds removed from property and add the costs thereof to the tax bill; and

**WHEREAS**, the Town Board has determined that this is an **unlisted action** pursuant to SEQRA regulations; and

**WHEREAS**, the board has reviewed the Short Environment Assessment Form on file in the Town Office; and

**WHEREAS**, on this date, May 26, 2009, at a regular meeting, the Town Board conducted the required SEQRA review process by reviewing said Short Environment Assessment Form

**NOW THEREFORE, BE IT RESOLVED:**

1. Based on its review of all of the evidence submitted and reviewed, and based upon the Town Board's deliberations and its review of the short Environmental Assessment Form for the proposed project, it is hereby determined that the proposed action will not have a significant impact on the environment and that a negative declaration is hereby issued for the lease.

2. This notice of this determination of non-significance shall be filed as required by SEQRA.

The foregoing resolution was approved as follows:

Vote of the Board

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

NAYS: none

**RESOLUTION ADOPTING LOCAL LAW #2-2009**

At a regular meeting of the Town Board of the Town of Clarkson held at the Town Courthouse, 3655 Lake Road, Town of Clarkson, County of Monroe, State of New York on the 26<sup>th</sup> day of May 2009.

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

Absent:

Introduced by: Councilperson Hoy

Seconded by: Councilperson Didas

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**RESOLUTION ADOPTING LOCAL LAW**

**Whereas**, the Town Board has before it a Local Law entitled " Local Law #2-2009" "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson" which, if adopted, will allow the Town Board by resolution and notice to the property owner, to have brush, grass, rubbish or weeds or poisonous shrubs removed or sprayed, the cost of which will become a lien on the property; and

**Whereas**, the Town Board has, on this date, held a public hearing to consider said proposed Local Law; and

**Whereas**, this action is an unlisted action under the State Environmental Quality Review Act and the Town Board has adopted a Negative Declaration; and

**Whereas**, the notice of this hearing was duly published and posted as required by law;

**Now, therefore, be it resolved:**

**Section 1.** That the Town Board of the Town of Clarkson hereby enacts Local Law #2-2009 "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson"

**Section 2.** That the Town Clerk is ordered to publish a legal notice indicating the adoption of this Local Law and to file a copy of this Local Law with New York State.

**Section 3.** That this Local Law shall take effect immediately.

**Section 4.** That this resolution shall take effect immediately.

Vote of the Board

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

Nays: none

**ENVIRONMENTAL CLEANUP OF FORMER 104 ENTERPRISE SITE**

Supt. Goodwin reported that the former 104 Collision Building on Ridge Road has been demolished. There remains some debris to be cleaned off, and some grease. The roof is off the other buildings. Councilperson Meyers asked if all the buildings were gone, Supervisor Kimball replied that a letter from Liu Engineers recommended total demolition in order to provide clear title to the site.

**SAFE PLACE SITE TRAINING**

Councilperson Didas updated the Board on the status of the town hall's application to be a "Safe Place" site. This would be a safe haven for youth aged 12 to 17 in need of assistance if they feel scared, threatened or followed and would connect them with a counselor. BJ Scanlon of the Center for Youth will be coming to the town hall on Friday June 5<sup>th</sup> to train staff. This is at no cost to the town.

**FORESTRY GRANT UPDATE**

Supt. Goodwin reported that Cornell Cooperative Extension will be providing aid to the town in inventorying and removing trees growing in the right of way on town roads. The grants are for inventory, removal and planting. Councilperson Meyers asked if the Conservation Board could help due to the pending grant cutoff deadline in November. Supervisor Kimball stated that volunteers would not be able to put in the necessary time and it was appropriate that Cornell Cooperative Extension assist.

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**RESOLUTION TO ACCEPT PHASE II STORM WATER REGULATIONS**

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

**ABSENT:** None

**Resolution Authorizing Acceptance of the Draft Annual Report for Compliance with the Phase II Stormwater Regulations**

Introduced by: Councilperson Hoy

Seconded by: Councilperson Meyers

WHEREAS, the Town of Clarkson has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999, and

WHEREAS, the Phase II Program requires each MS4 to prepare a Draft Annual Report on the Town's efforts to protect and improve the water quality of our streams and waterbodies, and

WHEREAS, the public is invited to review the Draft Annual Report and provide input, and

WHEREAS, a Draft Annual Report has been prepared in conformance with the Phase II Regulations by the Highway Department, and

WHEREAS, the Annual Report must be submitted the New York State Department of Environmental Conservation offices in Albany, NY by June 1, 2009,

NOW, THEREFORE, BE IT RESOLVED, that the Clarkson Town Board accepts said Draft Annual Report and is available for public review at the Town Hall, Community Library, and the Highway Department,

BE IT FURTHER RESOLVED, that all comments on the Draft Annual Report will be incorporated into the Final Annual Report to the NYSDEC.

DATED: May 26, 2009

VOTE OF THE BOARD:

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

NAYS: none

**Discussion:**

Supt. Goodwin explained that the 2009 Annual Report Phase II storm water management joint coalition report needs to be signed every year. All the towns in Monroe County are part of the storm water coalition which formed five years ago. Any parcel of land pending development is required to have a storm water management plan if they disturb more than one acre.

**COMMUNITY DEVELOPMENT BLOCK GRANT AWARDS**

Supervisor Paul Kimball announced that the Town has received two grants from Monroe County to improve access to the town hall and justice court. The Town received \$40,000 to improve handicap access at the courthouse by redesigning the ramp, to be done in late fall 2009 or possibly spring 2010. The Town also received \$9,055 to improve handicap access to the town hall rear entrance and improve drainage.

**05.26.09****RESOLUTION****APPOINTMENT ACTING ASSESSOR**

BE IT RESOLVED AS FOLLOWS:

Section 1. That Christopher D. Lyon, 1629 Sweets Corners Rd., Town of Perinton, be and is hereby appointed as Acting Assessor, beginning May 21, 2009 and ending when Assessor returns to work or November 21, 2009, whichever first occurs.

Section 2. That this resolution shall take effect immediately.  
 Discussion: Supervisor Kimball stated that the Town Board interviewed four candidates for the position of Acting Town Assessor while Assessor Dolliver is on medical leave. Supervisor Kimball indicated that the Acting Assessor's hours would be approximately 20 per week, possibly more in the next few weeks during this busy assessment season.

Motion for adoption of this resolution by Councilperson Hoy  
 Second by Councilperson Filipowicz

**VOTE BY ROLL CALL AND RECORD**

Councilperson Filipowicz	<u>aye</u>	Councilperson Hoy	<u>aye</u>
Councilperson Didas	<u>aye</u>	Supervisor Kimball	<u>aye</u>
Councilperson Meyers	<u>aye</u>		

Adopted, May 26, 2009

**AUTHORIZATION TO RELEASE MAINTENANCE BOND MONEY FOR LIBERTY COVE SUBDIVISION SECT. 3**

William Holding has requested the release of the remaining maintenance bond money for Section 3 of Liberty Cove Subdivision. The Town has received a letter from Town Engineer, J. P. Schepp, P.E. recommending the release. Councilperson Filipowicz requested there be a final inspection report attached to the request, prior to releasing the funds.

Motion by Councilperson Didas  
 Seconded by Councilperson Hoy

To release the remaining maintenance bond funds of approximately \$9,645.35 for Section 3 of Liberty Cove Subdivision.

Unanimously carried.

**SPECIAL DISTRICTS**

Supt. Goodwin reported the Clarkson Hamlin Town Line Road Water District #2 is currently undergoing pressure testing. Once this is completed and certified by the water authority, it will be super-chlorinated and tested for bacteria. He estimated that it will be ready for use in a couple weeks.

**SUPERVISOR REPORTS**

Supervisor Kimball informed the Board that the town would be receiving a rebate from NYMIR, a liability insurance municipal association. They are refunding from our original investment amount of \$6385.00, returning approximately \$1600.00 per year for the next three years.

**DRIVEWAY TILE REPLACEMENT PERMIT POLICY**

Supt. Goodwin explained the Town's driveway tile replacement policy and provided a current list of costs. The Town replaces residents' highway tiles for only the price of materials. This has been an ongoing service for 6-7 years.

Motion by Councilperson Meyers  
 Seconded by Councilperson Filipowicz

To approve the updated 2009 Driveway Tile Replacement Permit Policy

Unanimously carried

**05.26.09****Driveway Tile Replacement Permit Policy**

**Purpose:** To set forth the formal policy of the Town Of Clarkson with regards to the replacement of Driveway Tiles located within the Town of Clarkson.

**General Policy:** The Town of Clarkson will replace existing driveway tiles on a case-by-case basis. The cost of all materials required to replace the tile will be the responsibility of the property owner. The prices for tile replacement are published and updated monthly and located in the Town of Clarkson Highway Department Office. The Town of Clarkson Highway Department will perform the work as their schedule allows.

**Definition:**

- **Driveway Tile:** A Driveway Tile is defined as a conduit for water movement, either natural or storm related, located within the Highway Right of Way, or an existing driveway tile located within the confines of a Permanent Drainage Easement which runs to the Town of Clarkson located on the property.
- **Right of Way:** The Right of Way for a roadway is determined by inspecting some, or all, of the following documents: a) Property Deed, b) instrument survey or, tape location map c) Tax Map or d) highway inventory.
- **Permanent Drainage Easement:** A Permanent Drainage Easement is a legal document that has been signed and filed with the County Clerk and will be part of the chain of title. Permanent Easements may also be shown on property maps.

**Procedures:** The following procedures shall be followed for all Driveway Tile Replacements.

- The Property owner must originate a request for a **Driveway Tile Replacement Permit** through the Town of Clarkson Highway Department. The Clarkson Highway Department can be reached at 637-1132 or via e-mail at [highway@clarksonny.org](mailto:highway@clarksonny.org).
- A Work Order will be generated for the request and given to the Highway Superintendent.
- The Highway Superintendent, or his foreman will inspect the driveway tile in question, and determine if it needs to be replaced, cleaned, and repaired or if no maintenance is necessary.
  - Tiles, which can be repaired or cleaned, will be added to the existing work schedule and done by the highway department as time and conditions allows.
  - If a pipe is determined to need replacement then the Highway Department will meet with the property owner and discuss the work necessary. The price for the replacement shall be taken off of the published replacement price list, and the Permit will be filled out and signed by both the Property Owner and the Highway Superintendent
- Upon agreement and signing of the permit, by the Property Owner and the Highway Superintendent, the property owner shall present the Permit to the Town Clerk along with Payment in full for the Permit together with the cost of the material as determined by the Town Highways Superintendent.
- Upon receipt of payment the Town Clerk will forward the Paid for Permit to the Highway Department with "Paid" stamped on the document.

Upon receipt of the executed permit, the highway department will initiate the steps necessary to replace the existing pipe as quickly as their schedule will allow.

**\*NOTE \* The only Blacktop, on a blacktop driveway, that will be replaced is the blacktop dug out to replace the tile. No other blacktop can or will be replaced by the Town of Clarkson Highway Department.**

**05.26.09****HIGHWAY SUPT. REPORTS**

Supt. Goodwin announced his highway department has received an award for fifteen years of participation in the PERMA workman's compensation cooperative.

Councilperson Hoy offered his congratulations to the Highway Dept.

Supt. Goodwin discussed an upcoming summer Monroe County project on Redman Road, north of Route 104. It will be true and level blacktop paved with a grader and surfaced with oil and stone.

**RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN THE AGREEMENT FOR AN AMENDMENT TO CHANGE THE ESTIMATED EXPENDITURE FOR SNOW & ICE AGREEMENT—N.Y.S.**

Due to the severity of the winter during 2008/09, Clarkson requests that the Municipal Snow and Ice Agreement estimated expenditure be revised to reflect the additional lane miles of state road that were Plowed/treated during the winter season. All the terms and conditions of the original contract extension remain in effect except as follows:

Original	\$233,607.13
Index Adj.	\$ 59,074.00
Rev. Est. Exp	\$292,681.13

**Motion by Councilperson Filipowicz**

**Second by Councilperson Hoy**

To authorize the Supervisor of the Town of Clarkson to sign amendment to the Snow and Ice Agreement.

**Unanimously carried.**

**MINUTES**

Motion by Councilperson Filipowicz

Second by Councilperson Didas

To approve May 12, 2009 minutes.

Unanimously carried

**AUDIT—05-02-2009**

Vouchers 20090576-20090629

Total \$49,693.47; Gen. \$21,823.26; SL \$3,063.25; Hwy. \$24,806.96

Motion by Councilperson Hoy

Second by Councilperson Didas

Unanimously carried

Motion to adjourn at 8:48 p.m. by Councilperson Hoy

Second by Councilperson Didas

Unanimously carried

Respectfully submitted,

Kristin Coon

Deputy Town Clerk

**APPROVED 06-09-09**