

TOWN OF CLARKSON  
TOWN BOARD MEETING  
July 13, 2010

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, July 13, 2010 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 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
Chad Fabry	Building Insp/Code Enf.
Christopher Lyon	Acting Assessor

\*\*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**

Several concerned Lynnwood Drive residents appeared before the board along with Monroe County Sheriff Deputy Joe Resch to discuss their concerns regarding the Lynnwood Drive neighborhood and the idea of starting a neighborhood watch program.

**MOTION TO ENTER INTO EXECUTIVE SESSION**

Motion by Councilperson Hoy  
Seconded by Councilperson Filipowicz  
To enter into executive session at 7:19 p.m. to discuss possible litigation.  
Unanimously carried

**MOTION TO RETURN TO REGULAR SESSION**

Motion by Councilperson Hoy  
Seconded by Councilperson Meyers  
To return to regular session at 8:20 p.m.  
Unanimously carried

**AUTHORIZATION TO SIGN CERTIFICATE OF INCORPORATION OF BROCKPORT FIRE DEPARTMENT, INC.**

Motion by Councilperson Hoy  
Seconded by Councilperson Didas  
To authorize the Board to sign the Certificate of Incorporation of Brockport Fire Dept., Inc.  
Unanimously carried  
**\*see attached contract at end of minutes**

**RE-APPOINT ACTING ASSESSOR**

Motion by Councilperson Didas  
Seconded by Councilperson Filipowicz  
To reappoint Christopher D. Lyon of 1629 Sweets Corners Rd., Town of Perinton NY as Acting Assessor effective June 21, 2010 to December 31, 2010.  
Unanimously carried

**07-13-10**

**MOTION AUTHORIZING TOWN CLERK TO COLLECT SCHOOL TAXES FOR CLARKSON RESIDENTS IN THE BROCKPORT CENTRAL SCHOOL DISTRICT**

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To allow Town Clerk, Sharon S. Mattison collect school taxes for Clarkson residents who reside in the Brockport Central School District.

Unanimously carried

Discussion: The Town Clerk has received feedback from several residents asking why they can't pay their Brockport School tax bill in their own town rather in the Town of Hamlin. The Town Clerk contacted the school district and was told her services as a school tax collector would be welcomed. The school district further stated that there will be no expense to the Town of Clarkson to perform the service; the school district will reimburse the town for all expenses. A stipend will be paid by the school district for the services rendered and Attorney Olson will research the correct procedure for turning the stipend over to the town clerk.

**EARLY RETIREMENT INCENTIVE BILL**

The bill was reviewed and it was determined that no action was needed.

**BUILDING INSPECTOR REPORTS**

Insp. Fabry reported that Ashley's Restaurant is now open for business. Chad spoke of code violations he is currently working on within the town.

**MOTION TO ATTEND TRAINING**

Motion by Councilperson Didas

Seconded by Councilperson Meyers

To allow Chad Fabry and Michael Farrell to attend a one day code update course.

Unanimously carried

**ASSESSOR REPORTS**

Acting Assessor, Chris Lyon reported the final roll has been filed.

**HIGHWAY SUPT. REPORTS**

Supt. Goodwin reported that several town roads are being prepped for slurry sealing. His work force is catching up on drainage work before bridge deck work on Clarkson Parma Town Line Road begins.

**MINUTES**

Motion by Councilperson Didas

Seconded by Councilperson Hoy

To approve June 22, 2010 minutes.

Unanimously carried

**MINUTES**

Motion by Councilperson Didas

Seconded by Councilperson Hoy

To approve June 29, 2010 minutes.

Unanimously carried

**AUDIT**—07-01-2010

Vouchers 20100674-20100747; Total \$77,340.74; Gen. \$25,775.07; Hwy. \$48,403.89; SL \$3,161.78

Motion by Councilperson Hoy

Seconded by Councilperson Didas

Unanimously carried

**DISCUSSION:**

Councilperson Didas is excused from attending the July 27, 2010 Town Board meeting due to an employment conflict.

**07-13-10**

**MOTION TO OBTAIN APPRAISAL ON HAFNER PROPERTIES**

Motion by Councilperson Hoy

Seconded by Councilperson Filipowicz

To obtain an appraisal on two Lake Road parcels owned by the Hafner family. One being a 2.9 acre parcel #054.01-1-22.3; second one a 138.13 acre parcel #054.01-1-22.111.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilperson Hoy, Filipowicz and Didas

NAYS: Councilperson Meyers

Discussion: The Hafner family has contacted the town regarding the upcoming sale of the late Donald Hafner properties. They have obtained an appraisal on a 138.13 acre parcel and a 2.9 acre parcel that adjoin Hafner Park. The Hafner family would like to give the Town of Clarkson the first opportunity to purchase the two adjoining parcels and requests the town obtain a second appraisal. Councilperson Meyers stated that he is in agreement with obtaining an appraisal for the front piece of property however not in favor of appraising the back piece.

Motion to adjourn at 9:00 P.M. by Councilperson Hoy

Seconded by Councilperson Filipowicz

Unanimously carried

Respectfully submitted,

Sharon S. Mattison  
Town Clerk

**APPROVED 07-27-2010**

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**CERTIFICATE OF INCORPORATION**  
**OF**  
**BROCKPORT FIRE DEPARTMENT, INC.**

**Under Section 402 of the Not-For-Profit Corporation Law**

WE, THE UNDERSIGNED, desiring to form a not-for-profit corporation pursuant to the Not-for-Profit Corporation Law, do hereby make, sign, acknowledge and file this Certificate of Incorporation, and state and certify as follows:

**FIRST:** The name of the corporation is:

**BROCKPORT FIRE DEPARTMENT, INC.**

**SECOND:** The corporation is a corporation as defined in subparagraph (a)(5) of Section 102 (Definitions) of the Not-for-Profit Corporation Law.

**THIRD:** The purpose or purposes for which the corporation is formed are exclusively charitable, religious, scientific, literacy or educational purposes all within the meaning of Section 501(c)(3) of the Internal Revenue Code, as amended or the corresponding provision of any future United States Internal Revenue Law.

The purposes and objectives of the corporation shall be as follows:

1. To acquire and own fire apparatus for use by the corporation in the protection of persons and property from injury, loss, damage or destruction by fire;
2. To own and acquire land and to construct, erect and maintain buildings and units for corporation purposes and for the use and efforts of the members of the corporation in connection with the housing of and headquarters for fire apparatus and for the providing of places of meeting for the members of the corporation.
3. To do all things deemed necessary, advisable and proper, by its members for the protection of persons and property from fire, injury and damage, and in the matter of the fighting of fires; and to provide for the mutual enjoyment, entertainment and improvement of its members socially and physically.
4. To accept, hold, invest, reinvest, and administer any gifts, bequests, devises, benefits of trusts (but not to act as trustee of any trust), and property of any sort, without limitation as to amount or value, and to use, disburse, or donate the income or

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principal thereof for exclusively charitable purposes.

5. To expend, disburse, apply or dispose of such money and property for the purpose of accomplishing the aforementioned purposes.

6. To lease, or by gift, devise or purchase, to own and operate real estate for the aforementioned purposes.

7. To do any other act or thing necessary, incidental to or connected with the foregoing purposes or in advancement thereof and to do whatever is deemed necessary, useful, advisable or conducive, directly or indirectly, to carry out any of the purposes of the corporation as set forth herein, but not for the pecuniary profit or financial gain of its members, directors, or officers except as permitted under Article 5 of the Not-for-Profit Corporation Law.

**FOURTH:** The corporation shall be a Type B corporation pursuant to Section 201 of the Not-for-Profit Corporation Law.

**FIFTH:** The territory in which its operations are to be conducted is as follows:

*The territory within which the corporation shall conduct its operations includes all areas located within the geographic boundaries of the Town of Sweden, Monroe County, as well as approximately 95% of the Town of Clarkson, Monroe County. Starting on its north line and working to the east, then south, then west and then back to the north the corporation's territory borders the territories served by the following Volunteer Fire Departments, Towns and Counties: Hamlin, Walker, Hilton, Spencerport, Churchville, Bergen, Clarendon, Holley and Morton Fire Departments; the corporation's territory also borders the geographic boundaries of the Towns of Hamlin, Parma, Ogden, Riga; and the corporation's territory also borders the Counties of Orleans and Genesee.*

*Starting on the north: using Lake Road ( Rt 19 as the main North and South road) Clarkson-Hamlin T.L Rd. west of Lake Rd ( RT19) it cover the south side only. This roads ends at the Drake Road intersection at what point the Hamlin Fire Line starts. It cover Drake Rd south at this point both sides south to Ridge Rd ( RT 104). Clarkson-Hamlin T.L Rd. east of Lake Rd. it cover the south side. Clarkson-Hamlin T.L Rd. at the fork in the road turns to Roosevelt Highway (RT 18) which it have number 2251 and 2233 on the south side. Hamlin and Walker Fire lines join in the area. The south side of RT 18 is in the Town of Clarkson*

*On the North, it cover Lawrence Road from Lake Rd (Rt19) east to number lowest numbers 1147 at which point the Walker Fire Line starts. Still in the Town of Clarkson.*

*Again on the North, it cover Lawton Road from Lake Rd ( Rt 19) the entire south side to the Sweden Walker Rd ( RT 260) and to the lowest number 380 on the north side at which*

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*point the Walker Fire Line starts. Still in the Town of Clarkson*

*On the North, North east side, at the Lawton Rd, Sweden Walker Rd intersection it cover Sweden Walker Rd (RT 260) both sides south all the way thought Clarkson to the town of Sweden Line. Walker covers north of this intersection. Still in Town of Clarkson*

*Also on the North East corner of the district, it covers Ireland Road between Sweden Walker Rd, (Rt 260) east to the Clarkson Parma TL Rd. It cover the south of Ireland Rd. the entire length, Walker covers the north side. Still in the Town of Clarkson.*

*On the east side, it cover Clarkson Parma TL Rd at the Ireland Rd intersection back south both sides to the Peck Rd. This east side part is in the Town of Parma. At the Peck road it cover only the West side to the Ridge Rd ( RT 104) . Hilton Fire covers from the Peck Rd south on the east side to the Ridge Rd. Except for the last house on the east side which is Spencerport Fd. Again the East side is in the Town of Parma.*

*On the east side of the district at the Ridge Rd (Rt104) and Clarkson Parma TL Rd intersection, it go back West covering both sides of Ridge Rd all the way to the Monroe Orleans County Line. Spencerport FD covers east of Clarkson Parma at this intersection.*

*On the east side at the Ridge Rd ( RT 104) and Gallup Road intersection, Gallup runs south through Town of Clarkson ( Sweden Town line is approximately ¼ mile south) of RT 104 and then Sweden begins all the way to the Brockport Spencerport Rd ( RT 31 ). It cover both side of Gallup Rd up to the Eire canal. On the south side of the canal it cover the west side of Gallup to RT 31. Spencerport covers the east side of Gallup Rd south of the canal to RT 31.*

*On the south east district corner at the Gallup Rd and RT 31 intersection continues west both sides on the road, Spencerport goes east both sides. This is the Town of Sweden .*

*On the East side of the district, the line starts approximately ¼ mile west of the Hubbell Rd and Colby Street intersection, on Colby Street . It cover both sides of Colby west to the Lake Rd (Rt19) again in the town of Sweden.*

*On the South East side of the district. There is a short road called Sweden-Ogden Town Line Rd. It cover the west side of the road, Spencerport covers the east side at Chambers Street. ( Town of Ogden) .*

*On the South East side it covers Whittier Rd both sides, from Root road East to the Sweden Ogden Line at that point Spencerport continues to the rest east to Hubbell Rd.*

*On the South East side it covers Euler Rd. both sides, from Root Rd East to the Sweden Churchville Line at that point Churchville covers the rest east to Hubbell Rd.*

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*On the South East side it covers Reed Rd both sides, from Root Rd East to the Churchville Line at which point the road name changes to Deity Street.*

*On the south side it covers both sides of Reed Rd west of Root Rd to Lake Rd. (RT 19).*

*On the south side it covers at the intersection of Lake Rd ( RT 19) and Reed Rd. about ¼ mile south on Lake Rd to the Bergen Town line ( Genesee County). It then covers both sides of Reed Rd. going West to the Bergen Town Line again near the end of Reed Rd. at the West Sweden Rd.*

*On the South West district side it then goes North on West Sweden Rd to Fourth Section Rd. and covers both sides of West Sweden Rd.*

*On the West side at the intersection of West Sweden and Ladue Rd it covers about a ¼ mile west on Ladue Rd. Both sides to the Clarendon Line. ( Genesee County )*

*On the West side at the intersection of West Sweden and White Rd it covers both sides of White Rd going West to the Clarendon Line.*

*On the South West District corner it covers the Fourth Section Rd West to the County Line Rd at which point it's the Clarendon Line.( Orleans County )*

*On the West side it covers the Monroe Orleans County Line Rd going North, only the East side of the Rd. ( Town of Sweden ) . West side is covered by Clarendon. ( Orleans ) Note the County Line Rd is a Dead End Road.*

*On the West side of the District, It covers the West Canal Rd going west from the Redman Rd to the Monroe Orleans County Line Rd both sides. At that point Holley FD (Orleans County) starts.*

*On the West side again it covers West Avenue ( Town of Clarkson) west to the Country Line Rd. which is Holley ( Orleans County )*

*On the West side it covers the Monroe Orleans Country Line Rd. going North all the way from West Avenue to the Town of Clarkson, Town of Hamlin, Town of Kendall, Town of Murray four corner intersection ( about 2 miles north of RT 104). It covers the East Side Only, north to the four Towns corner. The Holley FD( Orleans ) covers the west side from West Avenue to the four Towns corner. The Morton FD starts on the West side (Orleans County) at the four towns corner line 2100 hundred block of County Line Rd. The Hamlin FD. ( Monroe County) starts at the four corner Town Line 2300 hundred block of the County Line Rd.*

*On the West side, it covers Redman Rd. North from Ridge Rd ( RT 104) both sides to*

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*the Morton FD Line 2419 Block . It's the Morton Fire District at this point but in the Town of Hamlin.*

*On the West side, it covers Drake Rd. North from Ridge Rd. ( RT 104) both sides to the 858 Block which is the intersection of Clarkson – Hamlin TL Rd. The Town of Hamlin Line and Hamlin FD starts at this point.*

*On the North side, it covers Lake Rd ( RT 19) from Ridge Rd. (RT 104) to the Clarkson Hamlin TL Rd Both sides. This is back to the start of this map at the Hamlin FD. Line*

**SIXTH:** The principal office of the corporation shall be located in the County of Monroe, State of New York.

**SEVENTH:** The Secretary of State is designated as agent of the corporation upon whom process against it may be served. The post office address to which the Secretary of State shall mail a copy of any process against the corporation served upon him is:

38 Market Street  
P.O. Box 254  
Brockport, New York 14420

**EIGHTH:** The number of directors of the corporation shall be not less than three (3) nor more than fifteen (15).

**NINTH:** Each person named in the Certificate of Incorporation and directors herein named are eighteen years of age or more.

**TENTH:** The names and places of residence of the persons to be the directors of the corporation until its first annual meeting, all of whom are residents of the Town of Sweden or the Town of Clarkson, are as follows:

<u>Name</u>	<u>Residence Address</u>
Willard Bird, Jr.	205 Clark Street Brockport, New York 14420
Dean Westcott	25 Glendale Road Brockport, New York 14420
Roger Smith	2890 Colby Street Brockport, New York 14420
John F. Rombaut	180 Gilmore Road Brockport, New York 14420

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Michael Corey

25 Sugar Tree Circle  
Brockport, New York 14420

**ELEVENTH:** Prior to delivery of this Certificate of Incorporation to the Department of State for filing there will be annexed hereto the approval of a Justice of the Supreme Court of the 7<sup>th</sup> Judicial District and the consent of the municipal authorities located within the territory in which the fire corporation proposes to operate.

**TWELFTH:** Notwithstanding any other provisions of these articles, the corporation is organized exclusively for one or more of the purposes as specified in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("IRC"), and shall not carry on any activities not permitted to be carried on by a corporation exempt from Federal income tax under IRC Section 501(c)(3) or corresponding provisions of any subsequent Federal tax laws.

No part of the net earnings of the corporation shall inure to the benefit of any member, trustee, director, officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation), and no member, trustee, officer of the corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation.

No substantial part of the activities of the corporation shall be carrying on propaganda, or otherwise attempting to influence legislation or participating in, or intervening in (including the publication or distribution of statements), any political campaign on behalf of any candidates for public office.

In the event of dissolution, all of the remaining assets and property of the corporation shall, after necessary expenses thereof, be distributed to another organization exempt under IRC Section 501(c)(3), or corresponding provisions of any subsequent Federal tax laws, or to the Federal government, or state or local government for a public purpose subject to the approval of a Justice of the Supreme Court of the State of New York.

In any taxable year in which the corporation is a private foundation as described in IRC Section 509(a), the corporation shall distribute its income for said period at such time and manner as not to subject it to tax under IRC Section 4942, and the corporation shall not (a) engage in any act of self-dealing as defined in IRC Section 4941(d), retain any excess business holdings as defined in IRC Section 4943(c), (b) make any investments in such manner as to subject the corporation to tax under IRC Section 4944, or (c) make any taxable expenditures as defined in IRC Section 4945(d) or corresponding provisions of any subsequent Federal tax laws.

**THIRTEENTH:** Nothing contained in this certificate shall authorize or empower the Corporation to perform or engage in any act or practice prohibited by the General Business Law, Section 340 or other anti-monopoly statute of the State of New York.

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**IN WITNESS WHEREOF**, we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

I, \_\_\_\_\_, a Justice of the Supreme Court of the State of New York of the 7<sup>th</sup> Judicial District, do hereby approve the foregoing Certificate of Incorporation and consent that the same be filed.

\_\_\_\_\_  
Justice of the Supreme Court

Dated: \_\_\_\_\_, 20 \_\_\_\_

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**CONSENT**

WE, THE UNDERSIGNED, constituting at least a majority of the Town Board of the Town of Clarkson, County of Monroe, State of New York, do hereby consent to the formation of the Brockport Fire Department, Inc., a New York not-for-profit fire corporation, and do hereby approve of the foregoing Certificate of Incorporation and consent that the same be filed.

Dated: 07-13, 2010

Paul Kimball  
Town Supervisor

Sheldon Meyers

Christa Filipowicz

Patrick M. Didas

Allan H. Hoy

STATE OF NEW YORK }  
COUNTY OF MONROE } ss.:

On this 13<sup>th</sup> day of July, 2010, before me personally came Paul Kimball, Christa Filipowicz, Patrick Didas, Allan Hoy, Sheldon Meyers, and, members of the Town Board of the Town of Clarkson, County of Monroe, State of New York, to me personally known and known to me to be the same persons who executed the foregoing approval and consent, and they severally duly acknowledged to me that they executed the same.

Sharon S. Mattison  
Notary Public

SHARON S. MATTISON  
Notary Public, State of New York  
Monroe County, #01MA5023329  
My Commission Expires Feb. 7, 2014