

TOWN OF CLARKSON
TOWN BOARD MEETING
July 27, 2010

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, July 27, 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

Pat Tooley speaking on behalf of the Clarkson Rodeo committee updated and thanked the Town Board for their support as the rodeo concluded another successful year. The Board thanked Pat for all his hard work. Don Cuthbert of 8230 Ridge Road thanked Highway Supt., Dave Goodwin and his crew for trimming the low hanging branches over the sidewalk.

RESOLUTION AUTHORIZING AMENDMENT TO EMPLOYEE HANDBOOK

Motion by Councilperson Hoy

Seconded by Councilperson Meyers

To amend the Town of Clarkson Employee Handbook by adding; "In the event of an accident involving a town employee, the town will provide transportation to and from the required alcohol or drug test".

Unanimously carried

Discussion: A recommendation was received from insurance consultant Brian Baty of B.M.A. Consulting Services; recommending that the town formally adopt an addition to the employee manual stating that in the event of an accident involving a town employee, the town will provide transportation to and from the required alcohol or drug test.

MOTION AUTHORIZING SUPERVISOR TO SIGN FIRE TRUCK REPLACEMENT AGREEMENT

Motion by Councilperson Hoy

Seconded by Councilperson Filipowicz

For Supervisor to sign fire truck replacement agreement with the Village of Brockport.

Unanimously carried

Discussion: Supervisor Kimball stated that Brockport Village Mayor Castanada signed the fire truck replacement settlement last Monday and it should be sent to Clarkson for Supervisor Kimball's signature. The pay back will be for a five year period to include year's 2003-2008 and will begin in 2011 for a total payback of \$175,000. The pay back will be split the same way the fire contract is approximately 80% between Towns of Sweden and Clarkson and approximately 20% to the Village of Brockport.

07-27-10

RESOLUTION ALLOWING GOOD NEIGHBOR DAYS FIREWORKS DISPLAY

Motion by Councilperson Filipowicz

Seconded by Councilperson Hoy

To approve a fireworks display by Young Explosives Corp. to be held at the Good neighbor Days Festival in Clarkson, New York on August 27, 2010.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Meyers

NAYS: None

ABSENT: Councilperson Didas

TOWN HALL REPAIRS

Two bids were received from Lakeshore Construction for \$2,600 and Lavenders Quality Painting for \$1,280. After the bids were reviewed it was determined that they were quoted using different materials. The Town Clerk was instructed to contact Lavender's Quality Painting for a quote that would include the use of PVC. Updated quote will be reviewed at August 10th meeting.

MOTION AUTHORIZING HIGHWAY SUPT. TO ATTEND CONFERENCE

Motion by Councilperson Filipowicz

Seconded by Councilperson Hoy

To allow Highway Supt. Goodwin to attend the NYS Highway Conference in Saratoga, NY on September 14 through the 17th, 2010.

Unanimously carried

KOLB SUBDIVISION-DRAINAGE EASEMENT

Motion by Councilperson Hoy

Seconded by Councilperson Meyers

To authorize Supervisor Kimball to sign Kolb Subdivision-Drainage Easement which allows the Town of Clarkson to have a permanent easement across the property known as 3857 Redman Rd., tax map no. 053.03-1-1 aiding them in the repair and maintenance of existing drainage ditch or creek generally referred to as the "West Fork Creek".

***see attached easement agreement**

BUILDING INSPECTOR REPORTS

Insp Fabry had nothing to report

HISTORIAN REPORTS

Historian, Leanna Hale was not in attendance.

TOWN HALL PLAQUE

Supervisor Kimball reported that the Architectural Review Board has been putting plaques on town buildings by years built. The ARB presented a plaque dated 1899 to be placed on the Town Hall.

ASSESSOR REPORTS

Acting Assessor, Chris Lyon reported that the 2010 Assessment Roll has been completed and received notice that Clarkson is at 100% level of assessment. C. Lyons stated that his Assessor training will be complete by the end of September.

HIGHWAY SUPT. REPORTS

Supt. Goodwin reported that his work force has been busy on road work and bridge decks. The slurry seal project is almost complete; Gilmore Road is next on the schedule. Supervisor Kimball thanked Dave and his crew for the job well done on the Town Hall ramp.

07-27-10

AUTHORIZE 359 EAST AVENUE SEWER CONNECTION

Motion by Councilperson Meyers

Seconded by Councilperson Hoy

To allow the owners of 359 East Avenue to hook into the Mission Hill sewer district as an out-of-district user at their own expense with a provision that they sign an agreement stating that if a sewer district is formed they will become part of it.

Unanimously carried

Discussion: Supt Goodwin explained to the Board that 359 East Avenue, Clarkson is in the process of being sold and the septic system is in failure. The realtors for the property contacted Goodwin questioning the availability of sewers. Neighboring property owners, the Keplers, are willing to grant 359 East Ave. an easement to hook into the sewer, making the hookup a requirement according to the Health Dept. Dave stated that the owners of 359 East Ave. must sign an agreement stating that if a sewer district is formed they will become part of it. Dave advised the realtor there are legal matters that need to be addressed with Attorney Olson.

CLARKSON CLASSIC

Councilperson Meyers stated that he again would like to have letters mailed to residents on the race route notifying them of the Spirit Contest and for safety reasons therefore requesting help from town hall staff. Supervisor Kimball said that would not be a problem. Councilperson Meyers stated there will be some minor changes to the race route.

USDA RURAL DEVELOPMENT

Supervisor Kimball and Councilperson Meyers met with a USDA Rural Development representative today to discuss the possibility of obtaining financial help with the development of water districts on Redman and Sweden Walker Roads. Because the average annual income for town residents is too great it was determined there would be no savings to the residents and would complicate the process.

MINUTES

Motion by Councilperson Filipowicz

Seconded by Councilperson Hoy

To approve July 13, 2010 minutes.

Unanimously carried

AUDIT—07-02-2010

Vouchers 20100748-20100793; Total \$60,560.08; Gen. \$35,972.85; Hwy. \$24,432.35; SS \$154.88

Motion by Councilperson Hoy to pay the bills.

Seconded by Councilperson Meyers

Unanimously carried

EXECUTIVE SESSION

Motion by Councilperson Filipowicz

Seconded by Councilperson Hoy

To enter executive session at 6:35 p.m. to discuss a possible litigation matter.

Unanimously carried

07-27-10

REGULAR SESSION

Motion by Councilperson Filipowicz
Seconded by Councilperson Meyers
To return to regular session at 7:00 p.m.
Unanimously carried

Motion to adjourn at 7:01 p.m. by Councilperson Meyers
Seconded by Councilperson Hoy
Unanimously carried

Respectfully submitted,

Sharon S. Mattison
Town Clerk

APPROVED 08-10-2010

DRAINAGE EASEMENT TO THE TOWN OF CLARKSON

GRANT OF EASEMENT, made this 16th day of July, 2010, between the undersigned, owners of real property situate in the Town of Clarkson, Monroe County, New York, (hereinafter referred to as "Grantor"), and the **TOWN OF CLARKSON**, a municipal corporation of the State of New York, having its principal office and place of business at 3710 Lake Road, P.O. Box 858, Clarkson, New York 14430, (hereinafter referred to as "Grantee");

WHEREAS, the Grantor is the owner of a certain parcel of land situate on the west side of Redman Road in the Town of Clarkson, New York, known as 3857 Redman Road, Brockport, New York 14420, tax map no. 053.03-1-1; and

WHEREAS, the Town of Clarkson desires to have a permanent easement across a portion of Grantor's property to aid in repairing and maintaining the existing drainage ditch or creek (generally referred to as the "West Fork Creek") across lands of the Grantor which is a part of the overall drainage system of the Town of Clarkson; and

WHEREAS, Grantor is willing to grant such easement, upon certain terms and conditions;
NOW, THEREFORE, WITNESSETH:

FIRST: That for and in consideration of the sum of ONE DOLLAR, (\$1.00), in hand paid by the Grantee to Grantor, the receipt whereof is hereby acknowledged, the Grantor hereby grants unto the Grantee and its agents, the right, privilege and authority to enter certain lands of the Grantor as hereinafter described, situate on the west side of Redman Road in the Town of Clarkson for the purposes of repairing and maintaining the existing drainage ditch or creek (generally referred to as the "West Fork Creek") across lands of the Grantor which system is a part of the overall drainage system of the Town of Clarkson.

SECOND: The Grantor hereby grants the following easement to the Town of Clarkson for the aforementioned purposes:

PERMANENT DRAINAGE EASEMENT: A permanent easement measuring 60' feet in width (30' on either side of the centerline of the West Fork Creek) and extending generally in a southwesterly/northeasterly direction across the Grantor's premises, said easement being more particularly shown and described on the Kolb Subdivision map prepared by DDS Engineers a copy of which is attached hereto and made a part hereof identified as "EXHIBIT A".

THIRD: The permanent drainage easement herein granted shall be for the specific purpose to facilitate the repair and maintenance of the existing drainage ditch or creek known as West Fork Creek across lands of the Grantor which system is a part of the overall drainage system of the Town of Clarkson. Said permanent easement shall include the right, but not the obligation, of the Grantee, its agents and employees, to enter upon the easement to clean out, dig out, inspect, mow, repair and maintain the drainage ditch or creek extending through the Grantor's premises.

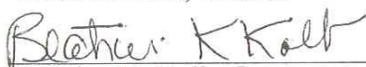
FOURTH: The permanent drainage easement shall be deemed to run with the land and be binding upon and inure to the benefit of the parties hereto, their heirs, distributees, executors, administrators, successors and assigns. The permanent drainage easement herein granted shall include the right to perform such services and repairs as necessary to keep the drainage ditch or creek open and free flowing.

FIFTH: It is an express condition to the granting of the easement herein that the Town of Clarkson, as soon as practicable after entering the lands of the Grantor for any of the purposes herein authorized, return the premises to their pre-existing condition including back filling, grading, raking and seeding as necessary. Access by the Grantor to other lands of the Grantor lying west of the existing drainage ditch or creek shall remain undisturbed by the repairs or maintenance by the Town. The Grantor agrees not to construct any building or other improvement or make any use of the land within the area of the permanent easement which will interfere with the Grantee's use thereof.

SIXTH: It is understood and agreed by the parties hereto that unless authorized pursuant to §147 of the New York State Highway Law, the Grantee shall access the easement area from Redman Road by crossing over lands of others and not upon, across or over the other lands of the Grantors located at 3857 Redman Road in the Town of Clarkson.

IN WITNESS WHEREOF, the Grantor has duly executed this easement this 16th day of July, 2010.


Bruce C. Kolb, Grantor

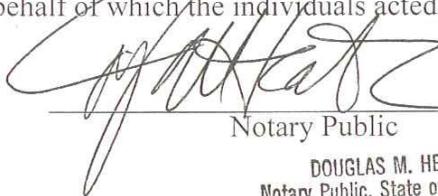

Beatrice K. Kolb, Grantor

STATE OF NEW YORK:

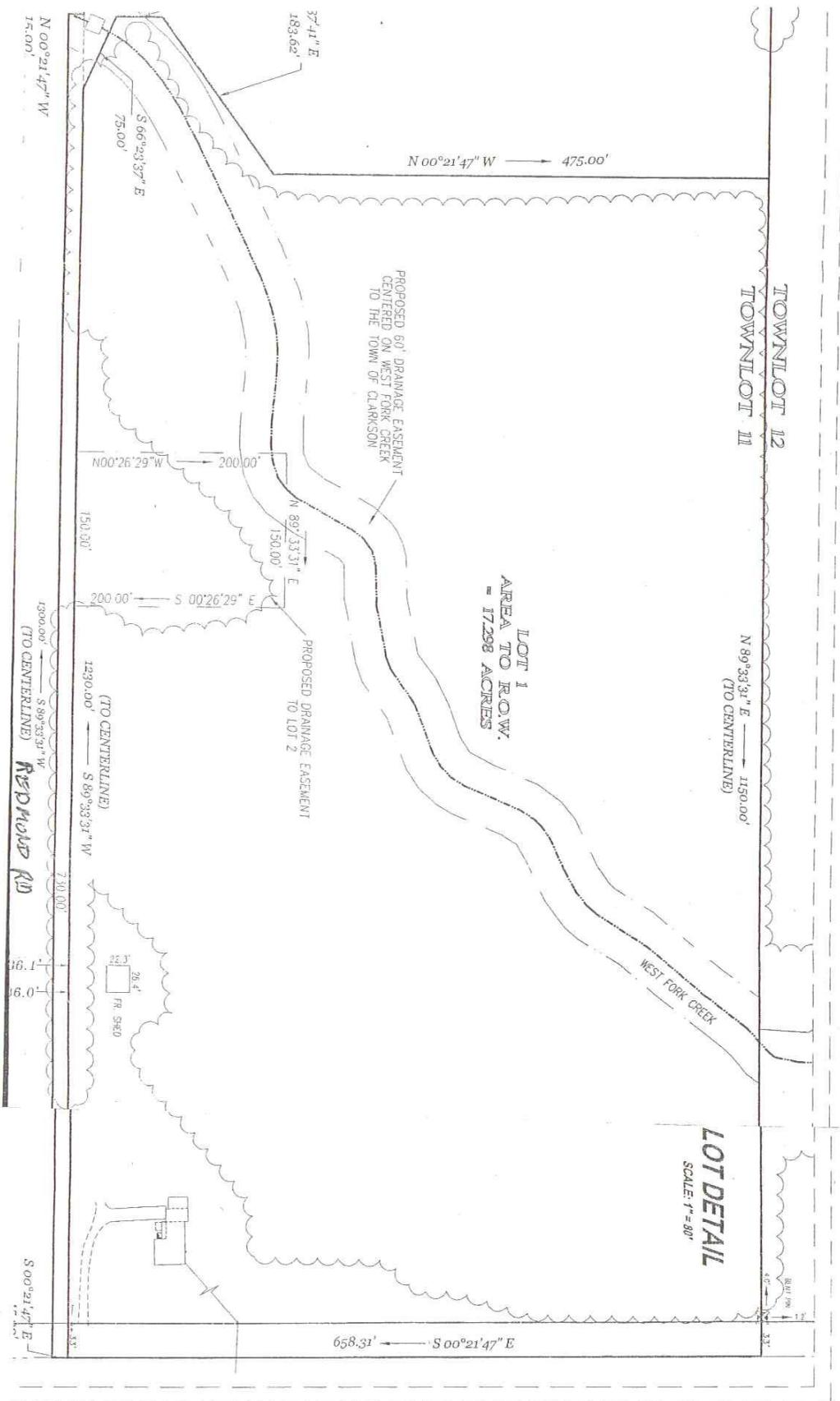
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COUNTY OF ORLEANS:

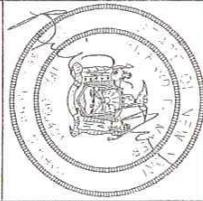
On July 16th, 2010, before me, the undersigned, personally appeared BRUCE C. KOLB and BEATRICE K. KOLB, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the persons upon behalf of which the individuals acted, executed the instrument.


Notary Public

DOUGLAS M. HEATH
Notary Public, State of New York
Orleans Co. Reg. No. 02HE4857248
Commission Expires March 31, 20 11



LOT DETAIL
SCALE: 1" = 80'



DBS ENGINEERS
240 COMMERCIAL DRIVE
ROCHESTER, NY 14623
PHONE (585) 558-7510
FAX (585) 558-7512

ABSTRACT REFERENCE
NOTE THIS SURVEY IS SUBJECT TO ANY FACTS WHICH A COMPLETE AND UPDATED ABSTRACT OF TITLE MAY REVEAL.

DEED REFERENCES:
LIBER PAGE

MAP REFERENCES:
LIBER PAGE

CERTIFICATIONS:
THIS IS TO CERTIFY THAT I AM A LICENSED LAND SURVEYOR AND THAT THIS PLAN WAS COMPLETED ON 02/22/2010 FROM NOTES OF A FIELD INSTRUMENT SURVEY PERFORMED ON 02/22/2010.

SIGNED: RICHARD E. WHELAN, L.S. 050491

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