

TOWN OF CLARKSON  
TOWN BOARD MEETING  
October 12, 2010

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, October 12, 2010 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 PM

**PRESENT:**

Paul Kimball	Supervisor
Allan Hoy	Councilperson
** Christa Filipowicz	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
Christopher Lyon	Assessor
Chad Fabry	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**

No one spoke

**RESOLUTION SETTING PUBLIC HEARING; PROPOSED LOCAL LAW #4-2010;**

AT A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF CLARKSON HELD  
AT THE TOWN HALL, 3710 LAKE ROAD, TOWN OF CLARKSON, MONROE COUNTY,  
NEW YORK ON THE 12<sup>th</sup> DAY OF OCTOBER, 2010

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

**ABSENT:** NONE

**RESOLUTION SETTING PUBLIC HEARING**

Introduced by: Councilperson Hoy

Seconded by: Councilperson Meyers

**LOCAL LAW #4-2010  
TOWN OF CLARKSON, MONROE COUNTY**

**“A Local Law Regulating Junk Storage in the Town of Clarkson”**

**WHEREAS,** the Town Board has before it a proposed Local Law to regulate the storage of junk; and

**WHEREAS,** in order to adopt said Local Law, the Town Board of the Town of Clarkson is required to hold and conduct a public hearing thereon;

**NOW, THEREFORE, BE IT RESOLVED:**

**SECTION 1.** That the Town Board of the Town of Clarkson shall hold and conduct a Public Hearing on the 9th day of November, 2010, at 7:00 p.m. at the Town Hall, 3710 Lake Road, Town of Clarkson, New York, 14430 to consider the attached Local Law; at which Public Hearing all interested persons will be heard concerning the subject matter thereof.

**10.12.10**

**SECTION 2.** That the Town Clerk shall cause due notice of such public hearing to be published as required by law.

**VOTE OF THE BOARD**

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

NAYS: None

Discussion: Attorney for the Town Richard Olson provided the Board with version 2.0 of the proposed law. **(See attached proposed Local Law #4-2010)**

**MOTION APPROVING APPLICATION FOR ELECTRICAL INSPECTORS****DRAFT #2**

Motion by Councilperson Didas

Seconded by Councilperson Hoy

To approve the application for Clarkson Electrical Inspectors (Draft 2).

Unanimously carried

Discussion: Bldg Insp. Fabry explained that the intent in Draft 2 remains the same as Draft 1, however Draft 2 has been simplified by removing verbiage.

**(See attached Application)**

**UPDATE STATUS OF BUILDING DEPARTMENT SOFTWARE PURCHASE**

Attorney for the Town Richard Olson reported that he is not comfortable with the existing contract proposal from WebQA Inc. Bldg. Insp Fabry stated that the current contract has been retracted since it has been on hold so long and will contact the company to see if the contract can be renegotiated.

**URBAN FORESTRY; ARBORICULTURAL STANDARDS AND SPECIFICATIONS**

Supervisor Kimball stated that after much discussion it would be best to adopt the Standards and Specifications and not build them into a Local Law making it easier to change and/or upgrade when necessary. Supt. Goodwin said the Standards and Specifications are a great document of direction explaining how, what, and where to plant trees and what spacing you should have away from different obstacles. The Board requested more time to review the document and will discuss again at the October 23, 2010 meeting.

**MOTION SETTING PUBLIC HEARING ON 2011 BUDGET/SPECIAL DISTRICTS**

Motion by Councilperson Hoy

Seconded by Councilperson Didas

In accordance with Section 108 of Town Law, a public hearing will be held on Saturday, October 23, 2010, at 9:00 a.m. at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY to review the preliminary budget for 2011.

The proposed yearly salaries for elected officials are: Supervisor \$20,064.00; Councilpersons \$6,930.00; Justices \$13,801.00; Town Clerk \$58,149.00; Highway Supt. \$80,408.00.

The Special Assessment rolls for the following districts:

**LIGHTING:**

Greenfield Manor Dist. 1&2; Rose Meadow; Wedgewood; Brianna; Burch Farm; Deer Creek Estates; Northfield; Old Pine Trail, Liberty Cove.

**SEWER:**

North Colony; Greenfield Manor; Clarkson Manor; Clarkson Meadows; Burch Farm; Brianna Meadows; Rose Meadows; Sweden Walker Rd; Liberty Cove, Kozi-Ridge; Garland Ridge; Tantalo Sewer CHTL Rd.; Wedgewood Sewer.

**WATER:**

Lawrence Road; Lawrence Rd. West; Sweden Walker Rd.; Clarkson Hamlin T.L. Rd.; East Ave.; Wiler Rd.; Roosevelt Hgwy#2; Clarkson Hamlin T.L. Rd.#2.

**10-12-10**

All persons will be heard at such time and place and have the right to provide written and oral questions concerning the use of funds. A copy of the entire budget is available for inspection by any interested party during normal business hours at the Town Clerk's office.

Unanimously carried

**2011 BUDGET WORKSHOP**

It was determined the Board will hold a workshop to discuss the 2011 preliminary budget on Tuesday, October 19, 2010 at 7:00 p.m. at the Clarkson Courthouse, 3655 Lake Road, Clarkson.

**TOWN HALL CARPET PROPOSAL**

An estimate was received from Pro Carpet, Inc. 5580 Ridge Road West, Spencerport, NY for town hall basement flooring in the amount of \$3,298.11. After a brief discussion the Board decided to table the matter until all remaining drainage issues have been resolved and additional estimates are obtained.

**FIRE SURVEY COMMITTEE**

Supervisor Kimball attended a meeting to discuss the fire contract. An agreement was reached on the dollar amount and contractual language. The Village of Brockport has agreed to complete a site survey which will determine what type of fire equipment is needed. Councilperson Hoy has agreed to represent Clarkson on the Fire Survey Committee which will meet 10/22/10 at 7:00 p.m. and 10/23/10 from 9:00 a.m. to 12:00 p.m. The Town is in receipt of the contract signed by Towns of Sweden, Clarkson and Village of Brockport stating the Village will return the surplus monies to the truck replacement fund.

**BUILDING INSPECTOR REPORTS**

Insp. Fabry had no report at this time.

**HISTORIAN REPORTS**

Historian Leanna Hale was not in attendance.

**ASSESSOR REPORTS**

Assessor Chris Lyon is busy updating sales in the property data base with new photos for all properties that have transferred in the last 12 months.

**HIGHWAY SUPT. REPORTS**

Supt. Goodwin reported that his department has been busy with County work and constructing the courthouse handicap ramp. Goodwin attended a Highway meeting where the Emerald Ash Borer was discussed.

**HOMETOWN HERO BANNER UPDATE**

Stetson Club President Brian Winant stated they have seven applicants for banners to date. He thanked the Towns of Clarkson and Sweden for their generous donations.

**MINUTES**

Motion by Councilperson Hoy

Seconded by Councilperson Meyers

To approve September 7, 2010 and September 14, 2010 minutes as presented at 9/28/2010 meeting.

Unanimously carried

**MINUTES**

Motion by Councilperson Didas

Seconded by Councilperson Hoy

To approve September 28, 2010 minutes as corrected.

Unanimously carried

**10-12-10****AUDIT**—10-01-2010

Vouchers 20101067-20101128; Total \$23,725.67; Gen. \$12,663.84; Hwy. \$7,840.14;  
SL \$3,221.69

Motion by Councilperson Hoy

Seconded by Councilperson Didas

Unanimously carried

Motion to adjourn at 7:30 P.M. by Councilperson Hoy

Seconded by Councilperson Didas

Unanimously carried

Respectfully submitted,

Sharon S. Mattison

Town Clerk

APPROVED 10-23-2010

Proposed application for electrical inspectors- Draft 2

**Application for Clarkson Electrical Inspectors**

The Town of Clarkson requires all electrical inspectors to be qualified. Please supply proof of qualification by addressing the requirements set forth on this application.

1. Payment of the application fee.
2. Proof of automobile and public liability coverage for property damage and personal injury including wrongful death, in an amount of at least three million dollars (\$3,000,000.00). The Town of Clarkson must be listed as a named insured.
3. Statutory workers' compensation coverage as is required by law
4. All electrical inspectors shall be certified by a nationally recognized inspector certification program accepted by the Clarkson Town Board. The certification program shall specifically qualify the individual in electrical inspections.
5. Electrical inspector applicants shall demonstrate the following:
  - a) Have a demonstrated knowledge of the standard materials and methods used in the installation of electrical equipment and systems; and,
  - b) Be well versed in the approved methods of construction concerning safety to persons and property and,
  - c) Be well versed in the statutes of *New York State Building and Residential Code* relating to electrical work and the *National Electrical Code* and,
  - d) Have at least 1 (one) year of experience as an Electrical Inspector *or*, 4 (four) years of experience in the installation of electrical equipment *or*, shall be a graduate of an electrical engineering or similar curriculum of a college or university considered by the Board as having suitable requirements for graduation and shall have had 2 (two) years practical electrical experience.
6. Proof of continued qualification is required with each bi-annual renewal request.

I \_\_\_\_\_, swear that the information I have provided is true and accurate.

Date

Notary signature \_\_\_\_\_

## JUNK STORAGE LAW

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

### ARTICLE I INTRODUCTION

#### **XXX\*- 1. Authority**

This local law is adopted pursuant to the authority granted the Town in Section 10 of the Municipal Home Rule Law and in Section 130(6) of the Town Law.

#### **XXX- 2. Title**

This local law shall be know as Local Law # \_\_-2010 "A Local Law Regulating Junk Storage in the Town of Clarkson"

#### **XXX- 3. Purpose**

The Town Board hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued general welfare of its citizens, and that regulation of the deposit, accumulation, or maintenance of junk regardless of quantity is hereby prohibited. By adoption of this law the Town Board declares its intent to preserve and promote a reasonable quality of environment and aesthetics and to prohibit actions and conduct that tend to depreciate not only the property on which it is located but also the property of other persons in the neighborhood and the community generally.

#### **XXX- 4. Applicability**

The provisions of this law shall apply in addition to the provisions of any other local law or ordinance adopted by the Town Board. Where there is a conflict the more restrictive provision shall apply.

#### **XXX- 5. Definitions**

**Garbage:** All putrescible animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, including container in which packaged.

**Rubbish, Clutter, Litter and Debris:** Ordinary household or commercial trash such as paper and paper products, barrels, cartons, boxes, cardboard, cans, glass, metals, machinery, plastics, rubber, crates, furniture, rugs, clothing, rags, mattresses, blankets, cigarettes, tires, lumber, brick, stone and other building materials no longer intended or in condition for ordinary use; and any and all tangible personal property no longer intended or in condition for ordinary and customary use.

**Junk:** Worn out or discarded material of little or no value including, but not limited to a junk appliance, junk furniture, junk mobile home, junk motor vehicle or garbage, rubbish and debris.

**Outdoor Storage:** The placing, maintaining or keeping of junk, rubbish, clutter, litter or debris in a place other than a structure with a roof and fully enclosed on all sides.

## **ARTICLE II PROHIBITED ACTS**

**XXX- 6.** It shall be unlawful for any person to store, deposit, place, maintain or cause or permit to be stored, deposited, placed or maintained outdoors, any junk, clutter, litter and debris upon private property within the Town.

**XXX- 7.** It shall be unlawful for any person to use a bus, uninhabited mobile home, truck, truck trailer, horse trailer, semi-trailer, tank truck, or similar vehicles or units for the storage of junk on any premises. Exceptions shall be made for the temporary use of such vehicles or units for construction purposes for periods of less than ninety (90) days, or when actively used in connection with active farming or agricultural operations.

## **ARTICLE III EXCLUSIONS**

**XXX-8.** Article II shall not apply to the storage or placement on the premises of the following material:

- (1) Wood intended for consumption in a wood burning stove, furnace or fireplace located in a building on the premises.
- (2) Lawn or yard or garden ornaments and implements.
- (3) Lawn and patio furniture.
- (4) Operable farm, garden and yard machinery and apparatus used on the premises.
- (5) Standing fences.
- (6) Hoses and sprinklers used for watering lawns or gardens.
- (7) Storage or placement and accumulation of materials in connection with a commercial operation duly conducted on the premises where such storage, placement and accumulation is expressly permitted by the laws of the Town.
- (8) Construction materials and equipment used for the construction or renovation of a building on the premises for which a building permit has been issued.
- (9) Short term accumulation of junk in containers designed for such purpose for no more than fifteen days with the purpose of said accumulation being for the proper removal from the property by a licensed hauler or the delivery of the same to a regulated disposal facility including the transfer station owned and operated by the Town of Clarkson.

**ARTICLE IV  
ADMINISTRATION AND ENFORCEMENT**

**XXX- 9. Enforcement Officer**

This law may be enforced by the building inspector, zoning enforcement officer, code enforcement officer, the Monroe County Sheriff's Department, New York State Police or other peace officers. Said persons shall have the authority to enforce the provisions of this chapter and to inspect premises within the Town as necessary for said enforcement including, if necessary, application for a search warrant to a court of competent jurisdiction.

**XXX- 10. Complaints**

Any person may file a complaint with the enforcement officer that a violation of this law may have taken place. The enforcement officer shall properly record and investigate any such complaint. The enforcement officer may also investigate any alleged violation that he or she has reason to believe has occurred or is occurring.

**XXX- 11. Notice to Comply**

**A.** Following an investigation of the property if a violation of this Local Law is found to exist, the enforcement officer shall prepare a written "Notice to Comply"

**B .** The written notice to comply shall contain the following information:

- (1) The name of the owner or occupant to whom the notice shall be addressed.
- (2) The location of the premises involved in the violation.
- (3) A statement of the facts which it is alleged violates this law.
- (4) A demand that the junk be removed or placed so as to be in compliance with the law within a specified number of days after the service or mailing of the notice.
- (5) A statement that a failure to comply with the demand may result in prosecution.
- (6) A copy of the law.

**C.** Service of The Notice to Comply can be by one of the following methods:

- (1) Personal Service on the Owner and/or Occupant of the property; or

(2) If improved by a dwelling, by affixing a copy of the Notice to Comply on the door to the dwelling and mailing a notice to the Owner at the Owner's address as shown on the most recent tax roll of the Town and to the dwelling addressed to the owner or occupant should the occupant not be the owner; or

(3) If not improved by a dwelling, by affixing a copy of the Notice to Comply to any building in a conspicuous place, or if there is no building, to a sign conspicuously placed on the property by the person serving the notice and mailing a notice to the Owner at the Owner's address as shown on the most recent tax roll of the Town.

**XXX- 12. Enforcement upon failure to comply.** There are three methods of enforcement of this Local Law.

**A. Clarkson Justice Court.**

(1) **Appearance Ticket.** The enforcement officer is hereby authorized pursuant to Criminal Procedure Law §150.20(3) to issue an appearance ticket to any person whom the enforcement officer has reason to believe has violated this law, and shall cause such person to appear before the Town Justice.

(2) **Penalties and Remedies.** Any person who shall violate any of the provisions of this law shall be guilty of a violation and subject to the following: (1) a fine not to exceed \$350.00 or imprisonment for a period not to exceed fifteen days, or both; or (2) a penalty of \$350.00 to be recovered by the municipality in a civil action. Every such person shall be deemed guilty of a separate violation for each week such violation, disobedience, omission, neglect or refusal shall continue.

(3) **Procedure.** For the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

**B. Town Board Hearing.**

(1) **Notice of Hearing.** Upon the written notification from the Building Inspector or Code Enforcement Officer of the failure of an owner, tenant or occupant with notice to correct a violation of this Local Law, the Town Board may hold a public hearing to determine whether the violation constitutes a public nuisance requiring abatement by the Town. The public hearing shall be held upon notice posted conspicuously on the subject property. The notice shall also be sent to the last known address of the property owner, as it appears on the current assessment records of the Town, by certified mail, return receipt requested or served on the owner by personal service. Posting and service of such notice shall not be less than 15 calendar days, exclusive of the date of service, prior to the date of the public hearing. The notice shall:

(a) identify the premises as the same appears on the current assessment role;

(b) contain a statement of the conditions on the property deemed upon inspection to constitute a public nuisance;

(c) contain a demand that the condition or conditions constituting the public nuisance be immediately abated or removed before the date of the hearing specified in the notice;

(d) contain a statement that a failure or refusal to comply within the period specified may result in a duly authorized officer, agent or employee of the Town entering upon the property and abating or removing the public nuisance; and

(e) contain a statement that the cost and expense of such abatement or removal shall be the responsibility of the owner, tenant or occupant, and, without limitation on the Town's potential remedies to recoup its expenses, such cost and expense shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.

**(2) Abatement after Hearing.** At the conclusion of the public hearing and where the Town Board finds, based on substantial evidence in the public hearing record, that the violation or violations amount to a public nuisance requiring abatement by the Town, the Town Board may cause the abatement or removal of the public nuisance. The abatement or removal may be performed by the Town or by its designee, or agent, including a private contractor lawfully engaged and authorized by the Town. The Town Board shall ascertain the cost of removal, and assess such expense against the record owner of the property. The expense so assessed shall constitute a lien in charge on real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other town charges. The foregoing shall not be construed as a limitation on the Town's potential remedies to recover its costs. The removal of any nuisance by the Town's agents, shall not operate to excuse such owner, tenant or occupant from properly maintaining the premises as required by this law. Such owner, tenant or occupant shall, in addition to the remedies provided herein, be subject any other penalties provided for by this law.

**C. INJUNCTION.** The Town Board may also maintain an action or proceeding in the name of the municipality in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this law.

**D. ELECTION OF REMEDIES.** Nothing herein shall prevent the Town from proceeding under any, or all, of the above enforcement methods for any violation.

#### ARTICLE V: MISCELLANEOUS

##### XXX- 13. Severability

If any clause, sentence, paragraph, section or article of this law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the

remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

**XXX- 14. Effective Date**

This local law shall become effective upon the date it is filed in the Office of the New York Secretary of State.

(Note: XXX- refers to chapter number which will be assigned upon insertion into code book)