

TOWN OF CLARKSON  
TOWN BOARD MEETING  
May 24, 2011

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, May 24, 2011 at the Clarkson Courthouse, 3655 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**

Brian Winant, President of Brockport Stetson Club informed the Board that on June 11<sup>th</sup> from noon to 4:00 PM the Stetson Club, The Brockport Area Veterans' Club and the Ladies Auxiliary Post 379 will be hosting a "Military and Community Appreciation Day". The event will be held at the Brockport Area Veterans' Club on West Avenue in Brockport. Everyone is invited to come out and show their support for our area veterans and current military personnel and their families.

Supt. Goodwin informed B. Winant and the Board that he received approval from Niagara Mohawk to attach the Hometown Hero Banners on the utility poles contingent upon receipt of a Certificate of Liability Insurance which Supt. Goodwin received this afternoon. The agreement with Niagara Mohawk is to be signed by Supervisor Kimball and returned along with the Certificate of Liability Insurance. B. Winant stated that he hopes to have the banners displayed before the June 11<sup>th</sup> event.

**PROPOSED COURTHOUSE LANDSCAPING**

Court Clerk Rogers and Supt. Goodwin met with D. Stettner of Salmon Creek Nursery to discuss landscaping around the new handicap access to the courthouse. D. Stettner submitted a design and cost proposal for the project. The Board stated that, per the Towns' policy, C. Rogers will need to obtain a second proposal. A discussion took place regarding the removal of the old courthouse ramp. After much discussion it was determined that it would be best if the highway department disassembled and disposed of the ramp themselves for liability reasons.

**MARRIAGE OFFICER**

The Town Board received a request from the court clerk for appointment as a marriage officer. Supervisor Kimball stated before the request can be granted the board has a couple questions; what is the need for another marriage officer; what is the opinion of the supervising judges and for the court clerk to check with other towns to see what their policy is. The matter will be deferred to the June 14<sup>th</sup> agenda.

**05.24.11**

**AUTHORIZATION FOR HIGHWAY SUPERINTENDENT AND FOREMAN TO ATTEND NEW YORK STATE HIGHWAY SCHOOL**

Motion by Councilperson Hoy

Seconded by Councilperson Meyers

To authorize Highway Supt. Goodwin and Foreman Viscardi to attend the 2011 N.Y. State Highway School in Ithaca New York June 6-8.

Unanimously carried

Discussion: Supt. Goodwin stated that this will be his 25<sup>th</sup> year in attendance at the Highway School in Ithaca. D. Goodwin will also be attending the PERMA Workers Compensation conference this week at no expense to the town. By attending the conference the town will earn points toward reducing their insurance premiums.

**BUILDING INSPECTOR REPORTS**

Insp. Fabry stated that his office is busy since building has increased. He has received several complaints on property located at 2001 Clarkson Parma TL Road regarding unkempt lawn that needs to be mowed and an abundance of rubbish on the front and back lawns that must be removed. The property is currently in foreclosure so several calls have been made to the bank with no response. A complaint has also been received on property located at 3770 Lake Road regarding unkempt lawn that needs to be mowed and rubbish on the front and back lawns that must be removed. His office is in the process of contacting the property owner and bank of record to advise them the property needs to be maintained immediately. At this time Insp Fabry is asking for approval to act on Local Law #2-2009 for both above mentioned properties.

**RESOLUTION AUTHORIZING HIGHWAY SUPERINTENDENT TO MOW GRASS IN ACCORDANCE WITH LOCAL LAW #2-2009**

At a regular meeting of the Town Board of the Town of Clarkson held at the Courthouse, 3655 Lake Road, Clarkson, New York on May 24, 2011  
Present: Supervisor Kimball, Councilpersons, Hoy, Filipowicz, Didas, and Meyers  
Absent: None

**Introduced by:** Councilperson Hoy

**Seconded by:** Councilperson Filipowicz

**RESOLUTION REQUIRING CUTTING OF GRASS**

**Whereas**, the Town Board has received a report from Chad Fabry, Building Inspector that property at **2001 Clarkson Parma TL Road, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

**Whereas**, the Town Board has reviewed this report and determined that the allegations contained therein are accurate; and

**Whereas**, pursuant to Local Law #2-2009, "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson" this board may direct the property owner to remedy this condition and if such condition is not remedied within ten (10) days, have the condition remedied by the Town with the cost thereof to be assessed to the property;

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

**Section 1.** That the Building Inspector is directed to mail and post the notice as set forth in Local Law #2-2009;

**Section 2.** That if the condition is not remedied within ten (10) days of the notice, the Building Inspector shall notify the Highway Superintendent who is directed to take appropriate action to remedy the condition;

**Section 3.** That this resolution shall take effect immediately.

**Vote of the Board**

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

Nays: none

**05.24.11****RESOLUTION AUTHORIZING HIGHWAY SUPERINTENDENT TO MOW GRASS IN ACCORDANCE WITH LOCAL LAW #2-2009**

At a regular meeting of the Town Board of the Town of Clarkson held at the Courthouse, 3655 Lake Road, Clarkson, New York on May 24, 2011

Present: Supervisor Kimball, Councilpersons, Hoy, Filipowicz, Didas, and Meyers  
Absent: None

Introduced by: Councilperson Hoy  
Seconded by: Councilperson Filipowicz

**RESOLUTION REQUIRING CUTTING OF GRASS**

**Whereas**, the Town Board has received a report from Chad Fabry, Building Inspector that property at **3770 Lake Road, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

**Whereas**, the Town Board has reviewed this report and determined that the allegations contained therein are accurate; and

**Whereas**, pursuant to Local Law #2-2009, "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson" this board may direct the property owner to remedy this condition and if such condition is not remedied within ten (10) days, have the condition remedied by the Town with the cost thereof to be assessed to the property;

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

**Section 1.** That the Building Inspector is directed to mail and post the notice as set forth in Local Law #2-2009;

**Section 2.** That if the condition is not remedied within ten (10) days of the notice, the Building Inspector shall notify the Highway Superintendent who is directed to take appropriate action to remedy the condition;

**Section 3.** That this resolution shall take effect immediately.

**Vote of the Board**

Ayes: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas, and Meyers  
Nays: none

**HISTORIAN REPORTS**

Historian, Leanna Hale was not present at this time.

**ASSESSOR REPORTS**

Assessor, Chris Lyon was not present at meeting as he is attending Board of Assessment Review.

**HIGHWAY SUPT. REPORTS**

Supt. Goodwin has asked the board to approve the Niagara Mohawk agreement allowing the town to attach street decorations to their electric poles.

Supt. Goodwin spoke with Robert Werner of 9678 Ridge Road regarding water seeping through cracks in his basement floor. Supt. Goodwin provided maps of the location for reference. Mr. Werner stated that he thinks the problem is caused by a culvert pipe located on property on the south side of Ridge Road located approximately 3,000 feet away that is blocked with debris and stone. Supt. Goodwin will contact Monroe County Water Authority to check for water leaks and after a lengthy discussion the Board determined that since the problem is located on private property it is not a town matter.

**05.24.11**

**MOTION AUTHORIZING THE SUPERVISOR TO SIGN NIAGARA MOHAWK AGREEMENT**

Motion by Councilperson Hoy

Seconded by Councilperson Filipowicz

To authorize the Supervisor to sign the agreement with Niagara Mohawk allowing the town to attach street decorations to their electric poles.

Unanimously carried

**RESOLUTION AUTHORIZING ACCEPTANCE OF THE STORMWATER COALITION OF MONROE COUNTY 2010-2011 JOINT ANNUAL REPORT FOR COMPLIANCE WITH THE PHASE II STORMWATER REGULATIONS**

At a regular meeting of the Town Board of the Town of Clarkson held at the Clarkson Courthouse, 3655 Lake Road, Clarkson, New York on May 24, 2011

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

Absent: None

Introduced by: Councilperson Hoy

Seconded by Councilperson Didas

**WHEREAS**, the 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 an Annual Report, or contribute to a Joint Annual Report, on the Clarkson efforts to protect and improve the water quality of our streams and waterbodies, and

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

**WHEREAS**, a Joint Annual Report has been prepared in conformance with the Phase II Regulations by the Stormwater Coalition of Monroe County, and

**WHEREAS**, the Joint Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, NY by June 1, 2011,

**NOW, THEREFORE, BE IT RESOLVED**, that the Joint Annual Report is accepted by the Clarkson Board and that said Joint Annual Report is available for public review at [www.thestormwatercoalition.org](http://www.thestormwatercoalition.org) and the Clarkson Town Hall,

**BE IT FURTHER RESOLVED**, that all comments on the Joint Annual Report will be incorporated into the 2010-2011 or the 2011-2012 Annual Reports to the NYSDEC.

**VOTE OF THE BOARD**

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

Nays: None

**\*See attached report**

**MINUTES**

Motion by Councilperson Filipowicz

Seconded by Councilperson Didas

To approve May 10, 2011 special meeting minutes.

Unanimously carried

**MINUTES**

Motion by Councilperson Filipowicz

Seconded by Councilperson Didas

To approve May 10, 2011 regular meeting minutes.

Unanimously carried

**05.24.11****AUDIT**—05-2-2011

Motion by Councilperson Hoy

Seconded by Councilperson Meyers

To authorize payment of audit 05-2-2011 to include the following:

Vouchers 20110490-20110533; Total \$16,563.95; Gen. \$8,069.84; Hwy. \$1,322.92;

H \$4,208.55; SF \$2,771.96; SS \$190.68

For distribution checks from 22548 - 22582

Unanimously carried

**AUDIT**—05-3-2011

Motion by Councilperson Hoy

Seconded by Councilperson Meyers

To authorize payment of audit 05-3-2011 to include the following:

Vouchers 20110534-20110534; Total \$175.00; DA \$175.00

For distribution checks from 22583 - 22583

Unanimously carried

**EXECUTIVE SESSION**

Motion by Councilperson Filipowicz

Seconded by Councilperson Didas

To enter executive session at 7:40 PM to discuss a personnel matter.

Unanimously carried

**RETURN TO REGULAR SESSION**

Motion by Councilperson Filipowicz

Seconded by Councilperson Hoy

To return to regular session at 8:00 PM

Unanimously carried

**FIRE PROTECTION UPDATE**

Supervisor Kimball gave a brief update on future fire protection.

**MOTION TO ADJOURN**

Motion to adjourn at 8:15 PM by Councilperson Meyers

Seconded by Councilperson Didas

Unanimously carried

Respectfully submitted,

*Sharon S. Mattison*

Town Clerk

APPROVED JUNE 14, 2011

7935007876

**MS4 Annual Report Form**This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition 

The Stormwater Coalition of Monroe County									
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SPDES ID

N	Y	R	2	0					
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**7. Evaluating Progress Toward Measurable Goals MCM 4**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMP in this reporting period.**

Active construction sites inspected during the reporting period.

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

Percent of active construction sites inspected during the reporting period: 99%. During the 2009-2010 and 2008-2009 reporting years these numbers were 100% and 93%, respectively.

Percent of active construction sites inspected more than once during the reporting period: 97%. During the 2009-2010 and 2008-2009 reporting years these numbers were 97% and 93%, respectively. Levels of construction site inspections and re-inspections remain high.

**C. How many times was this observation measured or evaluated in this reporting period?**

	1	4	4
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*(ex.: samples/participants/events)***D. Has your MS4 made progress toward this measurable goal during this reporting period?** Yes  No**E. Is your MS4 on schedule to meet the deadline set forth in the SWMP?** Yes  No**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

The Stormwater Coalition will continue to partner with the Soil and Water Conservation District in providing construction technical assistance to the MS4s, including construction site inspections, and will monitoring construction site inspection occurrences in support of the Measurable Goal identified in MCM 4, Item 7.A., above.

7935007876

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 2 0 1 1

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID  
N Y R 2 0

**7. Evaluating Progress Toward Measurable Goals MCM 4**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMP in this reporting period.**

Minimize construction site enforcement actions.  
  
This goal replaces the Coalition's previous goal, the percent of sites where MS4 Compliance Inspection found significant non-compliance, which was determined to be somewhat subjective.

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

Percent of active construction projects of >1 acre for which enforcement actions were used (total MCM 4&5, Item 6 numbers divided by MCM 4, Item 2 number). Findings for the past three Joint Annual Reporting years are: 2008-2009: 39%; 2009-2010: 28%; 2010-2011: 31%. This indicator reflects overall site compliance for MS4s included in the Joint Annual Report, and provides trending information over time, with a lower value indicating more compliance.

**C. How many times was this observation measured or evaluated in this reporting period?**

(ex.: samples/participants/events)

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes  No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMP?**

Yes  No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

The Coalition will continue to provide technical assistance to the Member MS4s with reviewing SWPPPs, inspecting construction sites, and training construction site operators in an effort to improve compliance, and will continue to monitor construction site permit compliance in support of the Measurable Goal identified in MCM 4, Item 7.A., above.