

TOWN OF CLARKSON
TOWN BOARD MEETING
July 10, 2012

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, July 10, 2012 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 PM.

PRESENT:

Paul Kimball	Supervisor
Allan Hoy	Councilperson
Christa Filipowicz	Councilperson
Patrick Didas	Councilperson
Scott Tantalo	Councilperson
Sharon Mattison	Town Clerk
David Goodwin	Highway Supt.
Richard Olson	Attorney for the Town

ALSO:

Kristin Coon	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

Kurt and Lisa Smith of 3123 Clarkson Parma Town Line Road asked where the Town stands on the possibility of getting water down Clarkson Parma Town Line Road. Supervisor Kimball stated that we were waiting for a response from the Town engineer. Superintendent Goodwin quoted a price of approximately \$40 per linear foot for material. He stated it is roughly a little over a mile from Peck Road up to the Ridge, which would give an estimate of around \$200,000. Thus, this project would have to be a joint water district to make it affordable. It will be fairly expensive because of the amount of parcels in this area. Supervisor Kimball explained that the Town passed a resolution authorizing the services of the Town engineer. Now there is a 30-day waiting period during which time protests, if any, may be filed. Residents should receive notification in the next 30 to 45 days. The Town will then prepare a formal petition for interested residents to sign indicating the proposed dollar amount involved. If the dollar amount is in excess of \$1000 per year, it takes a strong majority of the people being served to sign the petition.

**PUBLIC HEARING REGARDING THE CREATION OF THE IOANNONE
SANITARY SEWER DISTRICT**

Supervisor Kimball opened the public hearing at 6:05 P.M.

Property owner, Charles Ioannone of 2871 Lyell Road, Rochester, inquired about the procedure for installing a driveway culvert according to his site plan. Supt. Goodwin explained that he needs to fill out an application and submit it to Monroe County for their approval.

Supervisor Kimball closed the public hearing at 6:10 P.M.

**PUBLIC HEARING ON REZONING 6.81 ACRES ON SWEDEN WALKER
ROAD FROM RS TO RC**

Supervisor Kimball opened the public hearing at 6:10 P.M. Supervisor Kimball read responses from Monroe County Dept. of Planning and Development, and the Clarkson Planning Board Chairman.

07.10.12

Trisha Kirsch, Attorney and Adam Proctor, PE spoke on behalf of the applicants. Ms. Kirsch had four major points to discuss: (1) the use of the property cannot realize a reasonable return the way the property is currently zoned; (2) the hardship on the property is unique; (3) rezoning will not alter the essential character of the property; and (4) the hardship is not self-created. Adam Proctor then presented a site plan that was approved in 2006 for a single family residence. This parcel was originally purchased with the intention to subdivide and put two houses on it, however, it was discovered that this was not possible, did not perk. A lengthy discussion was held regarding the fact that this is not an attractive or financially feasible lot for a residence. There is a gravel driveway with no plans to pave, so site drainage patterns will not be affected. The proposed structures will include small sheds, which are not permanent. They are not proposing anything that would change the characteristics of the property. Ms. Kirsch then addressed concerns raised in the letter from the Planning Board. She argued that there were no significant differences in rezoning from suburban residential to recreation conservation in regards to the proposed plans for the property. She felt that rezoning the property would also make it more compatible with the comprehensive plan.

Applicants Sabine Frederick and Dwayne Hibbert spoke. They just want to create a field for kids to go and play Airsoft legally, taking them away from public areas. Safety rules, engagement rules, insurance and noise issues were discussed. Supervisor Kimball asked about the proposed hours of operation. Ms. Frederick stated Saturdays and Sundays, 10 a.m. until 5 or 6 p.m.

Ross Bellavia of 242 Gina Way owns property adjacent to the proposed site. He is concerned about the increased volume of traffic and feels that the addition of sheds would degrade the property.

Tracy Walker of 3567 Sweden Walker Road expressed her concerns and is not in favor of the proposed rezoning. She is worried about the increased traffic and feels that a turning lane might be necessary for safe entry into the proposed property (DOT has not yet been approached regarding this). Her other concern is the type of clientele a business like this would attract; is it appropriate for country living. She asked who would govern the use of appropriate equipment. Dwayne Hibbert assured her that all guns are checked, bags are inspected, and safety equipment is reviewed and supplied.

Ron Nau of 3640 Sweden Walker Road owns property directly adjacent to the site. He has real concerns regarding property values and inviting the public to a property with no running water that would require the use of a port-a potty system. In addition, he mentioned that there is a stream that runs into the wetlands area and the proposed playing field is directly beyond the stream and wondered what effect the pellets would have on the stream. Ms. Frederick reiterated that the pieces are biodegradable.

Supervisor Kimball closed the public hearing at 6:50 P.M. and deferred decision on the matter to July 24th.

07.10.12**RESOLUTION ESTABLISHING IOANNONE SANITARY SEWER DISTRICT**

At a regular meeting of the Town Board of the Town of Clarkson, Monroe County, New York, held at the Town Hall, 3710 Lake Road in said Town, on the 10th day of July, 2012 at 6:00 P.M., there were:

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Tantalo

ABSENT: none

In the Matter

of

The Creation of a Sanitary Sewer District
In the Town of Clarkson, Monroe County, New York
To be known as the Ioannone Sanitary Sewer District

**RESOLUTION
ESTABLISHING
SANITARY
SEWER DISTRICT**

WHEREAS, a petition for the creation of a Sanitary Sewer District in the Town of Clarkson, to be known as The Ioannone Sanitary Sewer District, said petition being dated and acknowledged June 7, 2012, was duly presented to this Board together with the necessary map and plan attached thereto; and

WHEREAS, an order was duly adopted by the Town Board on the 11th day of June, 2012, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed district, and the estimated expense thereof, and specifying July 10, 2012, at 6:00 P.M., as the time, and the Town Hall, 3710 Lake Road, as the place where the said Board will meet to consider the petition and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly posted and published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 10th day of July, 2012, commencing at 6:00 P.M., in the Town Hall, 3710 Lake Road in said Town, and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

WHEREAS, the Planning Board, as lead agency, has determined that this action will not have a negative impact on the environment and has issued a negative SEQRA declaration; and

WHEREAS, it is *not* proposed or required that the Town shall finance the cost of this district extension or construction of the improvements or the providing of service therein by the issuance of bonds, notes, certificates or other evidence of indebtedness all costs being paid by the property owner:

NOW, upon the evidence given at such hearing, upon the motion of **Councilperson Hoy**, seconded by **Councilperson Didas**, it is

RESOLVED AND DETERMINED that:

A. The petition aforesaid is signed and acknowledged or proved as required by law, in due compliance with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district as herein approved, and it is otherwise sufficient;

B. All the property and property owners within the proposed district are benefited thereby;

07.10.12

C. All the property and property owners benefited are included within the limits of the proposed district; and

D. It is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED that the establishment of the district as proposed in said petition be approved; that the improvements therein mentioned be constructed upon the required funds being made available or provided for; and that such district extension shall be designated and known as The Ioannone Sanitary Sewer District and shall be bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Clarkson, County of Monroe and Sates of New York and being part of Lot 6, Township 4, Section II, and more particularly bounded and described as follows:

Beginning at a point in the center of the Hamlin-Clarkson Townline Road distant westerly along the center line 1,786.73 feet from the point of intersection of the center line of the Hamlin-Clarkson Townline Road and Lake Road (Route 19); thence (1) southerly at an angle to the west formed with the center line of the road of 88° 42' 42" a distance of 1,306 feet to a point; thence (2) westerly at an interior angle of 91° 17' 18" a distance of 315 feet to a point; thence (3) northerly at an interior angle of 88° 42' 42" a distance of 1306 feet to a point in the center line of the Hamlin Clarkson Townline Road; thence (4) easterly along the center line of the highway at an interior angle of 91° 17' 18" a distance of 315 feet to the point and place of beginning.

and

WHEREAS, all the lands and territory above described are situate within said Town of Clarkson and outside of an incorporated village or city; and it is further

ORDERED that the Town Clerk of this Town shall, within ten (10) days after the adoption of this resolution, cause a certified copy thereof to be recorded in the office of the Clerk of the County of Monroe and cause a certified copy thereof to be filed in the office of the State Department of Audit and Control at Albany, New York.

Vote of the Board

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

NAYS: None

Dated: July 10, 2012

**MOTION FOR SUPERVISOR TO SIGN INTER-MUNICIPAL AGREEMENT;
IOANNONE SANITARY SEWER DISTRICT**

Motion by Councilperson Hoy

Seconded by Councilperson Didas

Motion for Supervisor Kimball to sign the Inter-municipal agreement with the Town of Hamlin regarding the Ioannone Sanitary Sewer District.

Vote of the Board

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

NAYS: None

**INTERMUNICIPAL AGREEMENT
BETWEEN THE TOWNS OF HAMLIN AND CLARKSON REGARDING
THE IOANNONE SANITARY SEWER DISTRICT IN THE TOWN OF
CLARKSON, MONROE COUNTY, NEW YORK**

This agreement, dated the 10th day of July, 2012, by and between the Town of Clarkson, (hereinafter, "Clarkson") a New York Municipal Corporation, having offices at 3710 Lake Road, PO Box 838, Clarkson, New York 14430 and the Town of Hamlin,

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(hereinafter, "Hamlin") a New York Municipal Corporation having offices at 1658 Lake Road, Hamlin, New York 14464

Whereas, the Town of Hamlin has, within its boundaries, a sanitary sewer district known as the Hamlin Consolidated Sewer District; and

Whereas, pursuant to the provisions of Article 12 of the New York State Town Law, the Town of Clarkson has created a sanitary sewer district known as the Ioannone Sanitary Sewer District to serve a parcel of land located on Clarkson Hamlin Townline Road (Tax Account # 029.03-1-2.12) in the Town of Clarkson; and

Whereas, the Ioannone Sanitary Sewer District will connect with the Hamlin Consolidated Sewer District in Hamlin; and

Now, therefore, the Town Board of the Town of Hamlin, and the Town Board of the Town of Clarkson agree as follows with respect to the Ioannone Sanitary Sewer District:

1. The Ioannone Sewer District will connect with the Hamlin Consolidated Sewer District.
2. Hamlin will bill Clarkson on an annual basis with the amount being the same as is paid by the owners of property in the Hamlin Consolidated Sewer District in the area of the Town of Hamlin where the connection is made plus the sum of one hundred dollars (\$100.00). Hamlin shall submit a statement to Clarkson on or before November 30 of each year. Payment shall be made on or before January 31 of the following year.
3. Clarkson will be responsible for billing the owner of the property for the amount paid to Hamlin by either direct billing or causing the charge to be on the Town and County Tax bill.
4. The Town of Hamlin will be responsible for the maintenance of the sewer line under Hamlin Clarkson Townline Road serving the Ioannone Sanitary Sewer District and shall bill the Town of Clarkson for such maintenance the cost of which will be paid for and assessed to the properties in the Ioannone Sewer District. Payments made pursuant to this paragraph shall be due within thirty five (35) days of receipt of a statement.

In **WITNESS WHEREOF** the Town Board of the Town of Hamlin, by duly adopted resolution has caused this Agreement to be signed by the Supervisor of the **TOWN OF HAMLIN**; and the official seal of the **TOWN OF HAMLIN** to be hereunto affixed; and the Town Board of the Town of Clarkson, by duly adopted resolution has caused this Agreement to be signed by the Supervisor of the **TOWN OF CLARKSON**; and the official seal of the **TOWN OF CLARKSON** to be hereunto affixed.

TOWN OF CLARKSON

Dated: _____, 2012

By: PAUL M. KIMBALL, Supervisor

TOWN OF HAMLIN

Dated: _____, 2012

By: THOMAS N. BRESLAWSKI, Supervisor

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**MOTION FOR SUPERVISOR TO SIGN INTER-MUNICIPAL AGREEMENT;
TANTALO SANITARY SEWER DISTRICT**

Motion by Councilperson Filipowicz

Seconded by Councilperson Hoy

Motion for Supervisor Kimball to sign the Inter-municipal agreement with the Town of Hamlin regarding the Tantalo Sanitary Sewer District.

Vote of the Board

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Didas

NAYS: None

ABSTAIN: Councilperson Tantalo

**INTERMUNICIPAL AGREEMENT
BETWEEN THE TOWNS OF HAMLIN AND CLARKSON REGARDING
THE TANTALO SANITARY SEWER DISTRICT IN THE TOWN OF
CLARKSON, MONROE COUNTY, NEW YORK**

This agreement, dated the 10th day of July, 2012, by and between the Town of Clarkson, (hereinafter, "Clarkson") a New York Municipal Corporation, having offices at 3710 Lake Road, PO Box 838, Clarkson, New York 14430 and the Town of Hamlin, (hereinafter, "Hamlin") a New York Municipal Corporation having offices at 1658 Lake Road, Hamlin, New York 14464

Whereas, the Town of Hamlin has, within its boundaries, a sanitary sewer district known as the Hamlin Consolidated Sewer District; and

Whereas, pursuant to the provisions of Article 12 of the New York State Town Law, the Town of Clarkson has created a sanitary sewer district known as the Tantalo Sanitary Sewer District to serve a parcel of land located at 545 Clarkson Hamlin Townline Road (Tax Account # 029.03-1-5.12) in the Town of Clarkson; and

Whereas, the Tantalo Sanitary Sewer District will connect with the Hamlin Consolidated Sewer District in Hamlin; and

Now, therefore, the Town Board of the Town of Hamlin, and the Town Board of the Town of Clarkson agree as follows with respect to the Tantalo Sanitary Sewer District:

1. The Tantalo Sewer District will connect with the Hamlin Consolidated Sewer District.
2. Hamlin will bill Clarkson on an annual basis with the amount being the same as is paid by the owners of property in the Hamlin Consolidated Sewer District in the area of the Town of Hamlin where the connection is made plus the sum of one hundred dollars (\$100.00). Hamlin shall submit a statement to Clarkson on or before November 30 of each year. Payment shall be made on or before January 31 of the following year.
3. Clarkson will be responsible for billing the owner of the property for the amount paid to Hamlin by either direct billing or causing the charge to be on the Town and County Tax bill.
4. The Town of Hamlin will be responsible for the maintenance of the sewer line under Hamlin Clarkson Townline Road serving the Tantalo Sanitary Sewer District and shall bill the Town of Clarkson for such maintenance the cost of which will be paid for and assessed to the properties in the Tantalo Sewer District. Payments made pursuant to this paragraph shall be due within thirty five (35) days of receipt of a statement.

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In **WITNESS WHEREOF** the Town Board of the Town of Hamlin, by duly adopted resolution has caused this Agreement to be signed by the Supervisor of the **TOWN OF HAMLIN**; and the official seal of the **TOWN OF HAMLIN** to be hereunto affixed; and the Town Board of the Town of Clarkson, by duly adopted resolution has caused this Agreement to be signed by the Supervisor of the **TOWN OF CLARKSON**; and the official seal of the **TOWN OF CLARKSON** to be hereunto affixed.

TOWN OF CLARKSON

Dated: _____, 2012

By: PAUL M. KIMBALL, Supervisor

(SEAL)

TOWN OF HAMLIN

Dated: _____, 2012

By: THOMAS N. BRESLAWSKI, Supervisor

(SEAL)

Discussion: Attorney Richard Olson stated that the Tantalo Sanitary Sewer District has been in place since 2007.

MOTION AUTHORIZING THE BUILDING DEPARTMENT TO MAKE APPLICATION FOR SUBDIVISION OF CLARKSON FIRE HOUSE

Motion by Councilperson Didas

Seconded by Councilperson Tantalo

To authorize the Building Dept. to make application to the Clarkson Planning Board and Zoning Board of Appeals for subdivision of Clarkson Fire House for the fire district.

Unanimously carried

VERIZON CELL TOWER CONTRACT

Supervisor Kimball stated that due to the nature of the subject, discussion will take place during Executive Session.

AUTHORIZATION TO RELEASE LETTER OF CREDIT FUNDS FOR LIBERTY COVE SUBDIVISION-SECTION 4

Motion by Councilperson Hoy

Seconded by Councilperson Filipowicz

To release remaining \$17, 702.43 from the letter of credit upon recommendation from town engineer, J.P. Schepp, P.E.

Unanimously carried

ACCEPT DEDICATION OF LIBERTY COVE SUBDIVISION-SECTION 4;

Motion by Councilperson Hoy

Seconded by Councilperson Tantalo

To accept dedication of Liberty Cove Subdivision-Section 4 to exclude the detention pond. The dedication is upon recommendation from town engineer, J.P. Schepp, P.E. The dedication excludes the detention pond, which will not be dedicated until future sections are completed.

Unanimously carried

BUILDING INSPECTOR REPORTS

C. Fabry stated the department is busy with new builds.

ASSESSOR REPORTS

C. Lyon reported that he has been busy working on the final preparation of the fire district.

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HIGHWAY SUPT. REPORTS

Superintendent Goodwin reported that the Redman Road culvert project has begun. The goal is to have this reopened before school. Transfer Station remains open and accessible from the Ridge. Route 18 construction project not scheduled to reopen until mid-October. Slurry sealing will begin tomorrow. Residents will be notified the evening prior and instructed where to park. Surface treatment program for Monroe County will begin July 25th. Superintendent Goodwin reported that the work on the ballpark is nearing completion.

MINUTES

Motion by Councilperson Didas
 Seconded by Councilperson Filipowicz
 To approve June 26, 2012 minutes.
 Unanimously carried

AUDIT—7-1-2012

Motion by Councilperson Hoy
 Seconded by Councilperson Didas
 To authorize payment of audit 7-1-2012 to include the following:
 Vouchers 20120685-20120758; Total \$201,114.63; Gen. \$10,436.73; Hwy. \$3,344.59; H \$5,363.33; SF \$179,085.72; SL \$2,884.26;
 For distribution checks from 24155 - 24215
 Unanimously carried

DISCUSSION

Richard Trapani, owner of 52 acres known as 7216 Ridge Road inquired about selling the property with the proposed plan of building an auction house on site. Attorney Olson stated that this property is currently zoned as RS-20. A lengthy discussion was held after which Supervisor Kimball advised that the first step would be application to the Planning Board.

EXECUTIVE SESSION

Motion by Councilperson Tantalo
 Seconded by Councilperson Didas
 To enter executive session at 7:15 P.M. to discuss a contractual matter.
 Unanimously carried

RETURN TO REGULAR SESSION

Motion by Councilperson Hoy
 Seconded by Councilperson Didas
 To return to regular session at 7:25 P.M.
 Unanimously carried

RESOLUTION REGARDING VERIZON LAND LEASE AGREEMENT

At a regular meeting of the Town Board of the Town of Clarkson, Monroe County, New York, held at the Town Hall, 3710 Lake Road in said Town, on the 10th day of July, 2012, at 6:00 P.M., there were:

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Tantalo

ABSENT: None

Introduced by: Councilperson Tantalo
 Seconded by: Councilperson Hoy

1. That the Town Board of the Town of Clarkson agrees to the terms and conditions of an Option and Land Lease Agreement as proposed by Verizon for a cell tower to be located at Horizon Park Drive Part of Tax Account #54.01-0002.022.12; subject to the following modifications:

a. That the Town of Clarkson not be obligated to assist the Lessee in any application to reduce the assessment of the property.

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b. That the Town of Clarkson not be obligated to assist the Lessee in making applications to any Municipal Board other than to acknowledge that the application is made with its permission.

c. That the monthly rent shall be \$1,000, subject to increases as set forth in the proposed Land Lease Agreement.

d. That should Lessee sublease any part of its facility to a co-locator then the monthly rent shall increase by 30% of the rent set forth in this agreement for each co-locator.

2. That this resolution shall be null and void should Verizon Wireless not accept the above modifications on or before August 10, 2012.

3. That this resolution shall be subject to a Permissive Referendum and the Town Clerk is required to publish the required legal notice.

Vote of the Board

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

NAYS: None

Submitted: July 10, 2012

RIDGEWOOD PARK DISCUSSION

Superintendent Goodwin reviewed the status of the Ridgewood Park project with a breakdown of money spent and work still to be completed.

MOTION TO ADJOURN

Motion to adjourn at 7:45 P.M. by Councilperson Hoy

Seconded by Councilperson Didas

Unanimously carried

Respectfully submitted,

Sharon S. Mattison

Town Clerk

APPROVED 07-24-2012