

TOWN OF CLARKSON
TOWN BOARD MEETING
November 27, 2012

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

No one spoke

PUBLIC HEARING ON 2013 BUDGET

Supervisor Kimball opened the public hearing at 6:00 PM. Supervisor Kimball recapped the budget figures for everyone in attendance. John Lemke of 93 Gallup Road spoke regarding the unexpended fund balance. Duane Marshall of 3213 Lake Road spoke regarding budget figures including the special districts. In response, Supervisor Kimball reviewed the figures for the eight special districts that will see an increase in 2013. Attorney Olson explained that the cost of the special districts is paid only by the residents that live within those districts. Supervisor Kimball asked if anyone else wished to speak. No one spoke. Supervisor Kimball closed the public hearing at 6:06 PM.

LOCAL LAW #2-2012 DISCUSSION

Attorney Olson explained that the maximum property tax levy increase allowable per New York State legislation is 2% or the rate of inflation, whichever is lower. The same legislation also discusses special districts (e.g. lighting and water). As stated above, those costs are paid for by residents that live within those special districts. If the Town should have a small increase in cost for one of those districts, that increase is most likely going to exceed 2%. In reading the legislation, it appears that if we need to exceed the 2% cap for any of the special districts, it has to be done by passing the local law now. He also recommends that we pass individual separate resolutions for the special districts until we get the final decisions from the State Comptroller's office.

Supervisor Kimball briefly summarized Attorney Olson's recommendations. He added that once we pass the budget tonight, we cannot come back and change it. Even though we are passing the ability to go over the 2% cap, it is not something that gets done down the road. Should the budget be passed, the tax increase will amount to a \$.07 per thousand, changing the tax rate from \$3.61 to \$3.68.

Supervisor Kimball reviewed the grant amounts received for the Veteran's Memorial Park, the solar project, and Ridgewood Park.

11.27.12

RESOLUTION ADOPTING LOCAL LAW #2-2012

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 27th day of November, 2012, at 6:00 P.M., there were:

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

ABSENT: None

Introduced by Councilperson Filipowicz

Seconded by Councilperson Hoy

LOCAL LAW #2-2012

A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

WHEREAS, the Town Board of the Town of Clarkson did adopt a resolution at a regular Town Board meeting calling for a public hearing to consider the adoption of Local Law #2-2012 of the Town of Clarkson, Monroe County, New York; and

WHEREAS, pursuant to such resolution duly adopted, the Town Clerk did give due legal notice of such public hearing as required by law; and

WHEREAS, at such public hearing, held and conducted by the Town Board of the Town of Clarkson at the Town Hall, 3710 Lake Road, Clarkson, New York on the 23rd day of October, 2012, all interested parties were heard concerning the subject matter thereof; and

WHEREAS, the Town Board, has reviewed the proposed local law and believes that it is in the best interest of the Town to enact the same at this time.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Clarkson, Monroe County, New York, as follows:

SECTION I: The Town Board does hereby enact Local Law #2-2012 of the Town of Clarkson, Monroe County, New York which local law overrides the tax levy limit established by General Municipal Law Section 3-c for the fiscal year 2013.

SECTION II: That the Town Clerk shall give due notice of the enactment of this local law by filing the same with the Secretary of State as provided by statute.

Vote of the Board:

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

Nays: None

SPECIAL DISTRICT-ROOSEVELT HWY.#2 WATER 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 27th day of November, 2012, at 6:00 P.M., there were:

PRESENT: Supervisor Kimball

Councilpersons Hoy, Filipowicz, Didas and Tantalo

ABSENT: none

Introduced by Councilperson Didas

Seconded by Councilperson Hoy

RESOLUTION AUTHORIZING SPECIAL DISTRICT TAX LEVY INCREASE IN EXCESS OF LIMIT SET FORTH IN SECTION 3-c OF THE GENERAL MUNICIPAL LAW

11.27.12

WHEREAS, Section 3-c of the General Municipal Law places a limit on the amount the taxes for local government can increase over the previous year; and

WHEREAS, the definition of “local government” includes special districts; and

WHEREAS, the limit on increases can be overridden by a 60% vote of the Town Board; and

WHEREAS, the amount in the proposed budget for the Roosevelt Hwy #2 Water District exceeds the limit allowed without a vote to override.

Now, Therefore, be it resolved:

Section 1. The levy for the Roosevelt Hwy #2 Water District for the fiscal year commencing January 1, 2013 may exceed the tax levy limit as defined by General Municipal Law §3-c

Section 2. This Resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

SPECIAL DISTRICT-ROSE MEADOW LIGHTING 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 27th day of November, 2012, at 6:00 P.M., there were:

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

ABSENT: none

Introduced by Councilperson Hoy

Seconded by Councilperson Filipowicz

RESOLUTION AUTHORIZING SPECIAL DISTRICT TAX LEVY INCREASE IN EXCESS OF LIMIT SET FORTH IN SECTION 3-c OF THE GENERAL MUNICIPAL LAW

WHEREAS, Section 3-c of the General Municipal Law places a limit on the amount the taxes for local government can increase over the previous year; and

WHEREAS, the definition of “local government” includes special districts; and

WHEREAS, the limit on increases can be overridden by a 60% vote of the Town Board; and

WHEREAS, the amount in the proposed budget for the Rose Meadow Lighting District exceeds the limit allowed without a vote to override.

Now, Therefore, be it resolved:

Section 1. The levy for the Rose Meadow Lighting District for the fiscal year commencing January 1, 2013 may exceed the tax levy limit as defined by General Municipal Law §3-c

Section 2. This Resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

11.27.12

SPECIAL DISTRICT-WEDGEWOOD LIGHTING 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 27th day of November, 2012, at 6:00 P.M., there were:

PRESENT: Supervisor Kimball
Councilpersons Hoy, Filipowicz, Didas and Tantalo
ABSENT: none

Introduced by Councilperson Hoy
Seconded by Councilperson Didas

RESOLUTION AUTHORIZING SPECIAL DISTRICT TAX LEVY INCREASE IN EXCESS OF LIMIT SET FORTH IN SECTION 3-c OF THE GENERAL MUNICIPAL LAW

WHEREAS, Section 3-c of the General Municipal Law places a limit on the amount the taxes for local government can increase over the previous year; and

WHEREAS, the definition of "local government" includes special districts; and

WHEREAS, the limit on increases can be overridden by a 60% vote of the Town Board; and

WHEREAS, the amount in the proposed budget for the Wedgewood Lighting District exceeds the limit allowed without a vote to override.

Now, Therefore, be it resolved:

Section 1. The levy for the Wedgewood Lighting District for the fiscal year commencing January 1, 2013 may exceed the tax levy limit as defined by General Municipal Law §3-c

Section 2. This Resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

SPECIAL DISTRICT-BURCH FARMS LIGHTING 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 27th day of November, 2012, at 6:00 P.M., there were:

PRESENT: Supervisor Kimball
Councilpersons Hoy, Filipowicz, Didas and Tantalo
ABSENT: none

Introduced by Councilperson Filipowicz
Seconded by Councilperson Hoy

RESOLUTION AUTHORIZING SPECIAL DISTRICT TAX LEVY INCREASE IN EXCESS OF LIMIT SET FORTH IN SECTION 3-c OF THE GENERAL MUNICIPAL LAW

WHEREAS, Section 3-c of the General Municipal Law places a limit on the amount the taxes for local government can increase over the previous year; and

WHEREAS, the definition of "local government" includes special districts; and

11.27.12

WHEREAS, the limit on increases can be overridden by a 60% vote of the Town Board; and

WHEREAS, the amount in the proposed budget for the Burch Farms Lighting District exceeds the limit allowed without a vote to override.

Now, Therefore, be it resolved:

Section 1. The levy for the Burch Farms Lighting District for the fiscal year commencing January 1, 2013 may exceed the tax levy limit as defined by General Municipal Law §3-c

Section 2. This Resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

SPECIAL DISTRICT-DEER CREEK ESTATES LIGHTING 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 27th day of November, 2012, at 6:00 P.M., there were:

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

ABSENT: none

Introduced by Councilperson Hoy
Seconded by Councilperson Didas

**RESOLUTION AUTHORIZING SPECIAL DISTRICT TAX LEVY INCREASE IN
EXCESS OF LIMIT SET FORTH IN SECTION 3-c OF THE GENERAL
MUNICIPAL LAW**

WHEREAS, Section 3-c of the General Municipal Law places a limit on the amount the taxes for local government can increase over the previous year; and

WHEREAS, the definition of "local government" includes special districts; and

WHEREAS, the limit on increases can be overridden by a 60% vote of the Town Board; and

WHEREAS, the amount in the proposed budget for the Deer Creek Estates Lighting District exceeds the limit allowed without a vote to override.

Now, Therefore, be it resolved:

Section 1. The levy for the Deer Creek Estates Lighting District for the fiscal year commencing January 1, 2013 may exceed the tax levy limit as defined by General Municipal Law §3-c

Section 2. This Resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

11.27.12

SPECIAL DISTRICT-NORTHFIELD LIGHTING 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 27th day of November, 2012, at 6:00 P.M., there were:

PRESENT: Supervisor Kimball
Councilpersons Hoy, Filipowicz, Didas and Tantalo
ABSENT: none

Introduced by Councilperson Hoy
Seconded by Councilperson Didas

RESOLUTION AUTHORIZING SPECIAL DISTRICT TAX LEVY INCREASE IN EXCESS OF LIMIT SET FORTH IN SECTION 3-c OF THE GENERAL MUNICIPAL LAW

WHEREAS, Section 3-c of the General Municipal Law places a limit on the amount the taxes for local government can increase over the previous year; and

WHEREAS, the definition of "local government" includes special districts; and

WHEREAS, the limit on increases can be overridden by a 60% vote of the Town Board; and

WHEREAS, the amount in the proposed budget for the Northfield Lighting District exceeds the limit allowed without a vote to override.

Now, Therefore, be it resolved:

Section 1. The levy for the Northfield Lighting District for the fiscal year commencing January 1, 2013 may exceed the tax levy limit as defined by General Municipal Law §3-c

Section 2. This Resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

SPECIAL DISTRICT-LIBERTY COVE LIGHTING 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 27th day of November, 2012, at 6:00 P.M., there were:

PRESENT: Supervisor Kimball
Councilpersons Hoy, Filipowicz, Didas and Tantalo
ABSENT: none

Introduced by Councilperson Filipowicz
Seconded by Councilperson Hoy

RESOLUTION AUTHORIZING SPECIAL DISTRICT TAX LEVY INCREASE IN EXCESS OF LIMIT SET FORTH IN SECTION 3-c OF THE GENERAL MUNICIPAL LAW

WHEREAS, Section 3-c of the General Municipal Law places a limit on the amount the taxes for local government can increase over the previous year; and

WHEREAS, the definition of "local government" includes special districts; and

11.27.12

WHEREAS, the limit on increases can be overridden by a 60% vote of the Town Board; and

WHEREAS, the amount in the proposed budget for the Liberty Cove Lighting District exceeds the limit allowed without a vote to override.

Now, Therefore, be it resolved:

Section 1. The levy for the Liberty Cove Lighting District for the fiscal year commencing January 1, 2013 may exceed the tax levy limit as defined by General Municipal Law §3-c

Section 2. This Resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

SPECIAL DISTRICT- BRIANNA LIGHTING 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 27th day of November, 2012, at 6:00 P.M., there were:

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

ABSENT: none

Introduced by Councilperson Hoy

Seconded by Councilperson Didas

**RESOLUTION AUTHORIZING SPECIAL DISTRICT TAX LEVY INCREASE IN
EXCESS OF LIMIT SET FORTH IN SECTION 3-c OF THE GENERAL
MUNICIPAL LAW**

WHEREAS, Section 3-c of the General Municipal Law places a limit on the amount the taxes for local government can increase over the previous year; and

WHEREAS, the definition of "local government" includes special districts; and

WHEREAS, the limit on increases can be overridden by a 60% vote of the Town Board; and

WHEREAS, the amount in the proposed budget for the Brianna Lighting District exceeds the limit allowed without a vote to override.

Now, Therefore, be it resolved:

Section 1. The levy for the Brianna Lighting District for the fiscal year commencing January 1, 2013 may exceed the tax levy limit as defined by General Municipal Law §3-c

Section 2. This Resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

11.27.12**MOTION TO ADOPT 2013 BUDGET TO INCLUDE SPECIAL DISTRICTS**

Motion by Councilperson Hoy
 Seconded by Councilperson Didas
 To approve the 2013 budget to include special districts.
 Unanimously carried

MEMORANDUM OF UNDERSTANDING FOR BROCKPORT SOCCER CLUB

The matter has been tabled until December 11th to obtain more information.

MOTION SETTING DATE/TIME OF 2013 ORGANIZATIONAL MEETING

Motion by Councilperson Hoy
 Seconded by Councilperson Tantalo
 To hold the Organizational meeting on Thursday, December 27, 2012 at 6:00 PM at the Town Hall, 3710 Lake Road, Clarkson.
 Unanimously carried

LEAD AGENCY FOR TOWN OF PARMA CODE CHANGES

After a brief discussion it was determined that no action was necessary.

SWEDEN CEMETERY DISCUSSION

Attorney Olson stated that he spoke with Sweden Town Attorney, James Bell regarding the Owens Road property where the tower is located. Because the Town of Clarkson is a town that is involved with the fire district, Attorney Bell is requesting that we submit a statement in support of this transfer of property.

MOTION SUPPORTING TRANSFER OF OWENS ROAD PROPERTY

Motion by Councilperson Hoy
 Seconded by Councilperson Didas
 To support the transfer of the Owens Road property from the Cemetery Association.
 Unanimously carried

MOTION AUTHORIZING THE SUPERVISOR TO SIGN BUILDING INSPECTOR INTERMUNICIPAL AGREEMENT WITH TOWN OF HAMLIN

Motion by Councilperson Tantalo
 Seconded by Councilperson Didas
 For the supervisor to sign the Intermunicipal Agreement with the Town of Hamlin to share Building Inspector services.
 Unanimously carried
 Discussion: The agreement was reviewed by Attorney Olson with the Town of Hamlin attorney. The agreement will be effective beginning January 1, 2013

BUILDING INSPECTOR REPORTS

C. Fabry had nothing to report.

ASSESSOR REPORTS

C. Lyon reported there has been recent activity in Wedgewood Estates. Some vacant lots have been purchased with plans to soon build; the portion between Wedgewood Court and Ridge Road has been sold for farmland.

HIGHWAY SUPT. REPORTS

Superintendent Goodwin reported that the Highway crew has finished brush pickup. They are currently setting up snow fences and getting ready for the Brockport holiday parade. With regards to Wedgewood Estates, D. Goodwin talked to a resident regarding some property owned by the Town located behind the old John Deere dealer/old treatment plant. Currently where Wedgewood Estates ends, there are three dead-ends and the Town would like to be able to interconnect those dead-ends. The resident is interested in purchasing this land and may consider a land swap with the Town. D. Goodwin informed him that he needed to present this to the Board.

11.27.12

Attorney Olson stated that in order for us to transfer property, it has to be for fair value, a resolution would have to be passed, and if no one brings in a permissive referendum within 30 days, we can then proceed with the land swap. We will have the town engineer look at this property.

MINUTES

Motion by Councilperson Tantalo
 Seconded by Councilperson Filipowicz
 To approve November 13, 2012 minutes.

Vote of the Board

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Tantalo

NAYS: None

ABSTAIN: Councilperson Didas

AUDIT—11-2-2012

Motion by Councilperson Hoy
 Seconded by Councilperson Tantalo
 To authorize payment of audit 11-2-2012 to include the following:
 Vouchers 20121248-20121277; Total \$9,554.85; Gen. \$6,829.48; Hwy. \$2,636.16;
 SL \$46.26; SS \$42.95
 For distribution checks from 24621 - 24647
 Unanimously carried

EXECUTIVE SESSION

Motion by Councilperson Hoy
 Seconded by Councilperson Tantalo
 To enter executive session at 6:25 P.M. to discuss a personnel matter.
 Unanimously carried

RETURN TO REGULAR SESSION

Motion by Councilperson Hoy
 Seconded by Councilperson Didas
 To return to regular session at 7:10 P.M.
 Unanimously carried

MERIT INCREASE; URSULA LIOTTA

Motion by Councilperson Hoy
 Seconded by Councilperson Tantalo
 To approve a merit increase for Ursula Liotta from step 18 to step 20 at \$16.14 per hour retroactive to the first pay period of 2012.
 Unanimously carried

MOTION TO ADJOURN

Motion to adjourn at 7:15 P.M. by Councilperson Hoy
 Seconded by Councilperson Didas
 Unanimously carried

Respectfully submitted,

Sharon S. Mattison

Town Clerk

APPROVED 12-11-2012