

TOWN OF CLARKSON
TOWN BOARD MEETING
February 12, 2013

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, February 12, 2013 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. The Board congratulated Dave Goodwin on his upcoming retirement.

OPEN FORUM

Chris Howlett, President of Brockport United Lacrosse, reported that the group is excited about using the fields at Ridgewood Park for their practices and games. They would like to establish the same type of agreement with the Town for use of the fields at Ridgewood Park as they have had for the past six years at Hafner Park. The group will handle their own field maintenance and their supplies will be stored on-site. Typically practices start in April with games beginning the first of May, depending on field conditions. As in the past at Hafner Park, the group will purchase port-a-johns for the months of April, May and June, for Ridgewood Park. Supervisor Kimball mentioned that if the fields at Ridgewood Park were too wet early in the season, they could always relocate to Hafner Park.

DISCUSS PARCEL REZONING ON SUNSET CENTER LANE

Kris Schultz of Schultz Associates reviewed the request for this parcel to go from Highway Commercial to RS-10. This is one of the parcels that was originally subdivided as part of the Brockport Credit Union parcel. Rezoning would allow them to proceed with development. They have already met with the Planning Board and have submitted preliminary plans. They have spoken with the Brockport Fire District who provided a letter affirming their support for this project. They also have a letter from the Brockport School District stating they have the capacity to pick up additional kids associated with this development. In addition, a traffic impact study was performed to ensure that the existing access would be sufficient for traffic control. Under a separate plan that was already approved by the County, there is one shoulder area to be fixed. Attorney Olson confirmed that this is one application for one lot – the back of the bank parcel. The next step is to set a date for a public hearing, which requires ten days' publication.

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**RESOLUTION SETTING PUBLIC HEARING ON REZONING PARCEL ON
SUNSET CENTER LANE**

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

Introduced by Councilperson Hoy
Seconded by Councilperson Tantalo

**TOWN OF CLARKSON, MONROE COUNTY
REZONING FROM HIGHWAY COMMERCIAL TO RS-10**

WHEREAS, Outlook Development, LLC, as contract vendee, has applied for the rezoning of 1 parcel of land on Sunset Center Lane from HIGHWAY COMMERCIAL (HC) to SUBURBAN RESIDENTIAL (RS-10); and

WHEREAS, in order to formally consider this proposal, the Town Board 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 Tuesday the 12th day of March, 2013, at 6:00 p.m. at the Town Hall, 3710 Lake Road, Town of Clarkson, New York, 14430 to consider rezoning the following parcel from HIGHWAY COMMERCIAL (HC) to SUBURBAN RESIDENTIAL (RS-10);

All that tract or parcel of land situated in part of Town Lot 10, Township 4, Section 5, Triangular Tract, Town of Clarkson, State of New York, and more particularly described as follows:

Commencing at the intersection of the north right of way of West Avenue (State Route 31) and the east right of way of Sunset Center Lane, thence; northerly along the east right of way of Sunset Center Lane on a bearing of N 00° 40' 50" W, a distance of 255.00 feet to a point at the southwest corner of Lot 1 of the Brockport Federal Credit Union Subdivision, said point being the point and place of beginning of this description, thence;

1. Continuing northerly along the east right of way of Sunset Center Lane on a bearing of N 00° 40' 50" W, a distance of 260.00 feet to a point on the south line of lands formerly of Mahlon Blake, thence;
2. Easterly along the south line of said Blake on a bearing of N 89° 19' 10" E, a distance of 400.00 feet to a point at the northwest corner of lands formerly of Scott Arend, thence;
3. Southerly along the west line of said Scott Arend and lands now or formerly of Cortland F. Fowler on a bearing of S 00° 40' 50" E, a distance of 260.00 feet to a point on the north line of Lot 2 of said subdivision, thence;

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4. Westerly along the north line of Lots 2 and 3 of said subdivision on a bearing of S 84° 19' 10" W, a distance of 400.00 feet to a point on the east right of way of Sunset Center Lane, said point being the true point and place of beginning, having an area of 104,000 sq. ft., 2.388 acres more or less.

Intending to describe a portion of lands conveyed to the Brockport Federal Credit Union in Liber 10657 of deeds, page 299 being shown as Lot 1 of the "Brockport Federal Credit Union Subdivision" filed with the Monroe County Clerk on July 16, 2009 in Liber 337 of Maps, Page 16.

Tax Account Number: 068.02-1-43.11

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

SECTION 3. That the Town Clerk shall transmit a copy of the legal description and Environmental Assessment Form to the Town of Clarkson Planning Board and the Town of Clarkson Conservation Board for their review and report thereon.

SECTION 4. That this resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

VERIZON WIRELESS; SEQRA NEGATIVE DECLARATION

STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA")

DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

NEGATIVE DECLARATION

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

ABSENT: None

Introduced by Councilperson Hoy

Seconded by Councilperson Didas

WHEREAS, Bell Atlantic Mobile of Rochester, L.P., d/b/a Verizon Wireless ("Verizon Wireless") proposes to construct and operate a wireless telecommunications facility on property to be leased from the Town of Clarkson (the "Lease"), located at 99 Horizon Park Drive in the Town of Clarkson, known as Tax Map No. 54.01-0001.022.12 (the "Property" and collectively, the "Project"); and

WHEREAS, Verizon Wireless has applied to the Town of Clarkson for all of the necessary approvals for the Project, including the Town Board's approval of the Lease; and

WHEREAS, the Town Board is fully familiar with the proposed location, the surrounding parcels, and the larger neighborhood; and

WHEREAS, the Project is an Unlisted Action under SEQRA and this Board is accordingly conducting a single agency SEQRA review of the action constituting approval of the Lease; and

WHEREAS, the Town Board has reviewed the Project, the Lease and the Full Environmental Assessment Form, submitted in connection with the Project.

NOW, THEREFORE, be it resolved by the Board that:

Based upon this Board's thorough and careful review of the Project, the Lease and Full Environmental Assessment Form, this Board hereby determines that entering into the Lease will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA.

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REASONS SUPPORTING THE NEGATIVE DECLARATION:

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Lease will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems.
2. Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Lease will not adversely affect agricultural, archeological, historical, natural, or cultural resources. The Town Board recognizes that the Project will be subject to further SEQRA review by the Town Planning Board and/or Town Zoning Board. The Town Board further recognizes that those Boards will more thoroughly review the environmental impacts, if any, presented by the Project. Accordingly, the Town Board is focusing its review on the impacts of leasing the Property. While the Town Board recognizes the proximity of Hafner Park, siting this facility near Hafner Park will enable Verizon Wireless to provide reliable wireless telecommunications service in the Town, providing individuals, businesses and emergency service providers access to this essential service. On balance, the Town Board recognizes that this increased public utility coverage outweighs any concerns presented regarding the leasing of the Property.
3. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species. No plant or animal life will be adversely affected by the Lease.
4. Community Plans, Use of Land or Natural Resources. The Lease is in keeping with the official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community.
5. Growth, Subsequent Development, etc. The Lease will not induce any significant or adverse growth or subsequent development.
6. Long Term, Short Term, Cumulative, or Other Effects. The Lease will not have any significant adverse long term, short term, cumulative, or other environmental effects.
7. Critical Environmental Area. The Lease will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14(g).
8. Public Health and Safety. The Lease will have no adverse impacts on the public health and safety.

Further, the Town Board finds that none of the criteria for determining significance set forth in § 617.7(c)(1)(i)-(xii) would be implicated as a result of the Lease.

Notice of this determination of non-significance shall be filed to the extent required by the applicable regulation under SEQRA or as may be deemed advisable by the Board.

IN WITNESS WHEREOF, this Resolution was properly adopted by the Town Board at its regularly scheduled meeting, the date of which is listed above.

Vote of the Board

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

NAYS: None

ABSENT: None

Submitted: February 12, 2013

02.12.13

RESOLUTION REGARDING VERIZON WIRELESS LAND LEASE AGREEMENT

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

Introduced by Councilperson Hoy
 Seconded by Councilperson Tantalo

1. That the Town Board, acting as Lead Agency pursuant to the requirements of the State Environmental Quality Review Act (“SEQRA”) has classified this proposal as an Unlisted Action and that the Town Board conducted a single agency review of the proposed Option and Land Lease Agreement (the “Action”) and after carefully considering the Action issued a negative declaration, thereby completing the SEQRA process for the Action.
2. 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 Wireless for a cell tower to be located at Horizon Park Drive, being part of Tax Account #54.01-0001.022.12; 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.
 - 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 \$300.00 set forth in this agreement for each co-locator.
3. That this resolution shall be subject to a Permissive Referendum and the Town Clerk is required to publish the required legal notice.

Votes of the Board

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

NAYS: None

ABSENT: None

Submitted: February 12, 2013

MOTION AUTHORIZING TOWN CLERK TO ATTEND NYS CONFERENCE

Motion by Councilperson Filipowicz

Seconded by Councilperson Hoy

To authorize Sharon S. Mattison to attend the NYS Town Clerk and Tax Receivers conference in Buffalo, NY in April 2013.

Unanimously carried

MOTION AUTHORIZING ROBERT VISCARDI TO ATTEND ADVOCACY DAYS

Motion by Councilperson Didas

Seconded by Councilperson Tantalo

To authorize Bob Viscardi to attend Advocacy Days in Albany in March 2013.

Unanimously carried

02.12.13

MOTION AUTHORIZING ASSISTANT TO THE SUPERVISOR TO ATTEND GOVERNMENT FINANCE OFFICERS ASSOC. CONFERENCE

Motion by Councilperson Tantalo

Seconded by Councilperson Hoy

To authorize Kristin Coon to attend the Government Finance Officers Association conference.

Unanimously carried

MOTION TO APPOINT URSULA LIOTTA AS SAFETY COORDINATOR

Motion by Councilperson Hoy

Seconded by Councilperson Tantalo

To appoint Ursula Liotta as Safety Coordinator.

Unanimously carried

MOTION AUTHORIZING SUPERVISOR TO SIGN MUNICIPAL WASTE REDUCTION CONTRACT (reimbursement for chipper)

Motion by Councilperson Didas

Seconded by Councilperson Tantalo

To authorize the Supervisor to sign the Municipal Waste Reduction contract. The Town will receive a reimbursement of \$9,240 for the wood chipper purchased in 2007.

Unanimously carried

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN THE SNOW AND ICE AMENDATORY AGREEMENT WITH MONROE COUNTY

Motion by Councilperson Filipowicz

Seconded by Councilperson Didas

For Supervisor Kimball to sign the Amendatory Snow and Ice Agreement with Monroe County for 2012/2013.

Unanimously carried

Discussion: Superintendent Goodwin presented the agreement which is an extension of the current contract, adjusted on a yearly basis. The total estimated payment to the Town is \$125,686.36.

RESOLUTION AUTHORIZING SUPERVISOR TO SIGN AGREEMENT TO EXTEND INDEXED LUMP SUM MUNICIPAL SNOW AND ICE AGREEMENT

Motion by Councilperson Tantalo

Seconded by Councilperson Filipowicz

For supervisor to sign the Indexed Lump Sum Municipal Snow and Ice Agreement between NY State DOT and the Town of Clarkson which expires June 30, 2014. The lump sum amount is \$225,336.14.

Unanimously carried

MOTION ACCEPTING HIGHWAY SUPT. GOODWINS RETIREMENT RESIGNATION

Motion by Councilperson Hoy

Seconded by Councilperson Tantalo

To accept, with regret, D. Goodwin's retirement resignation effective at midnight on February 15, 2013

Unanimously carried

02.12.13

RESOLUTION HONORING DAVID J. GOODWIN, RETIRING HIGHWAY SUPERINTENDENT

Whereas, David Goodwin upon winning a certified election in the Town of Clarkson, New York in year 1988, became only the third Highway Superintendent for the Town of Clarkson, and

Whereas, Dave supervised the installation of domestic water service to nearly 90% of the residents, and

Whereas, Dave supervised the installation of public sewers within the Town of Clarkson, and

Whereas, Dave oversaw the construction of several large projects, such as the lodge in Hafner Park, San Souci Canal Park, Ridgewood Park on Ridge Road, the Courthouse and Brockport Fire Station #2, and

Whereas, Dave continually updated Clarkson's highway equipment through the balanced approach of gently used and new equipment, and

Whereas, Dave oversaw the demolition and reconstruction of several highway bridges within Monroe County, as well as within the Town of Clarkson,

Now therefore be it resolved,

1. The Town Board of Clarkson recognizes David Goodwin for his many contributions to our Town.
2. The Town Board of Clarkson regrettably accepts the retirement resignation of David Goodwin as Highway Superintendent for the Town of Clarkson.

Adopted by unanimous vote of the Clarkson Town Board on February 12th, 2013.

In witness whereof, I have unto set my hand and cause the Corporate Seal of the Town of Clarkson to be affixed

Paul M. Kimball
Town of Clarkson Supervisor

APPOINT SUPERINTENDENT OF HIGHWAYS; ROBERT M. VISCARDI

Motion by Supervisor Kimball

Seconded by Councilpersons Hoy, Filipowicz, Didas and Tantalo

To appoint Robert M. Viscardi of 74 Deer Track Lane, Town of Clarkson to the position of Superintendent of Highways effective 12:01 A.M. February 16, 2013 at an annual salary of \$83,656.00.

Unanimously carried

DEDICATION OF LODGE AT HAFNER PARK

Motion by Supervisor Kimball

Seconded by Councilpersons Hoy, Filipowicz, Didas and Tantalo

To rename the lodge at Hafner Park the Goodwin Lodge in honor of Dave Goodwin.

Unanimously carried

BUILDING INSPECTOR REPORTS

C. Fabry had nothing to report.

ASSESSOR REPORTS

C. Lyon reported that March 1st is the cutoff date for agricultural exemptions.

02.12.13

HIGHWAY SUPT. REPORTS

Supervisor Kimball complimented the Highway crew on an excellent job during the recent snowstorm. S. Mattison added that two residents stopped at the Town Hall with compliments as well. D. Goodwin reported that in addition to keeping up with the snow, the Highway staff has begun work on a storage room in the Courthouse for Leanna Hale.

B. VISCARDI REPORTS

Bob Viscardi thanked the Town Board and Dave Goodwin for giving him this employment opportunity, both past and future.

MINUTES

Motion by Councilperson Didas
 Seconded by Councilperson Tantalo
 To approve January 22, 2013 minutes.
 Unanimously carried

MINUTES

Motion by Councilperson Filipowicz
 Seconded by Councilperson Tantalo
 To approve January 29, 2013 minutes.
 Unanimously carried

AUDIT—12-5-2012

Motion by Councilperson Hoy
 Seconded by Councilperson Didas
 To authorize payment of audit 12-5-2012 to include the following:
 Vouchers 20130087-20130093; Total \$42,635.12; Gen. \$4,759.00; Hwy. \$25,638.44;
 SS \$12,237.68
 For distribution checks from 24858 - 24929
 Unanimously carried

AUDIT—02-1-2013

Motion by Councilperson Hoy
 Seconded by Councilperson Didas
 To authorize payment of audit 02-1-2013 to include the following:
 Vouchers 20130094-20130175; Total \$61,390.88; Gen. \$17,981.56; Hwy. \$39,814.68;
 H \$180.00; SL \$3,414.64
 For distribution checks from 24858 - 24929
 Unanimously carried

EXECUTIVE SESSION

Motion by Councilperson Hoy
 Seconded by Councilperson Didas
 To enter executive session at 6:40 P.M. to discuss possible litigation.
 Unanimously carried

RETURN TO REGULAR SESSION

Motion by Councilperson Hoy
 Seconded by Councilperson Filipowicz
 To return to regular session at 6:55 P.M.
 Unanimously carried

MOTION TO ADJOURN

Motion to adjourn at 6:55 P.M. by Councilperson Hoy
 Seconded by Councilperson Tantalo
 Unanimously carried

Respectfully submitted,
Sharon S. Mattison
 Town Clerk

Approved 02-26-2013