

TOWN OF CLARKSON
TOWN BOARD MEETING
March 26, 2013

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, March 26, 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
Robert Viscardi	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

Bill Andrews, Village of Brockport Trustee, spoke on behalf of the Greater Brockport Development Corporation. He is requesting that Clarkson consider being a sponsor for "Summer Serenades," an eight-week summer concert series held in Brockport. The typical sponsor fee is \$300. Flyers will be distributed, ads will be published and announcements will be made at the concerts recognizing the sponsors. The deadline for this decision is April 15th. Sharon Mattison will contact Mr. Andrews regarding the Board's decision.

J. O'CONNELL GRANT ACTIVITY REPORT

The status of the Ridgewood Park grant was reviewed as well as other successful grants received in the past. She has worked for the Town of Clarkson since 2007. Discussion was held regarding an equipment replacement grant for the transfer station. Highway Superintendent Viscardi was asked to compile a "wish list" to provide J. O'Connell so they can begin preliminary work on this equipment grant. Councilperson Didas asked who should be generating the initial contact regarding grants. J. O'Connell responded that she sends out notices on grants available based on information the Town shares with her regarding their needs, so two-way communication is very important. Councilperson Didas questioned what the current grant climate was like and she stressed that future grants should be tied into *economic development*.

DISCUSS BUDGET ADJUSTMENT; P. ROBERT FOX

Mr. Fox distributed a detailed summary of the Annual Update Document (AUD) and reviewed the figures, answering questions as they arose. The submission date for the AUD is March 31, 2013; however, before it can be submitted Mr. Fox requires approval from the Board to: (1) reduce the Green Area Trust, (2) discontinue expenses in 2013 against capital projects, and (3) allow for budget transfers.

Mr. Fox also mentioned that the State Comptroller's Office will be requiring the Town to do a risk assessment, involving computer security and backup. The Supervisor's office is already investigating this.

03.26.13**MOTION REDUCING GREEN AREA TRUST**

Motion by Councilperson Filipowicz
 Seconded by Councilperson Hoy
 Motion reducing Green Area Trust to \$2,500.
 Unanimously carried

MOTION ALLOWING NO EXPENSES IN 2013 AGAINST CAPITAL PROJECTS

Motion by Councilperson Tantalo
 Seconded by Councilperson Filipowicz
 To allow no expenses to be incurred in 2013 against capital projects such as Veterans Memorial Park, Solar Energy Project and Ridgewood Park.
 Unanimously carried

MOTION APPROVING 2012 BUDGET MODIFICATIONS

Motion by Councilperson Hoy
 Seconded by Councilperson Didas
 To accept 2012 budget modifications as presented
 Unanimously carried
 *see attached modifications at end of minutes

MOTION AUTHORIZING HIRING HIGHWAY SEASONAL EMPLOYEES

Motion by Councilperson Hoy
 Seconded by Councilperson Filipowicz
 To hire a total of six seasonal highway workers, primarily for parks maintenance.
 Unanimously carried

RESOLUTION SETTING PUBLIC HEARING ON LAW, LOCAL LAW #1-2013

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

Introduced by: Councilperson Didas
 Seconded by: Councilperson Hoy

**RESOLUTION SETTING PUBLIC HEARING
 LOCAL LAW 1-2013
 TOWN OF CLARKSON, MONROE COUNTY**

**A LOCAL LAW TO AMEND THE SUBDIVISION AND DEVELOPMENT OF
 LAND LAW OF THE TOWN OF CLARKSON**

WHEREAS, the Town Board has before it a proposed Local Law to amend §116-31 of the Clarkson Code; 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 April, 2013, at 6:00 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.

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, Filipowicz, Didas and Tantalo
 NAYS: None

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Discussion: Attorney Olson explained that this would be an amendment to subdivision law with respect to roads. He thinks it was an omission and this would more or less be just a technical correction. Per Planning Board discussion, these should always be private roads. This law would allow for that correction.

Local Law # 1-2013**A LOCAL LAW TO AMEND THE SUBDIVISION AND DEVELOPMENT OF LAND LAW OF THE TOWN OF CLARKSON**

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

Section 1. This Local Law is enacted pursuant to the authority contained in Article 2 of the Municipal Home Rule Law of the State of New York and Article 16 of the New York State Town Law.

Section 2. That the purpose of this Local Law is amend Section 116-31 of the Clarkson Code to allow private roads to service multiple family residences.

Section 3. §116-31 A of the Clarkson Code is amended to read as follows:

A. Private drives, designed and constructed consistent with the Design Standards, may be proposed instead of public roads for site plans and subdivisions of:

- (1) Four or fewer single-family dwelling lots;
- (2) Apartment House, Multiple-Family Dwelling or Multiple-Family Residence;
- (3) Townhouses;
- (4) Condominiums; or
- (5) Commercial or industrial developments.

Section 4. Severability. The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

Section 5. That this local law shall take effect immediately.

TELECOMMUNICATIONS PROJECT

Our current telecommunications tower law states that towers are supposed to be guyed towers. Based on changes in technology and input from RF engineers, we need to revise this law. The proposed changes include: (1) remove preference for a guyed tower, (2) allow the building inspector to make the determination that there is “no substantial change” to the facility and that Planning and Zoning approvals are not required, after the application is reviewed by our RF engineer and our Town engineer, and (3) revise application and review fees after checking with other municipalities.

RESOLUTION RELEASING CERTAIN EASEMENTS ON THE SUNSET CENTER SUBDIVISION TOWN OF CLARKSON, MONROE COUNTY

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

Introduced by: Councilperson Didas
Seconded by: Councilperson Tantalo

WHEREAS, Outlook Development, LLC, the developer of Autumn Woods Subdivision, has requested the release of certain easements previously offered for dedication and/or conveyed to the Town; and

WHEREAS, a description of the parcels to be released is as follows:

All that tract or parcel of land situate in part of Town Lot 1, 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 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 515.00 feet to a point, thence easterly on a bearing of N 89° 19' 10" E, a distance of 390.00 feet to a point, said point being the point and place of beginning of this description, thence;

1. Northerly on a bearing of N 00° 40' 50" W, a distance of 350.00 feet to a point, thence;
2. Easterly on a bearing of N 89° 19' 10" E, a distance of 20.00 feet to a point, thence;
3. Southerly on a bearing of S 00° 40' 50" E, a distance of 350.00 feet to a point, thence;
4. Westerly on a bearing of S 89° 19' 10" W, a distance of 20.00 feet to a point, said point being the point and place of beginning.

Intending to describe an existing 20 feet wide Town of Clarkson drainage easement, as shown on Lots 9 and 10 of the Sunset Center Subdivision as recorded in liber 267 of maps page 85.

ALSO, All that tract or parcel of land situate in part of Town Lots 1 and 10, Township 4, Section 5, Triangular Tract, Town of Clarkson, County of Monroe, State of New York, and more particularly described as follows:

Commencing at a point on the west right-of-way of Sunset Center Lane, said point being the northeast corner of lot 2 of Sunset Center, a subdivision recorded in liber 267 of maps page 85, thence;

Northerly along the west right-of-way of Sunset Center Lane on a bearing of N 00° 40' 50" W, a distance of 45.00 feet to a point, thence;

Continuing northerly along a curve to the right having a central angle 11° 27' 24", a radius of 180 feet and an arc length of 35.99 feet to a point, said point being the northerly limit of dedicated right-of-way to the Town of Clarkson as described in liber 9892 of deeds page 322, said point being the true point of beginning, thence;

1. Continuing northeasterly along the curve to the right having a central angle of 78° 32' 36", a radius of 180 feet and an arc length of 246.75 feet to a point, thence;
2. Easterly on a bearing of N 89° 19' 10" E, a distance of 411.33 feet to a point, thence;
3. Continuing northeasterly along the curve to the left having a central angle of 51° 19' 04", a radius of 45 feet and an arc length of 40.30 feet to a point of reverse curvature, thence;
4. Continuing northeasterly along the curve to the right having a central angle of 18° 44' 18", a radius of 75 feet and an arc length of 24.53 feet to a point of reverse curvature, thence;

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5. Continuing northerly along the curve to the left having a central angle of $57^{\circ} 25' 16''$, a radius of 120 feet and an arc length of 120.26 feet to a point of reverse curvature, thence:
6. Northerly on a bearing of $N 00^{\circ} 40' 50'' W$, a distance of 218.43 feet to a point, said point being on the north boundary line of Sunset Center Subdivision as recorded in liber 267 of maps page 85, thence;
7. Easterly on a bearing of $S 89^{\circ} 58' 41'' E$, a distance of 60.00 feet to a point, thence;
8. Southerly on a bearing of $S 00^{\circ} 40' 50'' E$, a distance of 217.70 feet to a point, thence;
9. Continuing southerly along the curve to the right having a central angle of $25^{\circ} 13' 00''$, a radius of 180 feet and an arc length of 79.22 feet to a point of reverse curvature, thence:
10. Continuing southerly along the curve to the left having a central angle of $60^{\circ} 00' 00''$, a radius of 45 feet and an arc length of 47.12 feet to a point of reverse curvature, thence:
11. Continuing southwesterly along the curve to the right having a central angle of $176^{\circ} 06' 05''$, a radius of 75 feet and an arc length of 230.52 feet to a point of reverse curvature, thence:
12. Continuing westerly along the curve to the left having a central angle of $51^{\circ} 19' 04''$, a radius of 75 feet and an arc length of 40.30 feet to a point, thence:
13. Westerly on a bearing of $S 89^{\circ} 19' 10'' W$, a distance of 411.33 feet to a point, thence;
14. Continuing southwesterly along the curve to the left having a central angle of $78^{\circ} 32' 36''$, a radius of 120 feet and an arc length of 164.50 feet to a point, thence:
15. Northwesterly on a bearing of $N 79^{\circ} 13' 26'' W$, a distance of 60.00 feet to a point, said point being the point and place of beginning.

Intending to describe the balance of lands originally intended to be dedicated to the Town of Clarkson, but not dedicated at the time of this recording, said lands are shown as part of the Sunset Center subdivision as recorded in liber 267 of maps page 85. The portion of Sunset Center Lane actually dedicated to the Town of Clarkson at the time of this recording are described in liber 9726 of deeds, page 181 and liber 9892 of deeds, page 322; and

WHEREAS, the Town Board releases any right to and portion of Sunset Center Lane shown on the Sunset Center Subdivision which has not previously conveyed to the Town by Deed recorded in the Monroe County Clerk's office;

WHEREAS, this action is consistent with the planned development; and

WHEREAS, this release has been reviewed and approved by the Planning Board and the Town Engineer;

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

SECTION 1. That upon preliminary approval of the Planning Board of the Autumn Woods Subdivision/Site Plan, the Supervisor is hereby authorized to sign the Release of Easement attached hereto;

SECTION 2. That this resolution is subject to a permissive referendum and the Town Clerk is directed to publish the required notice;

SECTION 3. That this Resolution will take effect immediately.

Vote of the Board

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

NAYS: None

Discussion: Autumn Woods will take over sole responsibility for these easements. A Legal Notice will be published, then 30 days from today, providing preliminary approval has been received from the Planning Board, a resolution regarding this abandonment of easements can be signed, subject to permissive referendum.

SUPPORT BOARD OPENINGS

Tom Schrage has resigned as Planning Board Member/Chairperson. In addition to that vacancy, we have openings on the Zoning Board of Appeals, the Conservation Board and the Architectural Review Board. Discussion ensued regarding the appointment of Scott Hanko as the interim Chairperson for the Planning Board.

MOTION TO ACCEPT RESIGNATION OF T. SCHRAGE, PLANNING BOARD CHAIRPERSON

Motion by Councilperson Filipowicz

Seconded by Councilperson Hoy

To accept with regret the resignation of Tom Schrage, Planning Board Chairperson.

Unanimously carried

MOTION TO APPOINT SCOTT HANKO AS INTERIM PLANNING BOARD CHAIRPERSON

Motion by Councilperson Hoy

Seconded by Councilperson Tantalo

To appoint Scott Hanko as Interim Planning Board Chairperson.

Unanimously carried

TOWN CLERK REPORTS

S. Mattison reported that Chase Bank will no longer absorb the handling fees for credit card usage. Discussion was held whether or not to continue offering this service to residents. Further information will be collected before a decision will be made.

CLARKSON-PARMA TOWN LINE ROAD WATER DISTRICT

Supervisor Kimball reported that we are waiting for a final report from Chatfield Engineering before proceeding to the next step.

BUILDING INSPECTOR REPORTS

C. Fabry recently attended the FLBOA conference. He reported that the Building Department has been very busy with permits and anticipates this will continue as work on the Autumn Woods project commences.

ASSESSOR REPORTS

C. Lyon reported on the recent STAR program dilemma involving fraud. Residents will have to re-register for the STAR program in 2014. C. Lyon will keep the Board informed.

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SUPERVISOR REPORTS

Supervisor Kimball mentioned that the Town has an old Army brush truck that was never utilized. We paid \$1000 for this truck. Supervisor Kimball asked H. Mundy if he thought the Brockport Fire Department would be interested in this vehicle. Discussion was held on whether the Town would gift this truck to the Brockport Fire Department or request payment. Mr. Mundy will talk to the commissioners at their next meeting and let the Town know if there is any interest. The Town cellular phone plan has been changed to "share everything plan for small businesses" resulting in a financial savings to the Town.

HIGHWAY SUPT. REPORTS

Superintendent Viscardi reported that the highway staff is busy transitioning from winter to spring. This past week they had three busloads of Monroe County prisoners assist in taking down snow fences. He mentioned the need for ID cards for employees. It was decided that we can print these up ourselves via computer.

MINUTES

Motion by Councilperson Filipowicz
 Seconded by Councilperson Didas
 To approve March 4, 2013 joint special meeting minutes.
 Unanimously carried

AUDIT—3-2-2013

Motion by Councilperson Hoy
 Seconded by Councilperson Tantalo
 To authorize payment of audit 3-2-2013 to include the following:
 Vouchers 20130270-20130301; Total \$27,892.34; Gen. \$15,350.39; Hwy. \$12,400.16;
 SS \$141.79
 For distribution checks from 25016 to 25044
 Unanimously carried

EXECUTIVE SESSION

Motion by Councilperson Didas
 Seconded by Councilperson Filipowicz
 To enter executive session at 7:45 P.M. to discuss a personnel matter.
 Unanimously carried

RETURN TO REGULAR SESSION

Motion by Councilperson Hoy
 Seconded by Councilperson Tantalo
 To return to regular session at 8:50 P.M.
 Unanimously carried

MOTION APPROVING ASSISTANT TO THE SUPERVISOR CELL PHONE

Motion by Councilperson Filipowicz
 Seconded by Councilperson Hoy
 To approve the use of a town cell phone for the Assistant to the Supervisor.
 Unanimously carried

MOTION TO ADJOURN

Motion to adjourn at 9:00 P.M. by Councilperson Tantalo
 Seconded by Councilperson Hoy
 Unanimously carried

Respectfully submitted,

Sharon S. Mattison
 Town Clerk

APPROVED 04-09-2013

