

TOWN OF CLARKSON
TOWN BOARD MEETING
December 10, 2013

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, December 10, 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

Mary Marone, representing the Seymour Library, distributed a letter requesting the Town to rotate trash pickup and mowing services with the Town of Sweden; snowplowing services are already done on a rotating basis between the towns. She stated that they would like to be able to reallocate the \$800 currently budgeted for trash pickup services if the towns would agree to this request. After discussion, it was the consensus that offering trash pickup service would end up costing the tax payers money and that the library should be able to cover this \$800 charge, especially since it has already been budgeted for. In addition, Supervisor Kimball stated that he would be willing to talk with the other municipality regarding rotation of lawn mowing services. He thanked Mary for her continued support of the library. K. Coon presented M. Marone with a letter addressed to the Library Board stating that the Clarkson Town Board decided to fund the library next year at the same level as 2013, with no increase.

PROPOSED TRANSFER STATION LOCAL LAW

Attorney Olson distributed copies of the proposed local law, including handwritten notes from Don Osborne. An extensive discussion was held regarding hunting, trapping and discharge of firearms, picking for scrap metal, prohibited items (including liquids, liquid paint, animal carcasses), the definition of pickup truck loads and associated charges, as well as charges for bulk items. Other topics discussed included roll-off dumpsters and coupons for residents who only want to use the Transfer Station one or two times a year. Supervisor Kimball reported that he has been in contact with J. O'Connell & Associates regarding a possible grant for the purchase of new containers at the Transfer Station. Councilperson Didas recommended that we finalize this local law before we start selling the 2014 permits.

Further discussion ensued regarding the 2014 Transfer Station Rules and Regulations handout. It was decided that the definition of a pickup truck load will be *up to 64 cubic feet*.

12.10-13**RESOLUTION SETTING PUBLIC HEARING**

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

ABSENT: None

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Didas

INTRODUCTORY LOCAL LAW #1-2014
TOWN OF CLARKSON, MONROE COUNTY

THE TRANSFER STATION LOCAL LAW OF THE TOWN OF CLARKSON

WHEREAS, the Town Board has before it a proposed Local Law to repeal Chapter 59 “Dumps and Dumping” and create a new Chapter “Transfer Station”; 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 14th day of January, 2014, 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

2014 PAY PERIODS

K. Coon reported that the way the weeks fall, the first pay date in 2014 is January 2, 2014 which is no problem. For 2015, however, it would be January 1, 2015 which is a holiday so the pay date is moved back one day, making it December 31, 2014. Salaries would be divided by 27 not 26 to keep the total paid amounts constant. This does not affect the hourly employees.

MOTION TO AUTHORIZE YEAR-END BUDGET MODIFICATIONS

Supervisor Kimball and K. Coon met with Bob Fox. Their report was distributed.

Motion by Councilperson Hoy

Seconded by Councilperson Tantalo

To authorize year-end budget modifications as presented.

Unanimously carried

*** see attached budget modifications****MOTION SETTING DATE/TIME OF 2014 ORGANIZATIONAL MEETING**

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To hold the Organizational meeting on Monday, January 6, 2014 at 6:00 P.M. at the Town Hall, 3710 Lake Road, Clarkson.

Unanimously carried

12.10.13**MOTION TO APPROVE 2% SALARY INCREASE FOR INSP. FABRY**

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To approve a 2% salary increase effective 01-01-2014.

Unanimously carried

Discussion: Attorney Olson stated that the Intermunicipal Agreement with Town of Hamlin automatically renewed on October 1, 2013 with Hamlin in agreement with salary increase.

RESOLUTION AUTHORIZING TOWN SUPERVISOR TO PREPAY CERTAIN BILLS

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

ABSENT: None

Introduced by Councilperson Didas

Seconded by Councilperson Hoy

WHEREAS, the Town Board meets twice each month to audit the abstract and authorize payment; and

WHEREAS, the Town has recurring monthly bills, with due dates which occasionally do not coincide with the scheduled Board meeting in a timely manner; and

WHEREAS, the Town has in the past been subject to late fees due to this delay in fund release.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1.** That the Supervisor (or the Deputy Supervisor in the absence of the Supervisor) of the Town of Clarkson is directed to authorized to prepay utility and revolving credit accounts (National Grid, Lowes, Tractor Supply, ABS, Chase) only if necessary to avoid late charges; and
- Sec. 2.** Whereas, the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Town Board; and
- Sec. 3.** Such pre-payments shall be presented to the Town Board for approval at the next scheduled Town Board meeting.

Discussion: K. Coon requests permission to prepay invoices when the due dates do not coincide with abstract dates. Attorney Olson remarked that the supervisor or deputy supervisor has to give permission for prepays.

VOTE OF THE BOARD

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

NAYS: None

LETTER OF RESIGNATION, SCOTT TANTALO

Motion by Councilperson Didas

Seconded by Councilperson Hoy

Motion to accept, with regret, a letter of resignation from Councilperson Scott Tantalo effective 12/31/2013.

Unanimously carried

Discussion: The Board thanked Scott for his service to the Town.

SUPERVISOR'S REPORT

Motion by Councilperson Hoy

Seconded by Councilperson Didas

Motion acknowledging the Supervisor's report.

Unanimously carried

12.10.13**BUILDING INSPECTOR REPORTS**

C. Fabry reported that he issued a permit today for the new Verizon tower that should proceed very quickly. He said there was a fire on Drake Road that displaced 7 people last Thursday. It was a rental property with several electrical issues. It was be a month or two to make that property livable. Amenity Drive building underway, R. Iuppa is finishing up on Chandon and Wedgewood, and the Autumn Woods project is moving along nicely. Supervisor Kimball mentioned that initial discussions took place at the DRC meeting with Al Spaziano regarding incentive zoning.

ASSESSOR REPORTS

C. Lyon reported that he has recently been inundated with questions about the STAR program due to various articles in the newspapers.

HIGHWAY SUPT. REPORTS

Superintendent Viscardi reported facts and figures on snow work. He is in the process of doing employee evaluations. The Highway Department Office is utilizing a new software program for tracking winter product usage. A bucket truck was recently purchased from Teitsworth Auction for \$1,500.

MINUTES

Motion by Councilperson Tantalo
 Seconded by Councilperson Filipowicz
 To approve November 26, 2013 minutes.
 Unanimously carried

AUDIT—12-1-2013

Motion by Councilperson Hoy
 Seconded by Councilperson Didas
 To authorize payment of audit 12-1-2013 to include the following:
 Vouchers 20131087-20131128; Total \$217,282.19; Gen. \$103,805.93; Hwy. \$109408.39;
 SS \$499.99; SL \$3,567.88
 For distribution checks from 25758 - 25798
 Unanimously carried

EXECUTIVE SESSION

Motion by Councilperson Didas
 Seconded by Councilperson Filipowicz
 To enter executive session at 6:50 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 7:20 P.M.
 Unanimously carried

MOTION TO ADJOURN

Motion to adjourn at 7:20 P.M. by Councilperson Hoy
 Seconded by Councilperson Didas
 Unanimously carried

Respectfully submitted,

Sharon S. Mattison
 Town Clerk

Approved 01-14-2014

Chapter XXX

TRANSFER STATION

§ XXX-1. Title.

This law shall hereinafter be known and cited as "The Transfer Station Local Law of the Town of Clarkson."

§ XXX-2. Purpose and intent.

The Town of Clarkson owns and operates a Transfer Station for the deposit of refuse, brush, rubbish and recyclables. Except for brush, these materials are collected at the Transfer Station and then transferred to the Monroe County for processing. Brush is recycled on site by shredding or similar processes. The purpose of this Chapter is to regulate the access to and use of said Transfer Station.

§ XXX-3. Legislative authority.

This local law is enacted pursuant to the authority granted to the Town Board in §64 of the New York State Town Law; Article 2 of the Statute of Local Governments, Article 2 of the Municipal Home Rule Law; and Article IX of the New York State Constitution

§ XXX-4. Definitions.

For the purpose of this chapter, the terms used are defined as follows:

OPERATOR – the individual employed by the Town of Clarkson who is present on the site during hours of operation.

PERMIT - The evidence of the fee being paid for permission to use the facility. The Permit is issued by the Town Clerk and can only be issued to a Clarkson resident.

PERMIT HOLDER – The resident of the Town of Clarkson holding the Permit.

TRANSFER STATION – That part of the premises owned by the Town of Clarkson located at 3078 Redman Road (tax account number 039.01-1-18) designated by the Highway Superintendent for deposit of refuse, brush, garbage, rubbish and recyclables by persons holding Permits.

XXX-5 Hours of Operation.

Hours of operation shall be established by resolution of the Town Board and shall be posted in the Town Hall, on the Town's Website and at the Transfer Station.

XXX-6 Prohibited Acts.

The following acts are prohibited:

- A. Using the Transfer Station when it is not open;
- B. Depositing material in front of, or in the vicinity of the gate or on the road leading to the Transfer Station.

- C. Disposing of material in an area other than where designated.
- D. Disposing of material without holding a valid permit.
- E. Disposing of material requiring a fee without paying the fee.
- F. Disposing of material not generated in the Town of Clarkson.
- G. Refusing to obey the directions of the Operator on duty.
- H. Disposing of prohibited material as specified in §XXX-7 below.
- I. Disposing of more than the volume Permitted in §XXX-8 below.
- J. Picking, sorting and/or removing any material at the site other than what is in the building designated and marked for that purpose.
- K. Hunting or trapping.
- L. Discharge of firearms.

XXX-7 Prohibited Material.

The following materials are prohibited:

- A. Any material containing asbestos.
- B. Roofing material.
- C. Paint unless it is latex type paint prepared for disposal under Monroe County Guidelines. Paint not allowed to be disposed of at the Clarkson Transfer station can be disposed of through Monroe County.
- D. Anti-freeze.
- E. Hazardous chemicals.
- F. Flammables, unless permitted elsewhere in this Chapter.
- G. Hot ashes.
- H. Lead/acid batteries.
- I. Large animal carcasses.
- J. Wire, unless approved by the Operator.
- K. Material not generated in the Town of Clarkson.
- L. Any material that, in the opinion of the Operator, has the potential to be dangerous.

§XXX-8 Volume of Material Permitted.

- A. Each Permit hold shall be allowed to dispose of a maximum of six (6) thirty (gallon) bags of household garbage a week.
- B. Unlimited recyclables as Permitted by Monroe County Recycling Regulations, providing that the material is sorted and placed in the containers provided.

C. Unlimited brush and tree cuttings, Christmas trees, lawn clippings, stone and concrete, used motor oil, electronics, metal and glass provided that the material is sorted and placed in the containers provided.

§XXX-9. Fees.

The following fees are imposed for use of the Transfer Station:

- A. An annual Permit fee established by resolution of the Town Board.
- B. Fees for the following specific items established from time to time by resolution of the Town Board:
 - 1. Any item containing, or designed to contain, Freon.
 - 2. Tires.
 - 3. Propane Tanks.
 - 4. A fee for junk items such as wood, furniture, metal up to 64 cubic feet in volume. By way of example at pickup truck load measuring 4 feet wide, 8 feet long and 2 feet in height. The Operator shall have a chart giving other dimensions.
- C. The time, place and method of payment of said fees shall be determined from time to time by resolution of the Town Board.

§XXX-10. Revocation of Permit.

- A. The Highway Superintendent shall have the authority to revoke the Permit of anyone who violates the provisions of this Chapter.
- B. The notice of revocation shall be in writing stating the reasons for the revocation.
- C. The notice of revocation shall be filed in the Office of the Town Clerk within two (2) business days. The Town Clerk shall, within two(2) business days, send the Permit Holder a notice of the revocation by first class US Mail, addressed to the address of the Permit Holder shown on the Permit application, or any change of address which the Permit Holder has filed with the Town Clerk.
- D. The Permit Holder shall have fifteen (15) days to appeal the decision in writing to the Town Board.
- E. The Town Board shall hear the appeal within 32 days of the receipt of the appeal. The Town Clerk shall notify the Permit Holder of the time, date and place of the hearing at which hearing the Permit Holder shall be given the opportunity to testify, cross examine any witnesses presented by the Town and submit evidence on his or her behalf.
- F. After the conclusion of the hearing the Town Board shall render a decision by majority vote within 14 days. If the Town Board rules on behalf of the Permit Holder, a prorated fee refund for the period from the initial revocation to the favorable ruling shall be given to the Permit Holder.
- G. Should the Permit Holder fail to appeal as provided herein, or should the Permit Holder's appeal be denied there shall be no return of the Permit fee.

H. A Permit Holder who has had a Permit revoked shall not be eligible to reapply for two years and shall not be allowed at the Transfer Station until his or her Permit shall be restored.

XXX- 11 Enforcement.

Except for the Revocation in Section 10 of this Chapter, this Chapter shall be enforced by the Monroe County Sheriff's Department, New York State Police or other peace officers.

XXX-12 Penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine not to exceed \$250 for each such offense or by imprisonment for not more than 15 days, or by both such fine and imprisonment. These penalties shall be in addition to any Permit revocation imposed herein.

XXX-13 Severability.

If any clause, sentence, phrase, paragraph or any part of this chapter shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this chapter would have been adopted had any such provisions been excluded.

TOWN OF CLARKSON
BUDGET MODIFICATION
2013

ACCT. NO.	ACCOUNT TITLE	ORIGINAL BUDGET	ADJUSTED BUDGET	INCREASE DECREASE	MODIFIED BUDGET	YTD ACTUAL	ADD PROJECTED	PROJECTED ACTUAL	COMMENTS
1110.1	Justices - Personal Services	64,584.00	64,584.00	1,000.00	65,584.00	62,000.47	3,350.00	65,350.47	Overtime
1110.2	Justices - Equipment & Capital Outlay	1,000.00	1,000.00	1,560.00	2,560.00	2,566.10	-	2,566.10	Door entry alert replacement
1110.4	Justices - Contractual Expenses	7,900.00	11,900.00	(2,560.00)	9,340.00	8,544.74	750.00	9,294.74	Legal expenses
1320.4	Auditor	20,000.00	20,000.00	2,800.00	22,800.00	20,000.00	2,800.00	22,800.00	NYS OSC Audit and other consulting services
1450.4	Elections - Contractual	7,000.00	7,000.00	335.00	7,335.00	7,335.00	-	7,335.00	Special Election
1460.4	Records Management - Contractual	1,500.00	13,667.69	2,945.31	16,613.00	15,805.68	807.00	16,612.68	Grant expenditures
1680.2	Central Data Processing - Equipment	5,000.00	5,000.00	(5,000.00)	-	-	-	-	No capital expenditures in 2013
1680.2	Central Data Processing - Contractual	13,500.00	13,500.00	7,500.00	21,000.00	19,296.12	1,500.00	20,796.12	Just Solutions offsite back up and ADP charges
5132.2	Garage - Equipment & Capital Outlay	3,000.00	29,500.00	-	29,500.00	34,493.30	(6,349.87)	28,143.43	Move John Deere tractor to Parks expense
7110.1	Parks - Personal Services	36,000.00	36,000.00	6,803.45	42,803.45	42,603.45	-	42,603.45	Additional costs for additional parks
7110.2	Parks - Equipment & Capital Outlay	8,000.00	11,000.00	666.36	11,666.36	5,316.49	6,349.87	11,666.36	Moved John Deere from 5132.2
1120	Sales Tax Revenues	26,000.00	26,000.00	(7,269.81)	18,730.19	17,779.18	-	17,779.18	More labor & less contractual
		(258,000.00)	(323,760.50)	(8,580.31)	(332,340.81)	(439,977.31)	-	(439,977.31)	
		(64,516.00)	(84,608.81)	-	(84,608.81)	(204,236.78)	9,207.00	(195,029.78)	
GENERAL OUTSIDE VILLAGE									
9030.8	Social Security	9,000.00	9,000.00	800.00	9,800.00	9,021.03	725.00	9,746.03	Safety Inspection Payroll is higher
1560	Safety Inspection fees	(3,000.00)	(3,000.00)	(800.00)	(3,800.00)	(7,845.36)	(9,000.00)	(16,845.36)	Safety Inspection fees due from October to December
		6,000.00	6,000.00	-	6,000.00	1,175.67	(8,275.00)	(7,099.33)	
HIGHWAY - TOWNWIDE									
5110.4	Maintenance of Roads - Contractual	61,000.00	61,000.00	(9,000.00)	52,000.00	42,436.87	-	42,436.87	Distribution of work
5130.4	Machinery - Contractual	102,000.00	102,000.00	4,000.00	106,000.00	102,252.17	3,483.61	105,735.78	Vacuum Service and metals analysis
8540.4	Drainage - Contractual	15,000.00	15,000.00	5,000.00	20,000.00	19,758.31	-	19,758.31	Distribution of work
		178,000.00	178,000.00	-	178,000.00	164,447.35	3,483.61	167,930.96	
HIGHWAY - OUTSIDE VILLAGE									
5110.1	Maintenance of Roads - Personal Services	23,022.00	23,022.00	40,000.00	63,022.00	61,505.90	-	61,505.90	More work on Town Roads
5110.4	Maintenance of Roads - Contractual Expense	96,000.00	96,000.00	(20,000.00)	76,000.00	75,254.10	-	75,254.10	More work on Town Roads
5140.1	Misc. Brush & Weeds - Personal Services	2,070.00	2,070.00	4,000.00	6,070.00	5,812.38	-	5,812.38	More work on Town Roads
5140.4	Misc. Brush & Weeds - Contractual Expense	3,000.00	3,000.00	(1,000.00)	2,000.00	1,849.60	-	1,849.60	More work on Town Roads
		(52,262.94)	(52,262.94)	(23,000.00)	(29,262.94)	(52,262.94)	23,000.00	(29,262.94)	
909	Fund Balance	71,829.06	71,829.06	-	117,829.06	92,159.04	23,000.00	115,159.04	