

TOWN OF CLARKSON
TOWN BOARD MEETING
March 25, 2014

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, March 25, 2014 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
Jackie Smith	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 Katharine Kemp, Deputy 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.

RESOLUTION OPPOSING THE NEW YORK SAFE ACT

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

ABSENT: None

Introduced by Councilperson Didas

Seconded by Councilperson Hoy

WHEREAS, the New York State Legislature has passed the "New York Safe Act" statute, which statute was hastily drawn and quickly adopted by New York State; and

WHEREAS, a more thoughtful review of the act, as presently adopted, discloses various inconsistencies, omissions and irregularities, as well as provisions which are either incapable of clear definition or application, both by those who are opposed to the act and those who are in favor of it, in whole or in part; and

WHEREAS, the Town Board of the Town of Clarkson wishes to go on record with respect to the New York Safe Act and its present provisions, so as to encourage the New York State Legislature to address all of the above issues with respect to the act as it is presently enacted and to encourage amendment and revisions to such act to address the legitimate concerns of all citizens of the State who are interested in the subject matter of the act.

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

03.25.14

SECTION 1. By the adoption of this resolution, the Town Board of the Town of Clarkson does hereby encourage and support the representatives of the Town of Clarkson in the New York Legislature to address all of the outstanding and unresolved issues as set forth above and to amend or revise or otherwise act upon the New York Safe Act in such a manner so as to resolve the same in the best interest of the constituents which they serve.

VOTE OF THE BOARD

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

NAYS: None

MOTION TO WRITE OFF UNPAID B.380 FEES

Motion by Councilperson Didas

Seconded by Councilperson Hoy

To write off unpaid B.380 fees: Shawn Patten - \$36.00; Cory Spalty - \$158.58.

Unanimously carried

MOTION TO APPROVE COMPUTER UPGRADE

Motion by Councilperson Smith

Seconded by Councilperson Didas

To approve the quote from Just Solutions to purchase seven (7) new computers for the Town at a cost of \$7,658.20.

Unanimously carried

MOTION TO ACCEPT DEDICATION OF SECTION 5, LIBERTY COVE

Motion by Councilperson Filipowicz

Seconded by Councilperson Smith

To accept the dedication of Section 5, Liberty Cove upon the recommendation of JP Schepp, Town Engineer.

Unanimously carried

BROCKPORT FIRE DISTRICT LAND TRANSFER

Attorney Olson reported on a meeting he attended with Daryl Moser of Schultz Associates. Aerial photos of the firehouse and courthouse was distributed and reviewed. After a short discussion regarding various easements that would be required, it was decided to refer this to the Planning and Zoning Boards for their review.

MOTION TO AUTHORIZE SUPERVISOR TO SIGN NATIONAL GRID EASEMENT

Motion by Councilperson Hoy

Seconded by Councilperson Smith

To authorize the Supervisor to sign the National Grid easement regarding the Horizon Park Drive cell tower.

Unanimously carried

***see attached easement**

RESOLUTION DECLARING CLARKSON TOWN BOARD LEAD AGENCY BROOK FIELD AT CLARKSON PROJECT

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

ABSENT: None

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Smith

WHEREAS, Alantic Funding and Real Estate, LLC has made application to the Town of Clarkson to construct a project consisting of mixed use residential and commercial development to be located on the west side of Sweden-Walker Road, north of East Avenue; and

03.25.14

WHEREAS, the project will require rezoning or the use of the incentive zoning law to be constructed; and

WHEREAS, a Full Environmental Assessment Form (EAF) has been prepared and presented to this board by Costich Engineering; and

WHEREAS, the Town Board determines that The Project is subject to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, The Project is classified as a Type I action pursuant to SEQRA; and

WHEREAS, the FEAF lists potentially involved and interested agencies; and

WHEREAS, the Town Board of the Town of Clarkson wishes to act as SEQRA Lead Agency for the project, therefore, be it

NOW, THEREFORE, BE IT RESOLVED:

1. The Town Board of the Town of Clarkson hereby declares its intent to act as SEQRA Lead Agency for The Project;
2. The Board hereby authorizes and directs the Supervisor to execute the “Notice to Establish Lead Agency” in the form presented to this meeting.
3. The Notice to Establish Lead Agency and appropriate attachments shall be promptly forwarded by the Town Clerk to the involved agencies on the Agency List and appropriate correspondence shall be forwarded to all interested agencies.

THE FOREGOING RESOLUTION was put to vote as follows:

VOTE OF THE BOARD

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

NAYS: None

***see attached**

APPOINTMENT OF PART-TIME COURT CLERK

Judge Hammel reported on the interview process which resulted in selecting Stacy Burke as the new part-time court clerk. This will be a 20 hour per week position. He requested that the Town Board appoint Ms. Burke to a Clerk III position, Step 4, which is \$12.23 per hour.

Motion by Councilperson Hoy

Seconded by Councilperson Filipowicz

To appoint Stacy Burke of 3059 Lake Road to the position of part-time Court Clerk III, Step 4, effective after the required paperwork and background check have been completed.

Unanimously carried

RECREATION BUILDING RENOVATIONS

Supervisor Kimball, Chad Fabry and JP Schepp met with a design team regarding renovations to Ridgewood Lodge. This report was shared with the Board members. It was decided to table this discussion until a later date.

03.25.14

MOTION AUTHORIZING SUPERVISOR TO SIGN AGREEMENT WITH LIBERTY MUTUAL INSURANCE

An information flyer was shared with the Board members describing voluntary programs offered by Liberty Mutual which would be available to eligible employees.

Motion by Councilperson Hoy

Seconded by Councilperson Smith

To authorize the Supervisor to sign the Liberty Mutual agreement indicating the Town wishes to offer these programs to eligible employees.

Unanimously carried

SEYMOUR LIBRARY

Supervisor Kimball passed out business cards for Carl Gouveia, the Library Director. In recent discussions with Mr. Gouveia, he indicated that the library was researching the possibility of becoming a library district.

COBBLESTONE HOUSE

Supervisor Kimball wanted to recognize George Hage for his role in saving this historical structure. A new roof is currently underway with attempts being made to have it closely resemble the appropriate time period.

BUILDING INSPECTOR REPORTS

C. Fabry gave an update on various projects. Deerfield is nearing completion. He estimates that the Autumn Woods project will be issued permits for six units at \$9,500 each (\$6,000 to Parks, \$3,500 to the General Fund). The storage units will be considered one unit.

ASSESSOR REPORTS

C. Lyon stated that he will be doing a walk-through at the hospital this week. There are \$4.5 million in renovations proposed.

HIGHWAY SUPERINTENDENT REPORTS

B. Viscardi reported that the pipe for the water line at Deerfield should arrive on April 7. Highway crews have begun spring clean up/sod repair. Monroe County prisoners will begin taking down snow fences next week.

MINUTES

Motion by Councilperson Didas

Seconded by Councilperson Filipowicz

To approve 2-25-14 minutes.

Unanimously carried

MINUTES

Motion by Councilperson Smith

Seconded by Councilperson Filipowicz

To approve 3-11-14 minutes.

Unanimously carried

AUDIT—3-2-2014

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To authorize payment of audit 3-2-2014 to include the following:

Vouchers 20140206-20140249; Total \$54,473.46; Gen. \$24,709.90; Hwy. \$29,625.26; SS \$138.30

For distribution checks from 26071 - 26112

Unanimously carried

03.25.14

EXECUTIVE SESSION

Motion by Councilperson Filipowicz

Seconded by Councilperson Didas

To enter executive session at 7:30 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 7:45 P.M.

Unanimously carried

MOTION TO ADJOURN

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

Seconded by Councilperson Smith

Unanimously carried

Respectfully submitted,

Katharine Kemp

Deputy Town Clerk

APPROVED 04-08-2014

STATE ENVIRONMENTAL QUALITY REVIEW ACT NOTICE
of
COORDINATED REVIEW
and
DECLARATION OF INTENT TO ACT AS LEAD AGENCY

This notice is issued by the Town of Clarkson pursuant to and in accordance with Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended the State Environmental Quality Review Act and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (collectively "SEQRA").

Project Name: Brook Field at Clarkson

Location: North and west of the intersection of Sweden Walker Road and East Avenue, Town of Clarkson, County of Monroe ("Site")

Classification : Type I: XX Unlisted: ___

Project Description: The developer plans to construct

18 - Duplex Homes each with 2 bedrooms and 2 bathrooms

4 - 16 Unit 2 Story Apartment buildings with each apartment having 2 bedrooms and 2 bathrooms

5 - 26 Unit 3 Story Apartment buildings with each apartment having 2 bedrooms and 2 bathrooms

1 - 89 Unit Independent Senior Living Senior Facility for seniors 55 years of age and older. This to include garages for some residents and a community room

Community center with a business center for Internet and computer access, a fitness facility, lounge space with a fireplace and flat screen television, gaming tables, kitchenette and a pool for the use of all of the residents in the development.

Mixed retail space on Ridge Road using the streetscape designs called for in the Hamlet description the Clarkson Comprehensive Plan

For your reference, attached to this Notice of Intent to Act as Lead Agency, we have enclosed the following documentation:

- Exhibit A:** Town of Clarkson ("Town") Resolution
- Exhibit B:** List of Potentially Interested and Involved Agencies
- Exhibit C:** Full Environmental Assessment Form (Part 1)
- Exhibit D:** Acknowledgment of the Town of Clarkson to Act as Lead Agency and Conduct a Coordinated Review pursuant to SEQRA

Action Requested: Please have the appropriate personnel within your agency review the enclosed documentation. If your agency has no objection to the Town acting as Lead Agency, please have the appropriate personnel sign and return the enclosed Acknowledgment of Lead Agency form consenting to the Town as Lead Agency before April 25, 2014.

Notice Details: The Project may require approvals from the Monroe County Department of Health, Monroe County Department of Planning and Economic Development, Monroe County Department of Transportation, Monroe County Water Authority, New York State Department of Transportation, New York State Department of Environmental Conservation, New York State Office of Parks Recreation and Historic Preservation, Town of Clarkson Planning Board, and the Town of Clarkson Town Board.

For Further Information Contact:

Town of Clarkson
3710 Lake Road
PO Box 858
Clarkson, NY 14430
ATTN: Supervisor Paul Kimball
Phone: 585-637-1131

GRANT OF EASEMENT

TOWN OF CLARKSON, a municipal corporation with its principal office at 3710 Lake Road, Clarkson, New York 14430, (hereinafter referred to as "Grantor"), for consideration of One Dollar (\$1.00), and other valuable considerations paid, the receipt and sufficiency of which are hereby acknowledged under seal, hereby grants to **NIAGARA MOHAWK POWER CORPORATION**, a New York corporation, having an address at 144 Kensington Avenue, Buffalo, New York 14214 (hereinafter referred to as "Grantee"), for Grantee and its lessees, licensees, successors, and assigns, the perpetual right and easement as described in Section 1 below (the "Easement") in, under, through, over, across, and upon the Grantor's land, as described in Section 2 below (the "Grantor's Land")

Section 1 – Description of the Easement. The "Easement" granted by the Grantor to the Grantee consists of a perpetual easement and right-of-way, with the right, privilege, and authority to:

a. Construct, reconstruct, relocate, extend, repair, maintain, operate, inspect, patrol, and, at its pleasure, abandon or remove underground electric facilities including a line or lines of wires or cables (either direct-buried or installed in underground conduits), handholes, manholes, conduit, vaults, junction boxes, pad-mount transformers, housings, connectors, switches and switching equipment, pipes, pedestals, closures, ducts and duct work, markers, cables, connections to overhead and underground wires, insulators, transformers, braces, fittings, foundations, anchors, lateral service lines, communications facilities, and other fixtures and appurtenances (collectively, the "Facilities"), which the Grantee shall require now and from time to time, for the transmission and distribution of high and low voltage electric current and for the transmission of intelligence and communication purposes, by any means, whether now existing or hereafter devised, for public or private use, in, upon, over, under, and across that portion of the Grantor's Land described in Section 3 below (the "Easement Area"), and the highways abutting or running through the Grantor's Land, and to renew, replace, add to, and otherwise change the Facilities and each and every part thereof and the location thereof within the Easement Area, and utilize the Facilities within the Easement Area for the purpose of providing service to the Grantor and others;

b. From time to time, without further payment therefor, clear and keep cleared, by physical, chemical, or other means, the Easement Area of any and all trees, vegetation, roots, aboveground or belowground structures, improvements, or other obstructions and trim and/or remove other trees, roots and vegetation adjacent to the Easement Area that, in the opinion of the Grantee, may interfere with the construction, operation, and maintenance of the Facilities. The first clearing may be for less than the full width and may be widened from time to time to the full width;

c. Excavate or change the grade of the Grantor's Land as is reasonable, necessary, and proper for any and all purposes described in this Section 1; provided, however, that the Grantee will, upon completion of its work, backfill and restore any excavated areas to reasonably the same condition as existed prior to such excavation; and

d. Pass and repass along the Easement Area to and from the adjoining lands and pass and repass over, across, and upon the Grantor's Land to and from the Easement Area, and construct, reconstruct, relocate, use, and maintain such footbridges, causeways, and ways of access, if any, thereon, as is reasonable and necessary in order to exercise to the fullest extent the Easement.

Section 2 – Description of Grantor's Land. The "Grantor's Land" is described in a certain Deed recorded in the Monroe County Clerk's Office on September 16, 1993 in Liber 8386 of Deeds at Page 218 and consists of land described as being part of Tax Parcel No. 054.01-1-22.12 of the Town of Clarkson, County of Monroe and State of New York, being part of Lots No. 14 and 15, commonly known as 99 Horizon Park Drive.

Section 3 – Location of the Easement Area. The "Easement Area" shall consist of a portion of the Grantor's Land ten (10') feet in width throughout its extent, the centerline of the Easement Area being the centerline of the Facilities. The general location of the Easement Area is shown on the sketch entitled "EXHIBIT A," which sketch is attached hereto and recorded herewith, copies of which are in the possession of the Grantor and the Grantee. The final and definitive location(s) of the Easement Area shall become established by and upon the final installation and erection of the Facilities by the Grantee in substantial compliance with Exhibit A hereto.

Section 4 – Facilities Ownership. It is agreed that the Facilities shall remain the property of the Grantee, its successors and assigns.

Section 5 – General Provisions. The Grantor, for itself, its heirs, legal representatives, successors, and assigns, hereby covenants and agrees with the Grantee that no act will be permitted within the Easement Area which is inconsistent with the Easement hereby granted; no buildings or structures, or replacements thereof or additions thereto, swimming pools, or obstructions will be erected or constructed above or below grade within the Easement Area; no trees shall be grown, cultivated, or harvested, and no excavating, mining, or blasting shall be undertaken within the Easement Area without the prior written consent of the Grantee, it being the intent that the Easement herein conveyed is intended to prohibit the longitudinal or parallel use or occupancy of said Easement Area by surface or subsurface activities or structures which might damage or interfere with the Facilities; the Easement shall not be modified nor the Easement Area relocated by the Grantor without the Grantee's prior written consent; the present grade or ground level of the Easement Area will not be changed by excavation or filling; the Grantee shall quietly enjoy the Grantor's Land; and the Grantor will forever warrant title to the Grantor's Land.

The Grantee, its successors and assigns, are hereby expressly given and granted the right to assign this Easement, or any part thereof, or interest therein, and the same shall be divisible between or among two or more owners, as to any right or rights created hereunder, so that each assignee or owner shall have the full right, privilege, and authority herein granted, to be owned and enjoyed either in common or severally. This Grant of Easement shall at all times be deemed to be and shall be a continuing covenant running with the Grantor's Land and shall inure to and be binding upon the successors, heirs, legal representatives, and assigns of the parties named in this Grant of Easement.

IN WITNESS WHEREOF, the Grantor has duly executed this Grant of Easement under seal this 25 day of March, 2014.

TOWN OF CLARKSON

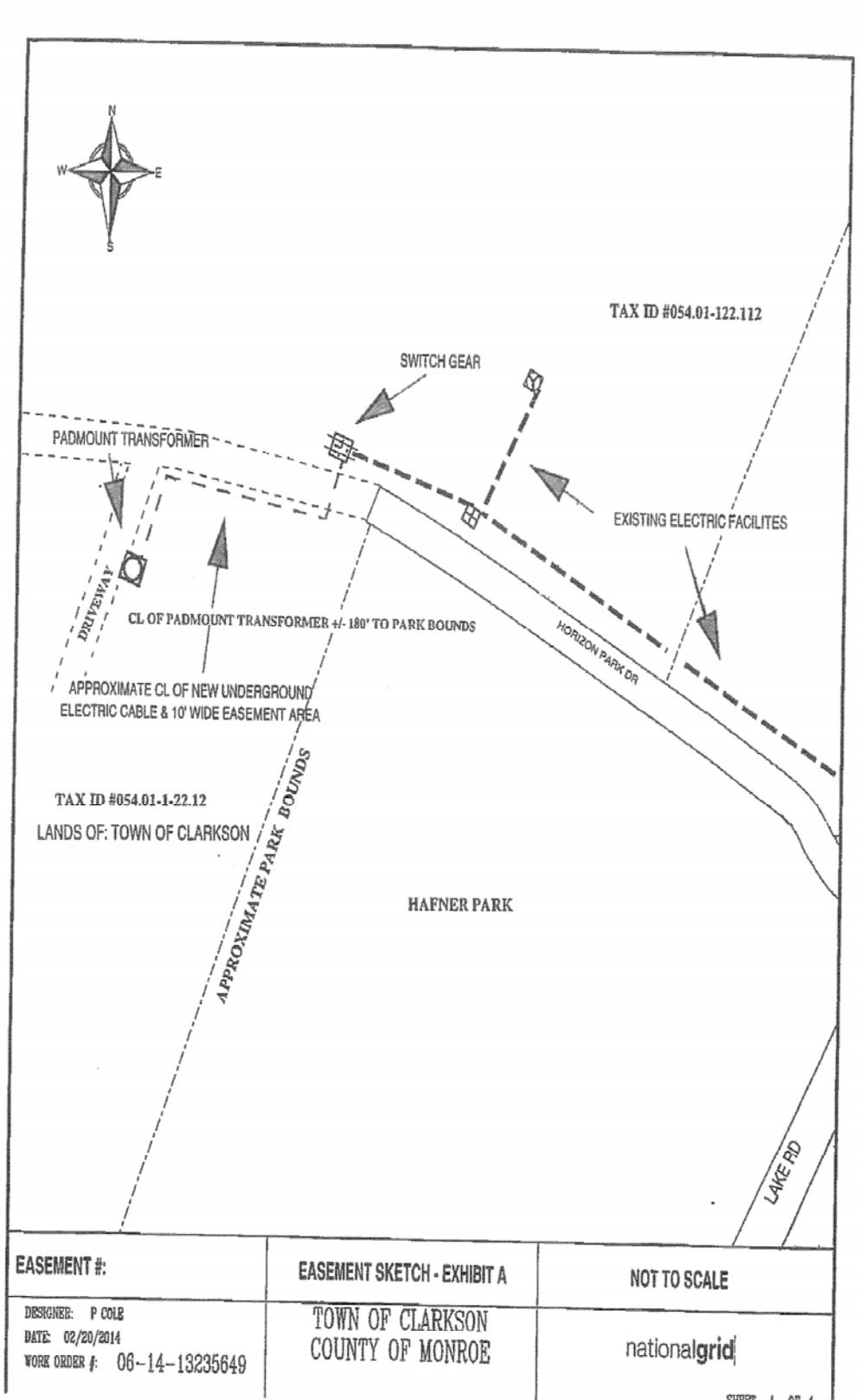
By: Paul M Kimball
Print Name: Paul M. Kimball (Sign Name)
Title: Clarkson Town Supervisor

STATE OF New York)
COUNTY OF Monroe) SS:

On this 25 day of March, in the year 2014, before me, the undersigned, personally appeared Paul M Kimball, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Kristin P Coon
Notary Public

KRISTIN P. COON
Notary Public, State of New York
Monroe County, #01CO6201679
My Commission Expires Mar. 2, 2017



EASEMENT #:	EASEMENT SKETCH - EXHIBIT A	NOT TO SCALE
DESIGNER: P COLE DATE: 02/20/2014 WORK ORDER #: 06-14-13235649	TOWN OF CLARKSON COUNTY OF MONROE	nationalgrid SHEET 1 OF 1