

TOWN OF CLARKSON  
TOWN BOARD MEETING  
September 23, 2014

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, September 23, 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 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.

**RESOLUTION REQUIRING CUTTING OF GRASS**

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

**ABSENT:** None

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Smith

**Whereas**, the Town Board has received a report from Chad Fabry, Building Inspector that property at **288 Lawrence Road, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

**Whereas**, the Town Board has reviewed this report and determined that the allegations contained therein are accurate; and

**Whereas**, pursuant to Local Law #2-2009, "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson" this board may direct the property owner to remedy this condition and if such condition is not remedied within ten (10) days, have the condition remedied by the Town with the cost thereof to be assessed to the property;

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

**Section 1.** That the Building Inspector is directed to mail and post the notice as set forth in Local Law #2-2009;

**Section 2.** That if the condition is not remedied within ten (10) days of the notice, the Building Inspector shall notify the Highway Superintendent who is directed to take appropriate action to remedy the condition;

**09.23.14**

**Section 3.** That this resolution shall take effect immediately.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION REQUIRING CUTTING OF GRASS**

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

**ABSENT:** None

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Smith

**Whereas**, the Town Board has received a report from Chad Fabry, Building Inspector that property at **3250 Lake Road, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

**Whereas**, the Town Board has reviewed this report and determined that the allegations contained therein are accurate; and

**Whereas**, pursuant to Local Law #2-2009, "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson" this board may direct the property owner to remedy this condition and if such condition is not remedied within ten (10) days, have the condition remedied by the Town with the cost thereof to be assessed to the property;

**Now, therefore, be it resolved:**

**Section 1.** That the Building Inspector is directed to mail and post the notice as set forth in Local Law #2-2009;

**Section 2.** That if the condition is not remedied within ten (10) days of the notice, the Building Inspector shall notify the Highway Superintendent who is directed to take appropriate action to remedy the condition;

**Section 3.** That this resolution shall take effect immediately.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION REQUIRING CUTTING OF GRASS**

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

**ABSENT:** None

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Smith

**Whereas**, the Town Board has received a report from Chad Fabry, Building Inspector that property at **3770 Lake Road, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

**Whereas**, the Town Board has reviewed this report and determined that the allegations contained therein are accurate; and

**Whereas**, pursuant to Local Law #2-2009, "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson" this board may direct the property owner to remedy this condition and if such condition is not remedied within ten (10) days, have the condition remedied by the Town with the cost thereof to be assessed to the property;

**09.23.14****Now, therefore, be it resolved:**

**Section 1.** That the Building Inspector is directed to mail and post the notice as set forth in Local Law #2-2009;

**Section 2.** That if the condition is not remedied within ten (10) days of the notice, the Building Inspector shall notify the Highway Superintendent who is directed to take appropriate action to remedy the condition;

**Section 3.** That this resolution shall take effect immediately.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION REQUIRING CUTTING OF GRASS**

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

**ABSENT:** None

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Smith

**Whereas,** the Town Board has received a report from Chad Fabry, Building Inspector that property at **8470 Ridge Road, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

**Whereas,** the Town Board has reviewed this report and determined that the allegations contained therein are accurate; and

**Whereas,** pursuant to Local Law #2-2009, "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson" this board may direct the property owner to remedy this condition and if such condition is not remedied within ten (10) days, have the condition remedied by the Town with the cost thereof to be assessed to the property;

**Now, therefore, be it resolved:**

**Section 1.** That the Building Inspector is directed to mail and post the notice as set forth in Local Law #2-2009;

**Section 2.** That if the condition is not remedied within ten (10) days of the notice, the Building Inspector shall notify the Highway Superintendent who is directed to take appropriate action to remedy the condition;

**Section 3.** That this resolution shall take effect immediately.

**VOTE OF THE BOARD**

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

NAYS: None

Discussion: Supervisor Kimball remarked that the process for mowing lawns is very cumbersome and perhaps the Board could review this process and how to simplify it.

**09.23.14**

**RESOLUTION REQUIRING CUTTING OF GRASS**

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

**ABSENT:** None

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Smith

**Whereas**, the Town Board has received a report from Chad Fabry, Building Inspector that property at **8162 Ridge Road, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

**Whereas**, the Town Board has reviewed this report and determined that the allegations contained therein are accurate; and

**Whereas**, pursuant to Local Law #2-2009, "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson" this board may direct the property owner to remedy this condition and if such condition is not remedied within ten (10) days, have the condition remedied by the Town with the cost thereof to be assessed to the property;

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**Section 1.** That the Building Inspector is directed to mail and post the notice as set forth in Local Law #2-2009;

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**Section 3.** That this resolution shall take effect immediately.

**VOTE OF THE BOARD**

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

**NAYS:** None

**RESOLUTION REQUIRING CUTTING OF GRASS**

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

**ABSENT:** None

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Smith

**Whereas**, the Town Board has received a report from Chad Fabry, Building Inspector that property at **334 Gilmore Road, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

**Whereas**, the Town Board has reviewed this report and determined that the allegations contained therein are accurate; and

**Whereas**, pursuant to Local Law #2-2009, "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson" this board may direct the property owner to remedy this condition and if such condition is not remedied within ten (10) days, have the condition remedied by the Town with the cost thereof to be assessed to the property;

**Now, therefore, be it resolved:**

**Section 1.** That the Building Inspector is directed to mail and post the notice as set forth in Local Law #2-2009;

**09.23.14**

**Section 2.** That if the condition is not remedied within ten (10) days of the notice, the Building Inspector shall notify the Highway Superintendent who is directed to take appropriate action to remedy the condition;

**Section 3.** That this resolution shall take effect immediately.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION REQUIRING CUTTING OF GRASS**

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

**ABSENT:** None

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Smith

**Whereas,** the Town Board has received a report from Chad Fabry, Building Inspector that property at **2575 Lake Road, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

**Whereas,** the Town Board has reviewed this report and determined that the allegations contained therein are accurate; and

**Whereas,** pursuant to Local Law #2-2009, "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson" this board may direct the property owner to remedy this condition and if such condition is not remedied within ten (10) days, have the condition remedied by the Town with the cost thereof to be assessed to the property;

**Now, therefore, be it resolved:**

**Section 1.** That the Building Inspector is directed to mail and post the notice as set forth in Local Law #2-2009;

**Section 2.** That if the condition is not remedied within ten (10) days of the notice, the Building Inspector shall notify the Highway Superintendent who is directed to take appropriate action to remedy the condition;

**Section 3.** That this resolution shall take effect immediately.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION REQUIRING CUTTING OF GRASS**

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

**ABSENT:** None

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Smith

**Whereas,** the Town Board has received a report from Chad Fabry, Building Inspector that property at **11 Larrigan Crossing, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

**Whereas,** the Town Board has reviewed this report and determined that the allegations contained therein are accurate; and

**09.23.14**

**Whereas**, pursuant to Local Law #2-2009, "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson" this board may direct the property owner to remedy this condition and if such condition is not remedied within ten (10) days, have the condition remedied by the Town with the cost thereof to be assessed to the property;

**Now, therefore, be it resolved:**

**Section 1.** That the Building Inspector is directed to mail and post the notice as set forth in Local Law #2-2009;

**Section 2.** That if the condition is not remedied within ten (10) days of the notice, the Building Inspector shall notify the Highway Superintendent who is directed to take appropriate action to remedy the condition;

**Section 3.** That this resolution shall take effect immediately.

**VOTE OF THE BOARD**

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

NAYS: None

Unanimously carried

**LODGE AND TRANSFER STATION PRICING**

Use statistics were provided to all board members. A cost analysis is needed before a decision can be made whether or not to increase pricing. Further discussion is tabled until the October 14<sup>th</sup> meeting.

**RESOLUTION AUTHORIZING INTERMUNICIPAL AGREEMENT; MONROE COUNTY STORMWATER COALITION**

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

**ABSENT:** None

Introduced by: Councilperson Hoy

Seconded by: Councilperson Didas

**WHEREAS**, the Town of Clarkson is a member of the Monroe County Stormwater Coalition; and

**WHEREAS**, the Coalition has prepared a new Stormwater Coalition Intermunicipal Agreement; and

**WHEREAS**, the Town Board of the Town of Clarkson has determined it is in the best interest of the Town to continue its participation in the coalition.

**NOW, THEREFORE BE IT RESOLVED:**

**Sec. 1.** That the Supervisor is hereby authorized to execute the Stormwater Coalition Intermunicipal Agreement upon the review and recommendation of the Town Attorney.

**Sec. 2.** That this resolution shall take effect immediately.

Discussion: Attorney for the Town, Richard Olsen has reviewed the agreement and approves the execution of such agreement.

**VOTE OF THE BOARD**

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

NAYS: None

**09.23.14**

**RESOLUTION AUTHORIZING SUPERVISOR TO SIGN LEASE AGREEMENT; CATERPILLAR FINANCIAL SERVICES CORPORATION**

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

**ABSENT:** None

Introduced by: Councilperson Didas

Seconded by: Councilperson Smith

**WHEREAS,** the annual lease payment would be \$15,474.06 for a term of five years for one new 938K Caterpillar wheel loader

**Sec. 1.** That the Supervisor is hereby authorized to execute the Governmental Equipment Lease-Purchase Agreement with Caterpillar Financial Services Corporation upon the review and recommendation of the Town Attorney.

**Sec. 2.** That this resolution shall take effect immediately.

**VOTE OF THE BOARD**

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

**NAYS:** None

**RESOLUTION TO REFER PROJECT TO CLARKSON CONSERVATION BOARD; BROOK FIELD AT CLARKSON**

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

**ABSENT:** None

Introduced by: Hoy

Seconded by: Smith

**WHEREAS,** by an application dated May 1, 2014, Alantic Funding and Real Estate, LLC, requested that the Town Board consider an Incentive Zoning request, relating to property known as “Brook Field at Clarkson”, consisting of approximately 32 acres located on the west side of Sweden Walker Road and the north side of East Avenue, south of Ridge Road (State Route 104) in the Town of Clarkson, New York, to allow for development of the following:

1. 18 Duplex Homes each with 2 bedrooms and 2 bathrooms
2. 4 - 16 Unit 2 Story Apartment buildings with each apartment having 2 bedrooms and 2 bathrooms
3. 5 - 26 Unit 3 Story Apartment buildings with each apartment having 2 bedrooms and 2 bathrooms.
4. An 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
5. A 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.
6. Mixed retail space on Ridge Road using the streetscape designs called for in the Hamlet description the Clarkson Comprehensive Plan; and

**WHEREAS,** the Town Board of the Town of Clarkson is the Lead Agency for the project pursuant to prior resolution of this Board; and

**WHEREAS,** pursuant to SEQRA, the Town Board as Lead Agency is required to give the project a “hard look”; and

**WHEREAS,** the Conservation Board of the Town of Clarkson created under Article 13-F of the New York State General Municipal Law, has the expertise to review the environmental aspects of the project and make a non-binding recommendation to the Town Board;

**09.23.14**

**NOW**, on motion duly made and seconded, it was

**RESOLVED**, that the application of Alantic Funding and Real Estate, LLC is referred to the Town of Clarkson Conservation Board for review; and be it further

**RESOLVED**, that the Conservation Board shall submit a written recommendation to the Town Board no later than October 27, 2014; and be it further

**RESOLVED**, that the Town of Clarkson Conservation Board is hereby granted the authority to request and all relevant documents from the applicant to assist the Conservation Board in its review and recommendation; and it is further

**RESOLVED**, that this Resolution shall take effect immediately.

**VOTE OF THE BOARD**

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

**NAYS:** None

**RESOLUTION AUTHORIZING AMENDMENT TO INDEXED LUMP SUM MUNICIPAL SNOW AND ICE AGREEMENT**

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

**ABSENT:** None

Introduced by: Councilperson Hoy

Seconded by: Councilperson Smith

**WHEREAS**, the Town Board has authorized the Supervisor of the Town of Clarkson, County of Monroe, State of New York to sign the Amendment to the Indexed Lump Sum Municipal Snow and Ice Agreement with NY State DOT. The total adjustment is \$71,915.28 bringing the original estimated expenditure of \$182,657.35 to \$254,572.63.

**VOTE OF THE BOARD**

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

**NAYS:** None

**MOTION AUTHORIZING SUPERVISOR TO SIGN EXTENSION TO WORKERS COMPENSATION CONTRACT**

Motion by Councilperson Hoy

Seconded by Councilperson Smith

To extend the workers compensation contract from 05/31/2015 to 12/31/2015.

Unanimously carried

Discussion: Assistant to the Supervisor, K. Coon explained that the term of our current Workers Comp. contract runs from 06/01/2014 to 05/31/2015. Extending the contract through 12/31/2015 will facilitate more effective budgeting for future years' contracts.

**PRELIMINARY BUDGET DISCUSSION**

Supervisor Kimball reviewed items discussed at the budget workshop. NYS will allow us to raise the property taxes by 1.56%, which for Clarkson would be \$40,887. If we grant employees a 2% increase, along with the increase in healthcare expenses, we would be above the \$40,887. We are currently \$99,000 above the maximum levy. Another workshop will be scheduled to discuss the budget.

**09.23.14****SUPERVISOR REPORTS**

Supervisor Kimball recently attended the Transportation Committee meeting for the Village. The Village received a grant to look at pedestrian and bicycle traffic. He also mentioned that they will be looking at different grants to facilitate upgrading the park. A proposal will be submitted to build up the Green Acres Trust to possibly add swings to the playground near the Ridgewood Lodge.

Supervisor Kimball received a letter today from the Town of Parma terminating building inspector services effective December 31, 2014.

**BUILDING INSPECTOR REPORTS**

C. Fabry gave an update on the various projects in town. Autumn Woods, Section 2 is 80% complete so he will be very busy with inspections. Overall this appears to be a very successful project and apparently there is a waiting list to rent these units. Sections 3 and 4 have been approved and he anticipates that permits will be issued in November. Foundations are complete on the Amenity Drive new builds. Chandon Place has one home nearing completion and another one in the insulation stage. He is still visiting Deerfield weekly for inspections.

**ASSESSOR REPORTS**

C. Lyon reported that he received the results from our one SCAR hearing for property on Redman Road. The hearing officer agreed with us that no changes are necessary.

**HIGHWAY SUPT. REPORTS**

Highway crews are busy with town and county work. Recent work includes cold mix paving of Craig Hill Drive and Summer Ridge Circle. Ditches and shoulders are being worked on now. County work continues with the County calling almost every night requesting trucks for the next day.

**MINUTES**

Motion by Councilperson Smith  
 Seconded by Councilperson Didas  
 To approve September 9, 2014 minutes.  
 Unanimously carried

**AUDIT—9-2-2014**

Motion by Councilperson Hoy  
 Seconded by Councilperson Didas  
 To authorize payment of audit 9-2-2014 to include the following:  
 Vouchers 20140749 – 20140808: Total \$55,427.14; Gen. \$22,880.58; Hwy. 32,330.36;  
 SW \$112.00; SS \$104.20.  
 For distribution checks from 26570 to 26627.  
 Unanimously carried

**EXECUTIVE SESSION**

Motion by Councilperson Filipowicz  
 Seconded by Councilperson Didas  
 To enter executive session at 6:30 P.M. to discuss a litigation matter.  
 Unanimously carried

**RETURN TO REGULAR SESSION**

Motion by Councilperson Filipowicz  
 Seconded by Councilperson Didas  
 To return to regular session at 8:30 P.M.  
 Unanimously carried

**09.23.14**

**MOTION TO ADJOURN**

Motion to adjourn at 8:30 P.M. by Councilperson Filipowicz

Seconded by Councilperson Didas

Unanimously carried

Respectfully submitted,

*Sharon S. Mattison*

Town Clerk

Approved 10-14-2014