

TOWN OF CLARKSON
TOWN BOARD MEETING
June 9, 2015

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, June 9, 2015 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 Superintendent
Richard Olson	Attorney for the Town

ALSO:

Kristin Coon	Assistant to Supervisor
Chad Fabry	Building Inspector/Code Enforcement
Christine McGough	Assessors Office

**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

Cody Dean, Chief of Brockport Ambulance presented updated statistics. They covered the recent Special Olympics events. He reminded the Board that Brockport Ambulance staff holds two CPR classes a month. They would like to offer a CPR class for Clarkson residents, perhaps at the Courthouse. He will be in touch with S. Mattison to schedule this.

RECREATION DIRECTOR REPORT

Jill Wisnowski reported for the Recreation Center. Softball has been delayed due to the wet field conditions at the Clarkson Recreation Park. Monday night is the only league night for softball; Sunday and Tuesday leagues decided not to use our fields. The Board would like to know what needs to be done for those leagues to return to Clarkson. Youth soccer and youth baseball are both underway. The Recreation Center will be having a fireworks display on Friday, July 3rd. Summer programs were discussed, including the possible addition of sand volleyball.

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;

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;

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 **3250 Lake Road, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

06.09.15

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 **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

06.09.15

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 **8438 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

RESOLUTION AND DECLARATION OF OFFICIAL INTENT TO LEASE 2016 INTERNATIONAL DUMP TRUCK

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

ABSENT: None

Introduced by: Councilperson Hoy

Seconded by: Councilperson Didas

Lessee: Town of Clarkson

Principal Amount Expected to be Financed: **\$220,130**

WHEREAS, the above Lessee is a political subdivision of the state in which Lessee is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purposes of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

06.09.15

Brief Description of Property: **2016 International Dump Truck with attachments to include plow, wing and sander**

WHEREAS, First Niagara Leasing, Inc. (“Lessor”) is expected to act as the Lessor under the Equipment Leases;

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases (“Lease Purchase Proceeds”) for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be it resolved by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (the “Project”) and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. Either one of the Town Supervisor or the Deputy Supervisor (each an “Authorized Representative”) acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee’s obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee’s obligations under the Equipment Leases shall not constitute general obligations of the lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of this Project is an object or purpose described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is (10) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of five (5) years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQR”) is required.

06.09.15

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. BAK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000.00 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDER YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDER YEAR WILL NOT EXCEED \$10,000,000.00.

Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

Section 14. This Resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED on this 9th day of June, 2015.

VOTE OF THE BOARD

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

NAYS: None

EMPLOYEE E-MAIL

There have been service provider problems, specifically concerning AOL addresses. Supervisor Kimball spoke with our webmaster Waylen Bray regarding this issue. Discussion ensued regarding options. Supervisor Kimball mentioned Outlook 365, which appears to be user-friendly at an approximate cost of \$17/person/month. H. Mundy remarked that the Fire District uses Outlook 365.

Employees will be reminded to only use their town email address and not run emails through their personal email address. Emails are FOIL-able and if employees are using their personal email for work-related issues, their personal email account can become part of that FOIL request.

Councilperson Didas suggested we have Just Solutions attend the next Board meeting to discuss options available to ensure that we are meeting State requirements.

LIGHTING DISTRICT; SUNSET CENTER LANE

Supervisor Kimball reported that this was a lighting request from Autumn Woods on the dedicated part of the road. Further information is required, so it was decided to table this discussion until the next meeting.

PROPOSED EXTENSION TO CLARKSON PARMA TOWN LINE WATER MAIN

Supervisor Kimball reported that because of the additional ten units, the average cost per parcel went from \$1,055 to \$827. Attorney Olson added that piping costs have also decreased. Supervisor Kimball will talk to the Parma Supervisor and decide on whether or not to hold a public information meeting to include both Clarkson and Parma residents. There was a lengthy discussion regarding options. Mr. & Mrs. Smith of 3123 Clarkson Parma Town Line Road were present and very interested in pursuing this water line.

06.09.15**UPDATE ON EAST AVENUE SEWER EXTENSION**

Supervisor Kimball spoke with the owners of Sara's Market. Possible options will be discussed further on 7/14/15.

SUPERVISOR REPORT

Supervisor Kimball and JP Schepp of Chatfield Engineering met with Dave Martin recently regarding drainage issues from Autumn Woods. Some hydroseeding has been done which hopefully will improve this situation.

MOTION ACKNOWLEDGING RECEIPT OF SUPERVISOR'S FINANCIAL REPORT

Motion by Councilperson Hoy

Seconded by Councilperson Didas

Acknowledging receipt of Supervisor's Financial Report.

Unanimously carried

BUILDING INSPECTOR REPORTS

C. Fabry reported that final inspections are underway at Autumn Woods. The nursing home renovations are moving ahead quickly. He just received the plans for Tender Loving Care who will be occupying space in that building. It was mentioned that Carl Grasta and his family may be moving to property he purchased on Sweden Walker Road.

MOTION APPOINTING SOLE ASSESSOR; CHRISTINE MCGOUGH

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

ABSENT: None

Introduced by: Councilperson Smith

Seconded by: Councilperson Hoy

To appoint Christine C. McGough, 181 Kemp Drive, Macedon, NY, to the position of Sole Assessor effective June 14, 2015 at an annual salary of \$46,283. The current term of office began October 1, 2013 and will end September 20, 2019.

VOTE OF THE BOARD

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

NAYS: None

HIGHWAY SUPERINTENDENT REPORT

R. Viscardi distributed a summary from Junk Days. He reported that County work has begun. Other work includes tile work on Gilmore Road and a sewer repair job on Sherwood Drive.

MINUTES

Motion by Councilperson Smith

Seconded by Councilperson Didas

To approve May 26, 2015 minutes.

Unanimously carried

AUDIT—06-01-2015

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To authorize payment of audit 06-01-2015 to include the following:

Vouchers 20150458-20150500; Total \$54,381.07; Gen. \$11,810.63; Hwy. \$39,182.16; SS \$3,388.28

For distribution checks from 30211 - 30251

Unanimously carried

06.09.15

MOTION TO ADJOURN

Motion to adjourn at 6:40 P.M. by Councilperson Smith

Seconded by Councilperson Hoy

Unanimously carried

Respectfully submitted,

Sharon S. Mattison

Town Clerk

Approved 07-14-2015