

TOWN OF CLARKSON
TOWN BOARD MEETING
May 10, 2016

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, May 10, 2016 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
** Chad Fabry	Building Insp/Code Enf.
Elizabeth Spencer	Assessor
**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.

PROPOSED CLARKSON PARMA TOWNLINE WATER DISTRICT

The Beckers of 3085 Clarkson Parma Tn Ln Road stated they are interested in obtaining public water and questioned the delay. Attorney Olson stated that it appears that Clarkson may have the required number of signatures in July when the tax roll is final; however, at this time the Town of Parma does not. S. Mattison stated that she will contact the Town of Parma for a status update.

UPDATE TOWN WEBSITE DESIGN

Two proposals have been received with quotes as high as \$14,900. It was decided to table the matter until we hear back from our current webmaster.

EAST AVENUE SIDEWALK GRANT

We have been awarded a grant in the amount of \$67,500 for the East Avenue sidewalk project; however, the estimated cost of this project is approximately \$466,000. We will have to re-evaluate the best use of these funds.

RESOLUTION AUTHORIZING LAWN MOWING IN ACCORDANCE WITH LOCAL LAW #2-2009; 4 LARRIGAN CROSSING

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

ABSENT: None

Introduced by: Councilperson Hoy

Seconded by: Councilperson Filipowicz

RESOLUTION REQUIRING CUTTING OF GRASS

Whereas, the Town Board has received a report from Chad Fabry, Building Inspector that property at **4 Larrigan Crossing, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

05.10.16

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 AUTHORIZING LAWN MOWING IN ACCORDANCE WITH LOCAL LAW #2-2009; 8470 RIDGE ROAD

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

ABSENT: None

Introduced by: Councilperson Hoy

Seconded by: Councilperson Filipowicz

RESOLUTION REQUIRING CUTTING OF GRASS

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

05.10.16**RESOLUTION AUTHORIZING LAWN MOWING IN ACCORDANCE WITH LOCAL LAW #2-2009; 8438 RIDGE ROAD****PRESENT:** Supervisor Kimball, Councilpersons, Hoy, Filipowicz, Didas, Smith**ABSENT:** None

Introduced by: Councilperson Hoy

Seconded by: Councilperson Filipowicz

RESOLUTION REQUIRING CUTTING OF GRASS**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**BUDGET MODIFICATIONS**

Bob Fox recommended that \$15,000 be transferred from Fund balance to Garage, Building and Grounds Maintenance to cover the cost of improvements to the new Highway driveway.

Motion by Councilperson Hoy

Seconded by Councilperson Smith

To transfer \$15,000 from Fund balance to Garage, Building and Grounds Maintenance to cover the cost of improvements to the new Highway driveway.

Unanimously carried

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

TOWN CLERK REPORTS

S. Mattison had nothing to report.

BUILDING INSPECTOR REPORTS

C. Fabry was excused.

05.10.16**ASSESSOR REPORTS**

L. Spencer stated that Grievance Day is coming up, May 24th. To date, she has approximately five residents scheduled. Carl Grasta will be coming in to speak with Liz informally regarding the assessment for Autumn Woods before Grievance Day.

HIGHWAY SUPT. REPORTS

B. Viscardi reported that spring brush pickup has been completed. A softball tournament was held this past weekend at the Clarkson Recreation Park. The fields are in good condition. Bob has been advertising job openings and has received several applications. His staff is down to seven and he would like to hire at least two new employees. He hopes to begin interviews next week and welcomes participation from available board members. Upcoming projects include West Avenue gutters, and milling and paving from the traffic circle to Redman Road. He anticipates approximately 300 to 400 loads of millings. The old Ames plaza parking lot will also be milled by a private company and the millings from that will be available as well. Free tree chips are available and are piled out by the horse arena.

MOTION TO APPROVE PARTICIPATION IN LEASE/PURCHASE PROGRAM FOR CAT 938 LOADER

Motion by Councilperson Smith

Seconded by Councilperson Didas

To approve participation for the third year in a five-year municipal lease/purchase program for a CAT loader at a cost of \$15,474 per year with an additional fee of \$11,521 due to 2016 emissions regulations.

Unanimously carried

DISCUSSION: B. Viscardi reported that we have two years left on this five-year plan and we can: (1) back out of lease and have a loader with 300 hours on it; or (2) stay in the program. The cost went up because of new 2016 regulations. We have two more payments of \$15,474.00 for the next two years and at the end of the fifth year we would have a new loader with zero hours on it. R. Olson confirmed that the 2016 price would be \$15,474.00 plus \$11,521 due to 2016 emissions regulations.

RESOLUTION AND DECLARATION OF OFFICIAL INTENT TO LEASE 2016 INTERNATIONAL MODEL 7600 AND EQUIPMENT

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

ABSENT: None

Introduced by: Councilperson Hoy

Seconded by: Councilperson Smith

Lessee: Town of Clarkson

Principal Amount Expected to be Financed: **\$220,130.00**

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.

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Brief Description of Property:

One (1) 2016 International Model 7600 SFA 6X4 2010 Cab & Chassis, VIN: 3HTGRSNT1GN279563, equipped with:
 One Way Plow, S/N: 18579,
 Leveling Wing, S/N: 18580,
 Spreader,
 Henderson 14' Muni Body, S/N: 04681,
 Including all attachment and accessories

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 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years.

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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.

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 10th day of May, 2016.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Didas and Smith

NAYS: Councilperson Filipowicz

DISCUSSION: The first lease payment for the 2016 dump truck with plow is due in September, approximately \$46,000. Supervisor Kimball mentioned that the funds for this lease payment may have to come from the additional \$96,000 to be received from the 2014-15 snow and ice contract. This lease was approved a year ago, but was not included in the budget.

MINUTES

Motion by Councilperson Smith

Seconded by Councilperson Didas

To approve April 26, 2016 minutes.

Unanimously carried

AUDIT—5-01-2016

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To authorize payment of audit 5-01-2016 to include the following:

Vouchers 20160360-20160398; Total \$37,592.88; Gen. \$15,638.10; Hwy. \$13,974.98;

SL \$3,594.80; SS \$4,385.00

For distribution checks from 31239 - 31275

Unanimously carried

05.10.16

EXECUTIVE SESSION

Motion by Councilperson Hoy

Seconded by Councilperson Smith

To enter executive session at 6:24 P.M. to discuss a personnel matter.

Unanimously carried

RETURN TO REGULAR SESSION

Motion by Councilperson Hoy

Seconded by Councilperson Smith

To return to regular session at 6:59 P.M.

Unanimously carried

MOTION TO ADJOURN

Motion to adjourn at 7:00 P.M. by Councilperson Smith

Seconded by Councilperson Didas

Unanimously carried

Respectfully submitted,

Sharon S. Mattison

Town Clerk

Approved 05-24-2016