

TOWN OF CLARKSON  
TOWN BOARD MEETING  
July 25, 2017

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, July 25, 2017 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.

**PUBLIC HEARING; PROPOSED CLARKSON PARMA TOWN LINE WATER DISTRICT**

Supervisor Kimball opened the public hearing. Attorney Richard Olson reported that the petition has been signed by a sufficient number of property owners to proceed with this water district. Parma created their district last week. Paperwork may now be filed with the State. An Intermunicipal Agreement will be formed between Clarkson and Parma to manage this water district. No one spoke. Supervisor Kimball closed the public hearing.

**RESOLUTION ADOPTING NEGATIVE DECLARATION**

**PRESENT:** Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Smith  
**ABSENT:** None

**WHEREAS**, the Town Board has before it a Map, Plan and Report for the proposed Clarkson Parma Town Line Water District in the Town of Clarkson; and

**WHEREAS**, that the Town Board has also received a Petition signed by the owners of properties in the proposed District; and

**WHEREAS**, this Board has determined that it is the Lead Agency; and

**WHEREAS**, this project is an Unlisted Action for the purposes of SEQRA; and

**WHEREAS**, the Project Engineer, Chatfield Engineers, P.C. has prepared a Short Environmental Assessment Form which has been signed by the Town Supervisor; and

**WHEREAS**, this Board having thoroughly reviewed the Environmental Assessment Form and considered each and every impact in accordance with SEQRA

**NOW**, upon consideration of the above and all of the previous documents, discussion and debate, upon the motion of Councilperson Hoy, Seconded by Councilperson Didas,

**07.25.17**

**BE IT RESOLVED**

1. That the creation and construction of this water district will not have a negative impact on the environment
2. That the Town Board adopts a Negative Declaration.
3. That this resolution shall take effect immediately.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION ESTABLISHING WATER DISTRICT**

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

**ABSENT:** None

---

In the Matter

of

The Creation of the Clarkson Parma Town Line Road Water District, Town of Clarkson, Monroe County, New York

---

**WHEREAS**, a petition for the creation of the Clarkson Parma Town Line Road Water in the Town of Clarkson, Monroe County, New York, said petition being dated June 23, 2017, was duly presented to this Board together with the necessary map and plan attached thereto; and

**WHEREAS**, an order was duly adopted by The Town Board on the 27th day of June, 2017, reciting the filing of said petition for the proposed district and the estimated expense thereof, and specifying July 25, 2017, at 6:00 P.M., as the time, and the Town Hall, 3710 Lake Road, Clarkson, New York, as the place, where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof concerning the same; and

**WHEREAS**, such order was duly posted and published and served as required by law; and

**WHEREAS**, a hearing in the matter was duly held by the Town Board on the 25<sup>th</sup> day of July, 2017, commencing at 6:00 P.M., in the Town Hall, 3710 Lake Road in said Town, and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

**WHEREAS**, it is proposed that the cost of said district in an amount not to exceed \$378,752.75 to pay for the following improvements: seven thousand four hundred (7,400) feet of twelve inch PVC water main, seven valves, thirteen fire hydrants and all incidental equipment, including the necessary access to lands and the right-of-way therefore in accordance with plans prepared by Chatfield Engineers, P.C. and which were part of the petition filed on June 23, 2017; and

**WHEREAS**, the method for financing the balance of construction of the water district is by the issuance of Serial bonds in an amount not to exceed \$378,752.75 for a maturity not to exceed forty years in accordance with the provisions of the Local Finance Law of the State of New York; and

**WHEREAS**, the Town of Clarkson, by prior Resolution, has determined that this action will not have a significant impact on the environment and has issued a negative declaration for this project.

**NOW**, upon the evidence given at such hearing, upon the Motion of Councilperson Filipowicz, Seconded by Councilperson Smith, it is

**07.25.17****RESOLVED AND DETERMINED THAT:**

**A.** The petition aforesaid is signed and acknowledged or proved as required by law, in due compliance with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed extension as herein approved, and it is otherwise sufficient;

**B.** All the property and property owners within the proposed extension are benefited thereby;

**C.** All the property and property owners benefited are included within the limits of the proposed district; and

**D.** It is in the public interest to grant in whole the relief sought; and it is further

**RESOLVED AND DETERMINED** that the establishment of the district as proposed in said petition be approved; that the improvement therein mentioned be constructed upon the required funds being made available or provided for; and that such district shall be designated and known as the Clarkson-Parma Town Line Road Water District of the Town of Clarkson, and shall be bounded and described as follows:

Beginning at a point, said point being the intersection of the centerline of Clarkson Parma Town Line Road and an easterly extension of a southerly property line of tax account no. 055.04-1-9; thence

- C1. Westerly, 245 feet more or less, along the southerly property line of Tax Account No. 055.04-1-9 to a point, said point being the southwesterly property corner; thence
- C2. Northerly, 200 feet more or less, along the westerly property line of Tax Account No. 055.04-1-9 to a point, said point being along the southerly property line of Tax Account No. 055.04-1-7; thence
- C3. Westerly, 21 feet more or less, along the southerly property line of Tax Account No. 055.04-1-7 to a point, said point being the southwesterly property corner; thence
- C4. Northerly 153 feet more or less, along the westerly property line of Tax Account No. 055.04-1-7 to a point, said point being along the southerly property line of tax account no. 055.04-1-6; thence
- C5. Westerly, 246 feet more or less, along the southerly property line of Tax Account No. 055.04-1-6 to a point, said point being the southwesterly property corner; thence
- C6. Northerly, 7,107 feet more or less, along a line parallel to and 500 feet westerly of the centerline of Clarkson Parma Town Line Road to a point, said point being the northerly property line of Tax Account No. 055.02-1-5; thence
- C7. Easterly, 532 feet more or less, along the northerly property line of Tax Account No. 055.02-1-5 to a point, said point being the intersection of the centerline of Clarkson Parma Town Line Road and a easterly extension of the northerly property line of Tax Account No. 055.02-1-5; thence
- C8. Southerly, 7,626 feet more or less, along the centerline of Clarkson Parma Town Line Road to a point, said point being the point of beginning

All the lands and territory above described are situate within the Town of Clarkson and outside of any incorporated village or city; and it is further

**07.25.17**

**RESOLVED** that a Water District be established in said Town of Clarkson, Monroe County, New York, the description and boundaries of which shall be as above described; and it is further

**RESOLVED** that this district be established and combined with a district formed by the Town of Parma, Monroe County, New York, pursuant to an Order of the Town Board of the Town of Parma, and that said districts, using an intermunicipal agreement, be managed as one joint district and that the total cost of said districts being of \$378,752.75 and indebtedness of said joint district be in the amount of \$378,752.75; and it is further

**RESOLVED** that the Town Clerk be and she hereby is authorized and directed to file a certified copy of this resolution, in duplicate, in the office of the State Department of Audit and Control, at Albany, New York; and it is further

**RESOLVED** that this project does not require the approval of the Office of the State Department of Audit and Control, at Albany, New York, because the projected annual cost of \$889.87 for a single family residence is less than \$966.00 per year; and it is further

**RESOLVED**, that the Supervisor be, and he hereby is authorized and directed to make application to the Water Resources Commission of the State of New York for the approval of the Clarkson Parma Town Line Water District; 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

**PUBLIC INFORMATION MEETING; PROPOSED LAKE ROAD SEWER DISTRICT EXTENSION (3105-3003)**

JP Schepp of Chatfield Engineers reviewed a report illustrating cost estimates for the proposed extension of the sewer on Lake Road, from 3105 to 3003. Supervisor Kimball explained if a majority of residents are in favor of the extension, the district will go through. A brief question and answer session ensued addressing pricing, permit process, capacity and maintenance issues.

Supervisor Kimball explained that the next step is to prepare a petition and notify residents that it will be available to sign at the Town Hall.

**HISTORIAN**

Leanna Hale, Historian is requesting the purchase of Past Perfect software, just the basic program, as well as a lap top. These purchases have already been approved. L. Hale also asked the Board to consider historical markers for all of the schools in the Town of Clarkson, to be put in place before the Bicentennial in 2019.

**PESH HOMES TRAIL**

Debbie Palumbo owns three outside lots at the back of Pesh Homes Trail . She was referred by the Planning Board to ask for the Town Board's input regarding future development and the possible use of a cul-de-sac. The Town Board will notify the Planning Board of their decision.

**2016 AUDIT DISCUSSION**

Bob Fox reported that the 2016 AUD document was filed in March. He read and explained the Town's final balance sheets for the year ending 2016 as well as the 2016 annual checklist of the Justice Court records.

**07.25.17**

**MOTION TO ADOPT CYBER SECURITY CITIZENS' NOTIFICATION POLICY**

Motion by Councilperson Smith

Seconded by Councilperson Didas

To adopt the Cyber Security Citizens' Notification Policy.

**VOTE OF THE BOARD**

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

NAYS: None

**\*see attached policy**

**TOWN CLERK REPORTS**

S. Mattison reported that DEC hunting and trapping licenses will go on sale August 1<sup>st</sup>.

Busy preparing for School Tax collection which will begin September 1<sup>st</sup>.

**BUILDING INSPECTOR REPORTS**

C. Fabry stated that his office is busy with pool, deck and shed permits.

**ASSESSOR REPORTS**

L. Spencer had nothing to report.

**HIGHWAY SUPT. REPORTS**

B. Viscardi was excused.

**MINUTES**

Motion by Councilperson Didas

Seconded by Councilperson Smith

To approve July 11, 2017 minutes.

**VOTE OF THE BOARD**

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

NAYS: None

**AUDIT**—7-02-2017

Motion by Councilperson Hoy

Seconded by Councilperson

To authorize payment of audit 7-02-2017 to include the following:

Vouchers 20170513-20170553; Total \$19,915.11; Gen. \$13,040.97; Hwy. \$6,669.77;

SS \$204.37

For distribution checks from 32382 - 32419

**VOTE OF THE BOARD**

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

NAYS: None

**EXECUTIVE SESSION**

Motion by Councilperson Hoy

Seconded by Councilperson Smith

To enter executive session at 6:45 P.M. to discuss a personnel matter.

**VOTE OF THE BOARD**

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

NAYS: None

**RETURN TO REGULAR SESSION**

Motion by Councilperson Smith

Seconded by Councilperson Didas

To return to regular session at 7:48 P.M.

**VOTE OF THE BOARD**

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

NAYS: None

**07.25.17**

**RESOLUTION DESIGNATING TOWN BOARD AS THE ARCHITECTURAL REVIEW BOARD FOR 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**, at a Town Board meeting on December 8, 2015, the Town Board, by duly adopted Resolution, approved an Incentive Zoning Application for Atlantic Funding for a project located on the west side of Sweden-Walker Road north of East Avenue and south of Ridge Road known as Brook Field at Clarkson; and

**WHEREAS**, in said Resolution, the Town Board designated the Planning Board to review and approve the design of the project in conjunction with an Architect to be retained by the Town of Clarkson; and

**WHEREAS**, the Town Board wishes to change that designation and retain the Architect review aspects of the project.

**Now, therefore be it resolved:**

1. That the designation of the Planning Board as the Architectural Review Board for the Brook Field at Clarkson project is rescinded;
2. That the Town Board of the Town of Clarkson is designated as the Architectural Review Board for the Brook Field at Clarkson project. The Town Board shall be solely responsible for review and approval of items “a through g” of the paragraph 6 of the Incentive Zoning Approval;
3. That the Planning Board retains approval rights for all other aspects of the project not otherwise provided for in the Incentive Zoning Resolution or this Resolution;
4. That the Town Clerk is directed to notify the Planning Board and the applicant of this Resolution;
5. That this Resolution shall take effect immediately.

**VOTE OF THE BOARD**

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

**NAYS:** None

**MOTION TO ADJOURN**

Motion to adjourn at 7:56 P.M. by Councilperson Hoy

Seconded by Councilperson Smith

**VOTE OF THE BOARD**

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

**NAYS:** None

Respectfully submitted,

*Sharon S. Mattison*

Town Clerk

Approved 08-08-2017

## **CYBER SECURITY CITIZENS' NOTIFICATION POLICY**

1. This policy is consistent with the State Technology Law, section 208, as added by Chapters 442 and 491 of the laws of 2005. This policy requires notification to impacted New York residents and non-residents. The Town of Clarkson values the protection of private information of individuals. The Town of Clarkson is required to notify an individual when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and this policy.

2. The Town of Clarkson, after consulting with the State Office of Cyber Security and Critical Infrastructure Coordination to determine the scope of the breach and restoration measures, shall notify an individual when it has been determined that there has been, or is reasonably believed to have been a compromise of private information through unauthorized disclosure.

3. A compromise of private information shall mean the unauthorized acquisition of unencrypted computerized data with private information.

4. If encrypted data is compromised along with the corresponding encryption key, the data shall be considered unencrypted and thus fall under the notification requirements.

5., Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises any investigation.

6. The Town of Clarkson will notify the affected individual. Such notice shall be directly provided to the affected persons by one of the following methods:

- Written notice;
- Electronic notice, provided that the person to whom notice is required has expressly consented to receiving said notice in electronic form and a log of each such notification is kept by the Town of Clarkson who notifies affected persons in such form;
- Telephone notification provided that a log of each such notification is kept by the Town of Clarkson who notifies affected persons; or
- Substitute notice, if the Town of Clarkson demonstrates to the State Attorney General that the cost of providing notice would exceed two hundred fifty thousand dollars, or that the affected class of subject persons to be notified exceeds five hundred thousand, or the Town of Clarkson does not have sufficient contact information. Substitute notice shall consist of all the following:
  - A. E-mail notice when the Town of Clarkson has an e-mail address for the subject persons
  - B. conspicuous posting of the notice on the Town of Clarkson's web site page, if the Town of Clarkson maintains one; and
  - C. notification to major statewide media

7. The Town of Clarkson shall notify CSCIC as to the timing, content, and distribution of the notices and approximate number of affected persons.

8. The Town of Clarkson shall notify the Attorney General and the Consumer Protection Board, whenever notification to a New York resident is necessary, as to the timing, content, and distribution of the notices and approximate number of affected persons.

9. Regardless of the method by which notice is provided, such notice shall include contact information for the Town of Clarkson making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

10. This Policy also applies to information maintained on behalf of the Town of Clarkson by a third party.

11. When more than five thousand New York residents are to be notified at one time, then the Town of Clarkson shall notify the consumer reporting agencies as to the timing, content, and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the individuals.

