

TOWN OF CLARKSON  
TOWN BOARD MEETING  
October 23, 2018

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, October 23, 2018 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 PM.

**PRESENT:**

** Gerald Underwood	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	Director of Finance
Chad Fabry	Building Insp/Code Enf.
Elizabeth Spencer	Assessor
**excused	

Deputy Supervisor Hoy 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 and our First Responders.

**OPEN FORUM**

Scott Nather of 3734 Lake Road would like the Town Board to consider a change to our animal housing rules to allow chickens within 50 feet of the property line. The current rule is 100 feet from all property lines.

**RESOLUTION #239**

**CALL FOR PUBLIC HEARING; 2019 PRELIMINARY BUDGET**

Introduced by Councilperson Didas

Seconded by Councilperson Filipowicz

To call for a Public Hearing to be held on November 13, 2018 at 6:00 P.M. at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY to discuss the 2019 Preliminary Budget.

**VOTE OF THE BOARD**

AYES: Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

**DOG CONTROL OFFICER POSITION**

Deputy Supervisor Hoy reported that the Dog Control Officer has resigned. A short discussion was held and the consensus was the position should be advertised unless other arrangements have been made by Supervisor Underwood.

**RESOLUTION #240**

**ADVERTISE DOG CONTROL OFFICER POSITION**

Introduced by Councilperson Filipowicz

Seconded by Councilperson Smith

To authorize the Supervisor to advertise for the position of Dog Control Officer.

**VOTE OF THE BOARD**

AYES: Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

**10.23.18**

**TRANSFER STATION PERMIT FEES**

Supervisor Underwood sent an email to Board Members proposing to increase transfer station permit fees from \$180 to \$200. Discussion took place regarding expenses, equipment updates, adding compensation for D. Fister. B. Viscardi commented that we are currently breaking even. He added that he is in the process of replacing some old equipment using grant monies. We will research fees charged by local garbage companies and re-visit this issue at the next Town Board meeting.

**LODGE RENTAL FEES**

Supervisor Underwood sent an email to Board Members proposing an increase to lodge rental fees, effective January 1, 2019, as follows.

Goodwin Lodge from \$150 to \$175

Lodge at Kimball Park from \$175 to \$200.

We have approximately 170 rentals per year. Clean-up fee per use is approximately \$40.

**RESOLUTION #241**

**INCREASING LODGE RENTAL FEES**

Introduced by Councilperson Didas

Seconded by Councilperson Smith

To increase lodge rental fees effective January 1, 2019: Goodwin Lodge to \$175; Lodge at Kimball Park to \$200.

**VOTE OF THE BOARD**

AYES: Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

**SWEDEN-CLARKSON COMMUNITY CENTER BUDGET**

The Center's budget request results in a 6% increase for Clarkson based on the normal budget split in accordance to Town population. It was decided that further information is needed before a decision can be made. This issue will be re-visited at the November 13<sup>th</sup> Town Board meeting.

**INCENTIVE ZONING FUNDS**

Tabled until the next Town Board meeting.

**USE OF GREEN AREA TRUST FUNDS for 8470 RIDGE ROAD DEMO**

In regards to the 8470 Ridge Road property, Councilperson Hoy stated that it seemed like a suitable use for GAT Funds. B. Viscardi stated that asbestos removal would cost approximately \$18,000; \$26,000 for demolition and removal of everything.

**RESOLUTION #242**

**CREATION OF THE SOUTHEAST GARLAND SIDEWALK DISTRICT**

PRESENT: Councilpersons Hoy, Filipowicz, Didas and Smith

ABSENT: Supervisor Underwood

In the Matter  
of

The Creation of a Sidewalk District

in the Town of Clarkson, Monroe County, New York, to be known as The Southeast Garland Sidewalk District

**ORDER SETTING  
PUBLIC HEARING**

The following Order was offered by Councilperson Smith, who moved its adoption, seconded by Councilperson Didas, to wit:

**WHEREAS**, a written Petition, dated October 10, 2018, in due form and containing the required signatures, has been presented to and filed with the Town Board of the Town of Clarkson, Monroe County, New York, for the creation of a Sidewalk District in the Town of Clarkson, Monroe County, New York, to be known as The Southeast Garland Sidewalk District, and to be bounded and described as follows:

**10.23.18****SEE ATTACHED EXHIBIT A**

and

**WHEREAS**, all the lands and territory above described are situated within said Town of Clarkson and outside of any incorporated village or city; and

**WHEREAS**, the improvements proposed consist of the installation, construction and maintenance of a sidewalk system and all incidental equipment therefore to serve said district in accordance with certain plans made a part of such petition and now on file in the office of the Clerk of said Town; and

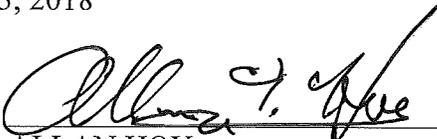
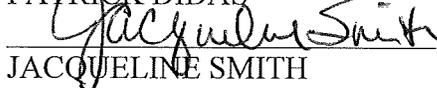
**WHEREAS**, the maximum amount proposed to be expended by the Town of Clarkson for the improvement as stated in said petition is the sum of \$-nothing, as all costs are to be paid for by the developer; it is

**ORDERED** that a meeting of the Town Board of the Town of Clarkson, Monroe County, New York, shall be held at the Town Hall, 3710 Lake Road in said Town, on the 13<sup>th</sup> day of November, 2018, at 6:00 P.M., to consider said petition and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the said Town Board with relation to said petition as may be required by law or proper in the premises; and it is further

**ORDERED** that a copy of this order, certified by the Town Clerk, shall be published in the Hamlin Clarkson Herald, a newspaper of general circulation in the Town, and shall be posted conspicuously on the signboard of the Town of Clarkson, maintained in the Town Hall at the Town Clerk's office. Such publication and posting to be not less than ten (10) nor more than twenty (20) days before the day designated for the hearing aforesaid.

**ORDERED** that a copy of this order, certified by the Town Clerk, shall be published in the Hamlin Clarkson Herald, a newspaper of general circulation in the Town, and shall be posted conspicuously on the signboard of the Town of Clarkson, maintained in the Town Hall at the Town Clerk's office. Such publication and posting to be not less than ten (10) nor more than twenty (20) days before the day designated for the hearing aforesaid.

Dated: October 23, 2018

  
 ALLAN HOY  
  
 CHRISTA FILIPOWICZ  
  
 PATRICK DIDAS  
  
 JACQUELINE SMITH

Members of the Town Board of the Town of Clarkson, Monroe County, New York

**EXHIBIT A**

All that tract or parcel of land situated in part of Town Lot 9, Township 4, Section 13, of the Triangular Tract, Town of Clarkson, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at the intersection of the southerly bounds of Ridge Road-NYS Route 104 (99' R.O.W.) and the easterly bounds of Sweden Walker Road-NYS Route 260 (66' R.O.W.), said intersection being the northwest corner of lands now or formerly owned by Rerob LLC (T.A. #070.01-01-018.1); thence

1. Easterly, along said southerly bounds of Ridge Road-NYS Route 104 and along a curve to the left, having a delta angle of 05° 52'40", a radius of 3,568.99 feet, an arc length of 366.13 feet, and a chord of S88° 04'41 "E 365.97 feet to a point; thence

**10.23.18**

2. S01° 48'06"W, a distance of 311.18 feet to a point; thence
3. S04° 54'13"W, a distance of 18.10 feet to a point; thence
4. N87° 00'44"W, a distance of 435.83 feet to a point on the east right-of-way line of Sweden Walker Road-NYS Route 260; thence
5. N 14° 13'50"E, along said easterly bounds of Sweden Walker Road-NYS Route 260 a distance of 328.70 feet to the point and place of beginning. Containing 2.973 acres of land, more or less.

**RESOLUTION#243****CREATION OF THE SOUTHEAST GARLAND DRAINAGE DISTRICT**

PRESENT: Councilpersons Hoy, Filipowicz, Didas and Smith

ABSENT: Supervisor Underwood

In the Matter  
of

**ORDER SETTING  
PUBLIC HEARING**

The Creation of a Drainage District  
in the Town of Clarkson, Monroe County,  
New York, to be known as the Southeast  
Garland Drainage District

The following Order was offered by Councilperson Smith, who moved its adoption, seconded by Councilperson Didas, to wit:

**WHEREAS**, a written petition, dated October 10, 2018, in due form and containing the required signatures, has been presented to and filed with the Town Board of the Town of Clarkson, Monroe County, New York, for the creation of a Drainage District in the Town of Clarkson, Monroe County, New York, to be known as the Southeast Garland Drainage District, and to be bounded and described as follows:

**SEE ATTACHED EXHIBIT A**

and

**WHEREAS**, all the lands and territory above described are situated within said Town of Clarkson and outside of any incorporated village or city; and

**WHEREAS**, the improvements proposed consist of the installation, construction and maintenance of a sidewalk system and all incidental equipment therefore to serve said district in accordance with certain plans made a part of such petition and now on file in the office of the Clerk of said Town; and

**WHEREAS**, the maximum amount proposed to be expended by the Town of Clarkson for the improvement as stated in said petition is the sum of \$-nothing, as all costs are to be paid for by the developer; it is

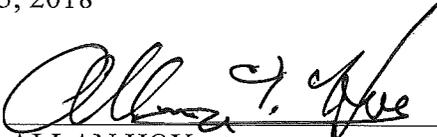
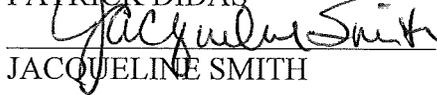
**ORDERED** that a meeting of the Town Board of the Town of Clarkson, Monroe County, New York, shall be held at the Town Hall, 3710 Lake Road in said Town, on the 13<sup>th</sup> day of November, 2018, at 6:00 P.M., to consider said petition and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the said Town Board with relation to said petition as may be required by law or proper in the premises; and it is further

**ORDERED** that a copy of this order, certified by the Town Clerk, shall be published in the Hamlin Clarkson Herald, a newspaper of general circulation in the Town, and shall be posted conspicuously on the signboard of the Town of Clarkson, maintained in the Town Hall at the Town Clerk's office. Such publication and posting to be not less than ten (10) nor more than twenty (20) days before the day designated for the hearing aforesaid.

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**10.23.18**

Dated: October 23, 2018

  
 ALLAN HOY  
  
 CHRISTA FILIPOWICZ  
  
 PATRICK DIDAS  
  
 JACQUELINE SMITH

Members of the Town Board of the Town of Clarkson, Monroe County, New York

**EXHIBIT A**

All that tract or parcel of land situated in part of Town Lot 9, Township 4, Section 13, of the Triangular Tract, Town of Clarkson, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at the intersection of the southerly bounds of Ridge Road-NYS Route 104 (99' R.O.W.) and the easterly bounds of Sweden Walker Road-NYS Route 260 (66' R.O.W.), said intersection being the northwest corner of lands now or formerly owned by Rerob LLC (T.A. #070.01-01-018.1); thence

1. Easterly, along said southerly bounds of Ridge Road-NYS Route 104 and along a curve to the left, having a delta angle of  $05^{\circ} 52'40''$ , a radius of 3,568.99 feet, an arc length of 366.13 feet, and a chord of  $S88^{\circ} 04'41'' E 365.97$  feet to a point; thence
2.  $S01^{\circ} 48'06'' W$ , a distance of 311.18 feet to a point; thence
3.  $S04^{\circ} 54'13'' W$ , a distance of 18.10 feet to a point; thence
4.  $N87^{\circ} 00'44'' W$ , a distance of 435.83 feet to a point on the east right-of-way line of Sweden Walker Road-NYS Route 260; thence
5.  $N 14^{\circ} 13'50'' E$ , along said easterly bounds of Sweden Walker Road-NYS Route 260 a distance of 328.70 feet to the point and place of beginning. Containing 2.973 acres of land, more or less.

**RESOLUTION #244**  
**SIDEWALK EASEMENT**

Introduced by Councilperson Didas

Seconded by Councilperson Filipowicz

To authorize the Supervisor to execute the Southeast Garland Sidewalk Easement.

**VOTE OF THE BOARD**

AYES: Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

**\*see attached sidewalk easement**

**UPDATE ON PROPOSED WATER DISTRICT SURVEY**

Mean income survey results have been compiled by J. Grasso with a 71.8% response rate.

A meeting will be scheduled with Attorney Olson, the Town Supervisor, engineers and Mr. Grasso to discuss the next step.

**10.23.18**

**RESOLUTION #245**

**ACKNOWLEDGE RECEIPT OF SUPERVISOR'S REPORT**

Introduced by Councilperson Smith

Seconded by Councilperson Filipowicz

To Acknowledge receipt of the September 2018 Supervisor's Report.

**VOTE OF THE BOARD**

AYES: Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

**\*see attached executive summary**

**TOWN BOARD REPORTS**

Councilperson Smith reported that she met with J. Wisnowski and P. Hayles to discuss combining the 2008 Physical Activities Guidelines for Americans into the Community Center. She attended the Health Fair on the October 17<sup>th</sup>. Currently there is a signup list for a class that is going to be given at the center called Health Living. She shared recent Library Board meeting information with Town Board members via email. The Library will start to look towards working on a strategic Plan since the last one is out of date.

**TOWN CLERK REPORTS**

S. Mattison reported she recently scheduled a blood drive for November 21<sup>st</sup>, 2 to 7 p.m. at the Goodwin Lodge.

**ASSESSOR REPORTS**

L. Spencer reported that two residents have contacted her about the openings on the BAR. They will be coming in to speak with her further. She will keep the Board updated.

**BUILDING INSPECTOR REPORTS**

C. Fabry stated the Speedway is finishing up sidewalks and landscaping.

**HIGHWAY SUPT. REPORTS**

B. Viscardi reported that the 8470 Ridge Road house is scheduled to be demolished on November 6<sup>th</sup>. C. Fabry will be available to serve as the project monitor. Highway crews are finishing up County road work. Inner parts of Laura, Darla, Tearose, Chadlee and St. Katherine are scheduled for paving when weather allows. Two loads of salt have already been ordered and received.

**RESOLUTION #246**

**MINUTES**

Introduced by Councilperson Smith

Seconded by Councilperson Didas

To approve October 4, 2018 workshop minutes.

**VOTE OF THE BOARD**

AYES: Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

**RESOLUTION #247**

**MINUTES**

Introduced by Councilperson Smith

Seconded by Councilperson Didas

To approve October 9, 2018 minutes.

**VOTE OF THE BOARD**

AYES: Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

**10.23.18**

**RESOLUTION #248**  
**MINUTES**

Introduced by Councilperson Smith  
Seconded by Councilperson Didas  
To approve October 15, 2018 budget workshop minutes.

**VOTE OF THE BOARD**

AYES: Councilpersons Hoy, Filipowicz, Didas and Smith  
NAYS: None

**RESOLUTION #249**  
**AUDIT—10-02-2018**

Introduced by Councilperson Didas  
Seconded by Councilperson Filipowicz  
To authorize payment of audit 10-02-2018 to include the following:  
Vouchers 20180941-20180982; Total \$37,485.68; Gen. \$21,851.72; Hwy. \$10,542.43; H  
Funds \$4,920.41; SS Funds \$40.62; SL Funds \$130.50.  
For distribution checks from 33697 to 33734

**VOTE OF THE BOARD**

AYES: Councilpersons Hoy, Filipowicz, Didas and Smith  
NAYS: None

**RESOLUTION #250**  
**EXECUTIVE SESSION**

Motion by Councilperson Didas  
Seconded by Councilperson Smith  
To enter executive session at 6:30 P.M. to discuss a personnel matter.

**VOTE OF THE BOARD**

AYES: Councilpersons Hoy, Filipowicz, Didas and Smith  
NAYS: None

**RESOLUTION #251**  
**RETURN TO REGULAR SESSION**

Motion by Councilperson Filipowicz  
Seconded by Councilperson Didas  
To return to regular session at 7:10 P.M.

**VOTE OF THE BOARD**

AYES: Councilpersons Hoy, Filipowicz, Didas and Smith  
NAYS: None

**RESOLUTION #252**  
**ADJOURNMENT**

Introduced by Councilperson Didas  
Seconded by Councilperson Filipowicz  
To adjourn the Town Board meeting at 7:10 P.M.

**VOTE OF THE BOARD**

AYES: Councilpersons Hoy, Filipowicz, Didas and Smith  
NAYS: None

Respectfully submitted,

*Sharon S. Mattison*  
Town Clerk

Approved 11-13-2018

**TOWN OF CLARKSON SUPERVISOR'S REPORT  
SEPTEMBER 2018  
EXECUTIVE SUMMARY**

**BALANCE SHEET**

- Bank accounts were reconciled as of 9/30/18.
- The Town has \$2,059,162.87 in the bank.

**REVENUES AND EXPENSES**

• **REVENUES**

- Total receipts for the month were: \$59,318.82
- Major receipts were:
  - Town Clerk Fees (August) - \$6,419.88
  - Justice Fees (August) - \$4,061.00
  - Per Capita Aid (AIM) - \$20,354.00
  - Interest & Penalties - \$708.72
  - Monroe County Highway Jobs - \$24,746.60
  - Other Revenues - \$3,028.62

• **EXPENSES**

Expenditures through September on average should equal 74.97% of the annual budget.

General Fund Townwide:

- Year to date expenses are \$742,082.79 compared to the revised annual budget of \$1,073,804.38 or 69.11% of the annual budget.

General Fund Outside Village:

- Year to date expenses are \$470,123.85 compared to the revised annual budget of \$610,596 or 76.99% of the annual budget

Highway Townwide:

- Year to date expenses are \$809,652.57 compared to the revised annual budget of \$1,262,900 or 64.11% of the annual budget.

Highway Fund Outside Village:

- Year to date expenses are \$33,524.26 compared to the annual budget of \$136,425 or 24.57% of the annual budget

**SIDEWALK EASEMENT**

This Indenture, made this 23 day of October, 2018 by and between **REROB, LLC**, a New York limited liability company with offices at 7401 Round Pond Road, Syracuse, New York 13212, as the owner of the property known as 7539 and 7529 Ridge Road (Tax Account Nos. 70.01-1-18.1 and 70.01-1-19), situate in the Town of Clarkson, Monroe County, New York, first parties, and the **TOWN OF CLARKSON**, a municipal corporation with offices at 3710 Lake Road, P.O. Box 858, Clarkson, New York 14430, second parties,

**WITNESETH:**

That the parties of the first part in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid to them by the parties of the second part hereby grant and release to the parties of the second part, their successors and assigns, a permanent right of way, easement and privilege in, along and over a strip of land to be used for **sidewalk purposes** as specified herein and which land and easement are more particularly described as follows:

**SEE SCHEDULE "A" ATTACHED**

to have and to hold the premises herein granted unto the parties of the second part, their successors and assigns, with the following rights and privileges:

1. The perpetual easement granted hereunder is for the purpose of constructing and maintaining a sidewalk, over which all the members of the public may traverse at all times, as determined by the second parties, their successors and assigns, who shall have the right to enter upon said premises for the purposes aforesaid.
2. The second parties do hereby agree to indemnify and hold harmless the first parties, their successors and assigns, from loss or damage resulting from its exercise of its rights under this easement, except such damages as are due to the negligence of the first parties, their agents, servants, employees, grantees, successors and assigns. Conversely, the first parties agree to hold harmless the second parties, their successors and assigns, from loss or damage resulting from the gross negligence of the first parties, their agents, servants, employees, grantees, successors and assigns.
3. The first parties, hereby reserve the right to plant or maintain lawns or other embellishments over the unpaved areas within the said easement. When the second parties, their agents or contractors shall enter thereon for constructing, maintaining, replacing or repairing any portion of the sidewalk or other appurtenances, they shall, and by acceptance of this easement, do agree to restore the property of the first parties to the same condition as before such work is or was done insofar as it is practicable and reasonable to do. The second parties, their agents or contractors, may at any time remove all obstructions from the areas of the easement, including trimming or removal of trees and shrubs, which they reasonably determine are interfering with

the operation or maintenance of the sidewalk or part thereof without liability to the first parties, except as provided for in Paragraph 2. The parties of the second part agree to maintain the sidewalk in good repair, but shall not be required to provide snow removal or routine property maintenance typically performed by the party of the first part in the normal course of maintaining its property

4. The parties of the second part, their successors, assigns, agents or contractors may, at any time exercise the rights and privileges granted herein.

5. The parties of the first part reserve the full use and enjoyment of the said premises except for the purposes herein granted to the parties of the second part. The parties of the first part covenant that the parties of the second part shall quietly enjoy this easement and first parties warrant the title to same.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals and/or caused its corporate seal to be hereunto affixed, and these premises to be signed by its duly authorized officer, all as of the day and year first above written.

REROB, LLC

By: Andrea Waldman  
Andrea Waldman, President

TOWN OF CLARKSON

By: Jerry Underwood  
Jerry Underwood, Town Supervisor