

TOWN OF CLARKSON
TOWN BOARD MEETING
November 13, 2018

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, November 13, 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
Elizabeth Spencer	Assessor
**excused	

Supervisor Underwood 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

Bill Andrews presented a proposal regarding the Greater Brockport CommUNITY Award. The purpose of the award is to encourage, recognize and reward individuals who have made exceptional contributions to the community. All residents of the Village of Brockport, the Towns of Clarkson, Hamlin and Sweden who have actively engaged as leaders in the community are eligible. Nominations may be made at any time, not necessarily on an annual basis. The award winner shall be selected by a committee composed of one member of each municipal board. The award winner(s) will receive a cash prize from the proceeds of a trust fund established to support this award and the Monika Andrews W. Award.

RESOLUTION #253

THE GREATER BROCKPORT COMMUNITY AWARD

Introduced by Councilperson Hoy

Seconded by Councilperson Smith

To support *The Greater Brockport CommUNITY Award*.

VOTE OF THE BOARD

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

NAYS: None

PUBLIC HEARING; 2019 PRELIMINARY BUDGET

Supervisor Underwood opened the public hearing. H. Mundy asked if the tax levy is still \$1,423,149.49. Supervisor Underwood stated that after adjustments the tax levy is \$1,443,532.49, which remains under the tax cap. Supervisor Underwood closed the public hearing at 6:06.

RESOLUTION #254

ADOPT 2019 BUDGET

Introduced by Councilperson Smith

Seconded by Councilperson Filipowicz

To adopt the 2019 Final Budget

VOTE OF THE BOARD

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

NAYS: None

11.13.18

**PUBLIC HEARING; CREATION OF THE SOUTHEAST GARLAND
SIDEWALK DISTRICT**

Supervisor Underwood opened the public hearing. Jerry Goldman, Attorney and Agent for REROB LLC, Mike Montalto, Project Engineer and Patrick Hyde from Expressmart were all present. Attorney Goldman stated that this district comes at no cost to the municipality or the taxpayers and allows the municipality to charge back to the district any expenses related to the sidewalk and the maintenance of the sidewalk going forward. A brief question and answer session ensued. No one else spoke. Supervisor Underwood closed the public hearing.

**RESOLUTION #255
ESTABLISHING SIDEWALK DISTRICT**

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

ABSENT: None

In the Matter
of
The Creation of the
Southeast Garland Sidewalk District,
Town of Clarkson, Monroe County, New York

WHEREAS, a petition for the creation of a Sidewalk District in the Town of Clarkson, to be known as Southeast Garland Sidewalk District, said petition being dated and acknowledged October 10, 2018, 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 23rd day of October, 2018, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed district, and the estimated expense thereof, and specifying November 13, 2018, at 6:00 P.M., as the time, and the Town Hall 3710 Lake Road, as the place where the said Board will 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 Board on the 13th day of November, 2018, 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, the Town Board, as lead agency for this project has previously a negative declaration; and

WHEREAS, it is **not** proposed or required that the Town shall finance the cost of this district or construction of the improvements or the providing of service therein by the issuance of bonds, notes, certificates or other evidence of indebtedness:

NOW, upon the evidence given at such hearing, upon the motion of Councilperson Didas, seconded by Councilperson Filipowicz, it is

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 district as herein approved, and it is otherwise sufficient;

11.13.18

B. All the property and property owners within the proposed district 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 improvements therein mentioned be constructed upon the required funds being made available or provided for; and that such district shall be designated and known as Southeast Garland Sidewalk District and shall be bounded and described as follows:

SEE ATTACHED SCHEDULE A

and

WHEREAS, all the lands and territory above described are situate within said Town of Clarkson and outside of an incorporated village or city; it is

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

ORDERED that the Town Clerk of this Town shall, within ten (10) days after the adoption of this resolution, cause a certified copy thereof to be recorded in the office of the Clerk of the County of Monroe and cause a certified copy thereof to be filed in the office of the State Department of Audit and Control at Albany, New York.

VOTE OF THE BOARD

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

NAYS: None

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

$N 14^{\circ} 13' 50'' E$, 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.

11.13.18

PUBLIC HEARING; CREATION OF THE SOUTHEAST GARLAND DRAINAGE DISTRICT

Supervisor Underwood opened the public hearing. Jerry Goldman, Attorney and Agent for REROB LLC, Mike Montalto, Project Engineer and Patrick Hyde from Expressmart were all present. Attorney Goldman stated that this district comes at no cost to the municipality or the taxpayers and allows the municipality to charge back to the district any expenses related to the drainage and the maintenance of the drainage going forward. A brief question and answer session ensued. No one else spoke. Supervisor Underwood closed the public hearing.

RESOLUTION #256
ESTABLISHING DRAINAGE DISTRICT

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

In the Matter
of
The Creation of the
Southeast Garland Drainage District,
Town of Clarkson, Monroe County, New York

WHEREAS, a petition for the creation of a Drainage District in the Town of Clarkson, to be known as Southeast Garland Drainage District, said petition being dated and acknowledged October 10, 2018, 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 23rd day of October, 2018, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed district, and the estimated expense thereof, and specifying November 13, 2018, at 6:00 P.M., as the time, and the Town Hall 3710 Lake Road, as the place where the said Board will 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 Board on the 13th day of November, 2018, 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, the Town Board, as lead agency for this project has previously a negative declaration; and

WHEREAS, it is **not** proposed or required that the Town shall finance the cost of this district or construction of the improvements or the providing of service therein by the issuance of bonds, notes, certificates or other evidence of indebtedness:

NOW, upon the evidence given at such hearing, upon the motion of Councilperson Didas, seconded by Councilperson Filipowicz, it is

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 district as herein approved, and it is otherwise sufficient;

11.13.18

B. All the property and property owners within the proposed district 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 improvements therein mentioned be constructed upon the required funds being made available or provided for; and that such district shall be designated and known as Southeast Garland Drainage District and shall be bounded and described as follows:

SEE ATTACHED SCHEDULE A

and

WHEREAS, all the lands and territory above described are situate within said Town of Clarkson and outside of an incorporated village or city; it is

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

ORDERED that the Town Clerk of this Town shall, within ten (10) days after the adoption of this resolution, cause a certified copy thereof to be recorded in the office of the Clerk of the County of Monroe and cause a certified copy thereof to be filed in the office of the State Department of Audit and Control at Albany, New York.

VOTE OF THE BOARD

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

NAYS: None

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

5. 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
6. $S01^{\circ} 48' 06'' W$, a distance of 311.18 feet to a point; thence
7. $S04^{\circ} 54' 13'' W$, a distance of 18.10 feet to a point; thence
8. $N87^{\circ} 00' 44'' W$, a distance of 435.83 feet to a point on the east right-of-way line of Sweden Walker Road-NYS Route 260; thence
9. $N 14^{\circ} 13' 50'' E$, 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.

11.13.18**RESOLUTION #257**
AUTHORIZE SUPERVISOR TO SIGN STORMWATER CONTROL FACILITY
MAINTENANCE AGREEMENT

Introduced by Councilperson Filipowicz

Seconded by Councilperson Smith

To authorize the Supervisor to sign the Stormwater Control Facility Maintenance Agreement subject to engineer approval.

VOTE OF THE BOARD

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

NAYS: None

EXPRESSMART LIGHTING

Attorney Olson stated that it has been brought to the Town's attention that the exterior lighting at Expressmart may be a concern. Mike Montalto, Project Engineer stated they will field measure the lighting and address all concerns.

DISCUSS AND APPOINT LIBRARY CONSULTANT

Supervisor Underwood stated that CGR and Bonadio were interviewed by the Library Consultant Committee in October. Supervisor Underwood and Town Councilperson, Jackie Smith presented overviews of both firms to the Board on Thursday, November 8th along with copies of the RFP, proposals from both firms and samples of both firms previous work. A vote was taken by the Town Board after review and consideration of the information.

VOTE OF THE BOARD

Councilperson Smith voted for Bonadio

Councilperson Hoy voted for bonadio

Supervisor Underwood voted for CGR

Councilperson Filipowicz voted for Bonadio

Councilperson Didas voted for Bonadio

Supervisor Underwood will contact the other municipalities with the results.

J GRASSO; MEDIAN HOUSEHOLD INCOME SURVEY UPDATE

J. Grasso reported that Cindy Newcomb from USDA Rural Development approved the Median Household Income Survey that was conducted saying that this is a very positive step. A total of 202 residences were polled, 145 responded. A 67% response rate was needed to be a valid survey, we received 71%. Median household income came out to be \$45,000, which is \$505 less than Rural Development's threshold for hardship eligibility. This outcome could potentially qualify the Town for minimally \$750,000. The Town engineer should be consulted on where a water district would be feasible, keeping in mind the State Comptrollers threshold of \$904. Jay stated that the sooner the better when applying for grants as it is a lengthy process. J.P. Schepp of MRB Group reviewed a summary of potential water service areas. Edmunds Road was not included in the original survey, L. Spencer will forward information to Jay so he can survey those residents also. A lengthy discussion ensued regarding equivalent dwelling units and grant options as the Board would have to decide how to charge per EDU. Supervisor Underwood questioned removing Roosevelt Hwy. residents from the survey as they may not want to wait into 2020 for grant request results. Jay stated he would not recommend it. J. P. Schepp stated that the job was estimated using contractors for installation, job may be too big for the highway department. J. P. Schepp stated that he will review and amend, if necessary, the water service areas so we can move on to the next step.

DOG CONTROL

Supervisor Underwood will obtain guidelines from other towns. A dog census needs to be completed, the last one was in 2010.

11.13.18**RESOLUTION #258**
2019 TRANSFER STATION PERMIT FEES

Introduced by Councilperson Didas

Seconded by Councilperson Smith

Upon completion of cost analysis, set 2019 transfer station permit fee at \$200.

VOTE OF THE BOARD

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

NAYS: None

A cost analysis was completed and an increase to \$200 for 2019 is warranted.

RESOLUTION#259
CRIME BOND FOR TAX COLLECTOR; 2019 YEAR

Motion by Councilperson Hoy

Seconded by Councilperson Smith

AUTHORIZING SURETY, FORM AND AMOUNT OF OFFICIAL UNDERTAKING FOR THE FAITHFUL PERFORMANCE OF THE DUTIES OF THE TOWN CLERK AND RECEIVER OF TAXES AND ASSESSMENTS

Be it resolved by the Board of the Town of Clarkson as follows:

Section. 1. The Board hereby approves the surety, form and amount of the official undertaking for the faithful performance of the duties of the town clerk and receiver of taxes and assessments, as follows:

Type of undertaking: **Crime Bond**

Insurance company: **New York Municipal Insurance Reciprocal**

Amount: **\$250,000.00**

Section 2. A true copy of this resolution shall be affixed to the undertaking to indicate this Board's approval thereon in accordance with Town Law section 25 and filed in the office of the Town Clerk.

VOTE OF THE BOARD

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

NAYS: None

LAKE COOK SEWER DISTRICT

Attorney Olson stated he is waiting for the easements to be returned.

TOWN CLERK REPORTS

S. Mattison had nothing to report.

ASSESSOR REPORTS

L. Spencer reported her last seminar is tomorrow evening at 6:00 P.M. at the Clarkson Court House. She is still in need of one more BAR member.

TOWN BOARD REPORTS

Councilperson Smith reported the Recreation Center winter brochures should be out mid-December. The winter holiday event is Thursday, December 6th from 6-8P.M. She attended the fall event where approximately 470 people participated. Senior citizen field trips in addition to boys and girls basketball tryouts are in full swing.

Councilperson Didas reported that to date five trees have been purchased for the Kimball Park Tree Sponsor program. The Board agreed that a representative from Sara's Garden Center should advise on tree placement.

11.13.18**HIGHWAY SUPT. REPORTS**

B. Viscardi reported they are just completing Monroe County billing for the year. Interior paving, brush pickup and junk days are complete, getting ready for snow season. The Dept. had one employee resign and we will be hiring a replacement shortly.

RESOLUTION #260
MINUTES

Introduced by Councilperson Smith
Seconded by Councilperson Didas
To approve October 23, 2018 minutes.

VOTE OF THE BOARD

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

RESOLUTION #261
MINUTES

Introduced by Councilperson Filipowicz
Seconded by Councilperson Smith
To approve November 8, 2018 budget workshop minutes.

VOTE OF THE BOARD

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

RESOLUTION #262
AUDIT—11-01-2018

Introduced by Councilperson Hoy
Seconded by Councilperson Smith
To authorize payment of audit 11-01-2017 to include the following:
Vouchers 20180983-2018108; Total \$121,079.31 Gen. \$26,907.43; Hwy. \$86,031.31
For distribution checks from 33735 - 33822

VOTE OF THE BOARD

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

RESOLUTION #263
EXECUTIVE SESSION

Motion by Councilperson Smith
Seconded by Councilperson Didas
To enter executive session at 7:15 P.M. to discuss a personnel matter.

VOTE OF THE BOARD

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

RESOLUTION #264
RETURN TO REGULAR SESSION

Motion by Councilperson Filipowicz
Seconded by Councilperson Didas
To return to regular session at 8:46 P.M.

VOTE OF THE BOARD

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

11.13.18

RESOLUTION #265
ADJOURNMENT

Introduced by Councilperson Smith

Seconded by Councilperson Didas

To adjourn the Town Board meeting at 8:46 P.M.

VOTE OF THE BOARD

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

NAYS: None

Respectfully submitted,

Sharon S. Mattison

Town Clerk

Approved 11-27-2018