

TOWN OF CLARKSON
TOWN BOARD MEETING
December 26, 2017

The Town Board of the Town of Clarkson held a special meeting on Tuesday, December 26, 2017 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 12:00 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

MOTION AUTHORIZING SUPERVISOR TO SIGN STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT; EXPRESS MART

Motion by Councilperson Didas

Seconded by Councilperson Smith

To authorize the Supervisor to sign the Stormwater Control Facility Maintenance Agreement for Express Mart.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Didas and Smith

NAYS: None

***see attached agreement**

MOTION AUTHORIZING INSURANCE CARRIER CHANGE

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To authorize insurance carrier change from NYMIR to *Brit Insurance* effective 01-01-2018.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Didas and Smith

NAYS: None

***see attached proposal notes**

Discussion: After soliciting competitive insurance quotes, Brian Baty of Hoffman Hanafin and Associates explained the benefits of switching from the town's current insurance carrier to Britt Insurance.

STATE AND MUNICIPAL FACILITIES PROGRAM

Supervisor Kimball stated that Town Clerk Mattison has been working with Senator Robach on obtaining grant money to assist in the construction of a new town hall.

MOTION TO APPROVE BUDGET ADJUSTMENTS-2017

Motion by Councilperson Smith

Seconded by Councilperson Didas

To approve the budget adjustments as presented.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Didas and Smith

NAYS: None

***see attached budget adjustments**

12.26.17

MOTION TO APPROVE BUDGET TRANSFERS-2017

Motion by Councilperson Smith

Seconded by Councilperson Didas

To approve budget transfers as presented.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Didas and Smith

NAYS: None

***see attached budget transfers**

SUPERVISOR REPORTS

Supervisor Kimball reported the Express Mart incentive zoning check has been received.

TOWN CLERK REPORTS

S. Mattison had nothing to report.

BUILDING INSPECTOR REPORTS

C. Fabry reported that Express Mart building plans have been received.

ASSESSOR REPORTS

L. Spencer was excused.

HIGHWAY SUPT. REPORTS

Supt. Viscardi reported that his department has been busy with snow removal.

MINUTES

Motion by Councilperson Didas

Seconded by Councilperson Smith

To approve December 12, 2017 minutes.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Didas and Smith

NAYS: None

AUDIT—12-02-2017

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To authorize payment of audit 12-02-2017 to include the following:

Vouchers 20170960-20170996; Total \$23,490.33; Gen. \$8,805.70; Hwy. \$14,477.86;

SS \$206.77

For distribution checks from 32798 - 32830

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Didas and Smith

NAYS: None

MOTION TO ADJOURN

Motion to adjourn at 12:15 P.M. by Councilperson Smith

Seconded by Councilperson Didas

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Didas and Smith

NAYS: None

Respectfully submitted,

Sharon S. Mattison

Town Clerk

Approved 01/09/2018

STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT

Whereas, the Town of Clarkson ("Municipality") and Petr-All Petroleum Consulting Corp. (Express Mart) ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the **Express Mart** project; and

Whereas , these Storm water Control Measures include but are not limited to (i) permanent site gradients, site drains, open drainage swales, and storm water retention pond depicted in the Town-approved final site plan for the Project (as that plan may be modified from time to time with the approval of the Town, acting through the Planning Board or its Engineering Department or as otherwise appropriate (the "Stormwater Control Facilities"), and (ii) the post-construction operational provisions of the Stormwater Pollution Prevention Plan for the Project dated **February 23, 2017 (last revised September 07, 2017)** and prepared by **Costich Engineering**, which are identified in **Schedule B** attached as they currently exist, as modified from time to time with any necessary governmental approvals (the "Stormwater Control Operational Requirements"), and

Whereas, the Owner understands and agrees that these Storm water Control Facilities must be built in accordance with the Town-approved plans for the Project and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in compliance in order to ensure to the Town of Clarkson, optimum performance in accordance with the Storm water Control Operational Requirements.

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors, and assigns, to the maintenance provisions depicted in the approved final site plan, and Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures, outlined in Schedule A, as necessary to ensure optimum performance of the measures to design specifications.
3. The facility owner shall be responsible for all expenses related to maintenance of stormwater measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.

4. The facility owner shall provide periodic inspection of stormwater control measures, not less than once in every five-year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality, within 30 days of the inspection, a written report of the findings, including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
6. The facility owner shall undertake necessary repairs, and replacement of the stormwater control measures, at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
7. This agreement shall be recorded in the Office of the County Clerk, County of Monroe together with the deed for the common property.
8. If the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures, in accordance with the project plan, or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps, as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures to affix the expenses thereof as a lien against the property.
9. This declaration is made for the sole benefit of the Town and creates no rights in any other party, including without limitation other landowners and other governmental agencies. There are no third party beneficiaries of this declaration. The rights of the Town under this declaration may be exercised only by the Town and may not be assigned to any other party.
10. The Town of Clarkson is authorized to travel upon the property wherever necessary for access to the stormwater management facilities.

OWNER

(Petr-All Petroleum Consulting Corp.)

Signature: _____

Name (Printed): _____

Title: _____

Schedule A

**STORM WATER MANAGEMENT
FACILITY EASEMENT TO THE TOWN OF
CLARKSON**

7529-7539 WEST RIDGE ROAD

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 Garland Real Properties LLC (T.A. #070.010-01- 018.100; 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 $S88^{\circ}08'08''E$ 365.96 feet to a point; thence
2. $S01^{\circ}44'34''E$, a distance of 311.18 feet to a point; thence
3. $S04^{\circ}50'41''W$, a distance of 18.10 feet to a point; thence
4. $S87^{\circ}04'16''W$, a distance of 435.83 feet to a point; thence
5. $N14^{\circ}10'18''E$, 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.

Intending to describe T.A. #070.010-01-018.100 and T.A. #070.010-01-019.00

Schedule B

Stormwater Control Operational Requirements

The following permanent operation and maintenance activities will be implemented:

- Parking and roads shall be cleaned or swept on an as needed basis.
- Catch basins and storm manholes are to be inspected on an annual basis and cleaned when 50% of the bottom is filled with sediment.
- Inlet grates shall be inspected periodically and debris should be removed.
- Filter strips/bio-retention area shall be maintained on a regular basis to be kept clean of refuse or debris.
- Lawn areas shall be maintained and or reseeded to protect against erosion.
- Fertilizers shall be applied in order to maintain a healthy lawn and to promote longevity. All fertilizers shall be applied per the manufactures recommendations.
- Any lawn area disturbed after construction is completed shall be seeded or mulched (in landscaped) areas immediately and water shall be applied on a daily basis (either naturally by rain water or manually by tap water) until adequate seed germination has occurred.
- ADS units shall be inspected at a minimum of four times a year (every three months). Maintenance and/or cleaning shall be based on the inspection findings and in accordance with the manufactures procedures and recommendations. Refer to ADS documents entitled "*ADS INSTALLATION GUIDE - Storm Water Quality Units - Inspection & Maintenance* "

Britt Insurance Proposal

Property

- Blanket Property valuation was quoted at 100% valuation. NYMIR quote is 90% valuation.
- Property policy is quoted with \$1,000 deductible, per expiring, and “Agreed Valuation” endorsement. This endorsement eliminates any coinsurance penalty that may be imposed for the under valuation of property values on the policy.

General Liability

- Quoted per expiring limits of \$1,000,000 per Occurrence / \$2,000,000 Aggregate
- Both quotes provides coverage for Sexual Abuse / Molestation with limits of \$250,000 per claim / \$500,000 Aggregate.
- Defense Costs are “In Addition” to the Limits of Liability and do not erode to policy limits available to pay a claim.

Auto

- Quoted limits of \$1,000,000 Combined Single Limit; per expiring
- Physical Damage deductible quoted at \$1,000 Collision and \$1,000 Comprehensive and includes Full Glass coverage for all Personal Passenger type units.
- Physical Damage coverage is quoted with Replacement Cost Valuation for all “Medium” and heavier vehicles 10 years old and newer.
- Policy also includes coverage for:
 - o Rental Reimbursement
 - o Communication Equipment
 - o Towing coverage
 - o Employee deductible reimbursement
- Policy provides \$1,000,000 Mutual Aid coverage

Inland Marine / Equipment

- Quote was based on current schedule of equipment, provided by Highway Department 11/21/17 and maintains the \$500 deductible. This includes any vehicles scheduled on Equipment.
- Losses are valued with Replacement Cost valuation.
- Policy provides automatic coverage for non-owned, leased, rented, or borrowed equipment up to \$250,000 per item. NYMIR provides \$100,000 limits for this coverage.

Crime

- Travelers Insurance is writing the \$250,000 Bond for Town Clerk / Tax Collector at \$745 annual premium.

Public Officials / Employment Practices

- Limits of Liability are quoted per expiring.
- Brit deductible is \$2,500 in lieu of \$1,500 with NYMIR
- Deductible applies only to Indemnity Payments. Defense costs are First Dollar.
- Defense Costs are In addition to the limits of liability and do not erode the policy limits
- Policy includes “Consent to Settle” endorsement. No claim will be settled without prior authorization from the Town.
- Policy includes” Non- Monetary / Injunctive Relief” coverage
- Policy includes “Back Wages” coverage up to \$10,000 per claim. Higher limits are available if requested.
- Policy provides “Workplace Violence Counseling” reimbursement.

Umbrella / Excess

- Quote \$2,000,000 limits, per expiring
- Quote is a “Silo Aggregate”, meaning that the limits of liability are available separately over each underlying line of coverage. Example: Auto Liability has a \$2,000,000 Umbrella; General Liability has an additional Umbrella of \$2,000,000; etc.
- Expiring NYMIR policies provide \$2,000,000 per Occurrence with a \$4,000,000 total aggregate.

TOWN OF CLARKSON
2017

2017 BUDGET ADJUSTMENTS A FUND

	Budgeted	Actual	Over	Details
1430-1000-0-A PERSONNEL - WAGES & SALARIES	\$ 54,216.00	\$ 54,841.59	\$ (625.59)	sick time bonus
1325-4000-0-A BOND RELATED EXPENSES - CONTR	\$ 1,060.70	\$ 1,167.20	\$ (106.50)	new water and sewer districts
1355-1000-0-A ASSESSOR - WAGES & SALARIES	\$ 48,960.00	\$ 50,236.12	\$ (1,276.12)	staff assistance, sick time bonus
1355-4007-1-A ASSESSOR - CONTRACTUAL	\$ 8,000.00	\$ 9,357.89	\$ (1,357.89)	re-val contract
1410-1001-1-A TOWN CLERK - WAGES & SALARIES	\$ 93,535.00	\$ 94,857.05	\$ (1,322.05)	deputy extra hours
1620-4000-0-A BUILDINGS - BLDGES & GRNDS MAINT	\$ 10,000.00	\$ 10,216.21	\$ (216.21)	
1620-4037-0-A BUILDINGS - CONTRACTUAL	\$ 6,000.00	\$ 8,392.37	\$ (2,392.37)	
1670-4000-0-A CENTRAL PRINTING & MAIL - POSTAL	\$ 2,642.84	\$ 3,234.10	\$ (591.26)	re-val mailings
1680-4000-2-A CENTRAL DATA PROCESSING - CONT	\$ 31,000.00	\$ 32,203.68	\$ (1,203.68)	equipment replacements, snow program
3510-1000-0-A CONTROL OF DOGS - WAGES & SAL	\$ 2,387.10	\$ 2,721.60	\$ (334.50)	
5010-1000-0 SUPPT OF HIGHWAYS - WAGES & SALAI	\$ 120,557.00	\$ 120,570.58	\$ (13.58)	
5132-4000-0-A GARAGE - BLDGES & GRNDS MAINT	\$ 8,734.27	\$ 11,259.83	\$ (2,525.56)	solar panel repair (highway)
5132-4000-1-A GARAGE - TELEPHONE	\$ 8,000.00	\$ 8,227.23	\$ (227.23)	
7110-4000-1-A PARKS - CONTRACTUAL	\$ 10,000.00	\$ 31,838.44	\$ (21,838.44)	Ridge Rd property and tennis court/fence
			\$ (34,030.98)	
GATF TRANSFER BY RESOLUTION				
A.3005 MORTGAGE TAX			\$ 21,838.44	
			\$ 12,197.54	
			\$ -	
			\$ (0.00)	

TOWN OF CLARKSON
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2017 BUDGET ADJUSTMENTS B FUND

	Budgeted	Actual	Over	Details
3820-0201 B SAFETY INSPECTION - EQUIPMENT	\$ 898.86	\$ 1,029.49	\$ (130.63)	
8010-4000-0 B ZONING - CONTRACTUAL	\$ 1,192.00	\$ 1,345.00	\$ (153.00)	LEGAL & ENG
8020-1001-1 B PLANNING - WAGES & SALARIES	\$ 11,689.00	\$ 11,804.43	\$ (115.43)	
8020-403-1 B PLANNING - CONTRACTUAL	\$ 4,640.25	\$ 6,219.75	\$ (1,579.50)	LEGAL & ENG
8160-1000-1 B REFUSE COLL & DISP - WAGES	\$ 32,000.00	\$ 32,797.43	\$ (797.43)	
8160-1000-2 B REFUSE COLL & DISP - CLEAN UP W/	\$ 27,275.94	\$ 34,058.15	\$ (6,782.21)	WIND STORM (CTY REIMBURSED)
8160-4010-0 B REFUSE COLL & DISP - CLEAN UP CC	\$ 30,000.00	\$ 37,870.32	\$ (7,870.32)	WIND STORM (CTY REIMBURSED)
9030-000 B SOCIAL SECURITY	\$ 9,500.00	\$ 9,721.99	\$ (221.99)	
			<u>\$ (17,650.51)</u>	
B1120 SALES TAX REV			\$ 17,650.51	
			\$ -	

TOWN OF CLARKSON
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2017 BUDGET ADJUSTMENTS DA FUND

	Budget	Actual	Over	Details
5100-4100-0 DA MACHINERY -REPAIR	\$ 60,000.00	\$ 63,367.78	\$ (3,367.78)	
5146-4300-0 DA SERV/ OTHER GOVT - SALT	\$ 80,500.00	\$ 84,209.37	\$ (3,709.37)	
8840-1000-0 DA DRAINAGE - PERSONAL SERVICES	\$ 14,448.82	\$ 16,744.04	\$ (2,295.22)	
8840-4000-0 DA DRAINAGE - ROADSIDE MATERIALS	\$ 15,000.00	\$ 15,185.65	\$ (185.65)	
			<u>\$ (9,558.02)</u>	

DA 2416 RENTAL EQUIP

\$ 9,558.02
\$ -

TOWN OF CLARKSON
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BUDGET ADJUSTMENTS DB FUND

	<u>Budgeted</u>	<u>Actual</u>	<u>Over</u>	<u>Details</u>
5110-1000-0 DB STREET MAINT - WAGES & SA	\$ 38,245.76	\$ 41,173.70	\$ (2,927.94)	ROAD WORK
5110-400-0 DB STREET MAINT - CONTRACTUA	\$ 96,000.00	\$ 123,286.67	\$ (27,286.67)	ROAD WORK
9000-800-0 DB SOCIAL SECURITY - EMPLOYE	\$ 2,100.00	\$ 3,404.99	\$ (1,304.99)	TIED TO WAGES
			<u>\$ (31,519.60)</u>	
B to DB fund transfer			\$ 50,000.00	
			\$ 18,480.40	\$50,000 - BUDGET ADJ
			<u>\$ (17,996.53)</u>	CURRENT CASH
			\$ 983.87	FINAL CASH