

TOWN OF CLARKSON  
TOWN BOARD MEETING  
July 23, 2019

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, July 23, 2019 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 PM.

PRESENT:

Christa Filipowicz	Supervisor
Allan Hoy	Councilperson
Patrick Didas	Councilperson
Jackie Smith	Councilperson
Leslie Zink	Councilperson
Sharon Mattison	Town Clerk
Robert Viscardi	Highway Supt.
Richard Olson	Attorney for the Town

ALSO:

** Elizabeth Spencer	Assessor
Kevin Moore	Bldg. Inspector
**excused	

Supervisor Filipowicz opened the meeting. 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**

Shawn Lessord, 73 Valley View Drive, commented that he made a donation a few years ago to light the Town of Clarkson sign on Ridge Road. Over the years, the sign has been damaged by the elements as well as snow plows. He recently donated materials for repair of the sign and was questioning when this would be done. S. Mattison stated that she has been collecting information about repairing/replacing the sign.

**HISTORIAN**

Leanna Hale presented Part IV in a series of historical background details surrounding the creation of Clarkson.

**INTRODUCTORY LOCAL LAW #2-2019; SOLAR ENERGY FACILITIES LAW OF THE TOWN OF CLARKSON**

Supervisor Filipowicz opened the public hearing. Shawn Lessord, 73 Valley View Drive, who was a member of the Solar Committee that worked on this local law, questioned what the limits were regarding the use of farm land as well as governing the amount of solar that could be put on a given parcel. Supervisor Filipowicz gave an example of dual use for solar farms. Incentive Zoning can be utilized. R. Olson explained the SEQRA form, Part 1 and Part 2, reviewing the questions and answers and thanked the Solar Committee members, as well as Leslie Zink, Marilynn Brown and Conrad Ziarniak. No one else spoke.

**RESOLUTION # 175**  
**CLOSE PUBLIC HEARING**

Introduced by Councilperson Didas

Seconded by Councilperson Hoy

To close the public hearing regarding Solar Energy Facilities Law of the Town of Clarkson.

**VOTE OF THE BOARD**

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

NAYS: None

07.23.19

**RESOLUTION #176**  
**ADOPTING NEGATIVE DECLARATION; LOCAL LAW # 2-2019**

Introduced by Councilperson Hoy  
Seconded by Councilperson Smith

**WHEREAS**, the Town Board has before it Local Law #2-2019; Solar Energy Facilities Law of the Town of Clarkson; and

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

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

**WHEREAS**, the Supervisor has prepared and submitted Part 1 "Project Information" of the (short) Environmental Assessment Form; and

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

**WHEREAS**, this Board has considered the above and all of the previous documents, discussion and debate,

**NOW, THEREFORE, BE IT RESOLVED:**

**SECTION 1.** That the adoption of this local law will not have a negative impact on the environment

**SECTION 2.** That the Town Board adopts a Negative Declaration.

**SECTION 3.** That this resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

**RESOLUTION #177**  
**ADOPTING LOCAL LAW #2-2019**  
**"SOLAR ENERGY FACILITIES LAW OF THE TOWN OF CLARKSON"**

Introduced by Councilperson Zink  
Seconded by Councilperson Smith

**Whereas**, the Town Board has before it a Local Law entitled Local Law #2-2019 "Solar Energy Facilities Law of the Town of Clarkson", which if adopted, will regulate the installation and operation of solar energy systems in the Town of Clarkson; and

**Whereas**, the Town Board has, on this date, held a public hearing to consider said proposed Local Law; and

**Whereas**, the Town Board has considered any public input; and

**Whereas**, the Monroe County Planning Board has reviewed the proposed law and considered it a "Local Matter"; and

**Whereas**, the Clarkson Planning Board has submitted its review; and

**Whereas**, this action is an unlisted action under the State Environmental Quality Review Act and the Town Board has adopted a Negative Declaration; and

**Whereas**, the notice of this hearing was duly published and posted as required by law;

**07.23.19**

**NOW, THEREFORE, BE IT RESOLVED:**

**SECTION 1.** That the Town Board hereby enacts, Local Law #2-2019 “Solar Energy Systems Law of the Town of Clarkson”.

**SECTION 2.** That the Town Clerk is ordered to file a copy of this Local Law with New York State.

**SECTION 3.** That this Local Law shall take effect upon filing with the Secretary of State.

**SECTION 4.** That this resolution shall take effect immediately.

**VOTE OF THE BOARD**

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

NAYS: None

**BOND RESOLUTION DISCUSSION**

Supervisor Filipowicz recently met with Chuck Bastian regarding a bond for the Rt. 18, Clarkson Hamlin Water District. R. Olson stated that the bond resolution, dated July 23, 2019, authorizes the issuance of serial bonds to finance the Clarkson Hamlin Route 18 Water District in the amount of \$370,693.30. These costs are to be shared with the Town of Hamlin; Clarkson has 22 parcels and Hamlin has 19 parcels. The Town of Clarkson will bill the Town of Hamlin annually for their portion. Costs are paid for by the district. The Town Clerk will submit a notice for publication in the newspaper, giving 60 days for an objection to be filed.

**RESOLUTION #178**

**EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD**

**ADOPTING BOND RESOLUTION; RT. 18, CLARKSON HAMLIN WATER DISTRICT**

Introduced by Councilperson Zink

Seconded by Councilperson Didas

BOND RESOLUTION DATED JULY 23, 2019 OF THE TOWN BOARD OF THE TOWN OF CLARKSON, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

**WHEREAS**, the Route 18 Clarkson Hamlin Water District is a Water District of the Town of Clarkson, New York, duly established by the Town Board pursuant to the Town Law; and

**WHEREAS**, the cost of the improvements authorized will not exceed the cost thresholds that require approval of the Office of the State Comptroller; and

**WHEREAS**, the Town has duly complied with the requirements of the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder (“SEQRA”) with respect to the purpose hereinafter described and the financing therefor and has duly issued a negative declaration under SEQRA; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSON, NEW YORK (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

**07.23.19**

**SECTION 1.** The Town of Clarkson shall undertake certain capital improvements consisting of the acquisition and construction of Water Improvements for the Route 18 Clarkson Hamlin Water District, the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$370,693.30 of the Town are hereby authorized to be issued to finance said purpose, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

**SECTION 2.** The estimated maximum aggregate cost to the Town of Clarkson of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$370,693.30, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized.

**SECTION 3.** It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

**SECTION 4.** The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

**SECTION 5.** It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

**SECTION 6.** The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, is hereby delegated to the Town Supervisor, the Town’s chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Clarkson.

**07.23.19**

**SECTION 7.** The faith and credit of the Town of Clarkson, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

**SECTION 8.** This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Clarkson together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

**SECTION 9.** This resolution shall take effect immediately upon its adoption.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION #179**  
**TO AUTHORIZE MATERIAL BID**

Introduced by Councilperson Smith

Seconded by Councilperson Didas

To authorize the Town of Clarkson, Route 18 Clarkson Hamlin Water District Project for Material Bid, with a bid date to be established by MRB Group.

**VOTE OF THE BOARD**

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

NAYS: None

**SUPERVISOR REPORTS**

Supervisor Filipowicz reported that she received a letter from the NYS Canal Corporation requesting a lead agency for the Earthen Embankment Integrity Program on the Erie Canal, so we let them know that they can be the lead agency for that. She recently assisted with interviewing candidates for a new library director and recommendations were given to the Library Board. The tree dedication program was successful on July 18<sup>th</sup>; she thanked Councilperson Didas for heading up this program. Library doors are being removed. R. Olson suggested that they should determine the value of the doors before deciding to sell or donate them.

**TOWN BOARD REPORTS**

Councilperson Zink stated that the ZBA has been relatively quiet. The Planning Board has scheduled a public hearing for August 6<sup>th</sup> regarding Wellington Woods North.

**07.23.19**

Councilperson Smith reported that last week's Library Board meeting was rescheduled to July 24<sup>th</sup>. She gave an update on the Rec Center, including inclusive staff training in 2020, new basketball hoops, and they will be participating in a new health fair event sponsored by the Brockport School District next year. She stated that as a result of the Bonadio Report, the Library Board has requested that C. Fabry and K. Moore participate in a walk through of the Library for recommendations.

**BUILDING INSPECTOR REPORTS**

K. Moore had nothing to report.

**ATTORNEY REPORTS**

R. Olson reported that he has the easement descriptions for the Route 18 Water District.

**HIGHWAY SUPERINDENDENT REPORTS**

R. Viscardi reported that Clarkson, Sweden and Brockport jointly worked on replacing the sewer line at the Seymour Library. Lawrence Road culvert is nearing completion. The next project is the Lake-Cook sewer line.

**RESOLUTION #180**  
**MINUTES**

Introduced by Councilperson Smith

Seconded by Councilperson Hoy

To approve July 9, 2019 minutes.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION #181**  
**AUDIT—7-02-2019**

Introduced by Councilperson Hoy

Seconded by Councilperson Didas

To authorize payment of audit 7-02-2019: AA General \$45,133.80; BB General \$2,835.93; DA \$20,030.32; DB \$59,162.22; HH \$680.76; SL \$3,223.08; SS \$97.56; TA \$1,631.58.

For distribution of checks: Joint Checking 34606 - 34653; Trust & Agency 06021 – 06022 (void 06020).

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION #182**  
**ADJOURNMENT**

Introduced by Councilperson Hoy

Seconded by Councilperson Smith

To adjourn the Town Board meeting at 6:35 P.M.

**VOTE OF THE BOARD**

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

NAYS: None

Respectfully submitted,

*Sharon S. Mattison*

Town Clerk

APPROVED 08-13-2019