

TOWN OF CLARKSON  
TOWN BOARD MEETING  
June 9, 2020

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, June 9, 2020 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 P.M. Instructions for virtual participation were posted.

**PRESENT:**

Christa Filipowicz	Supervisor
Allan Hoy	Councilperson
Patrick Didas	Councilperson
Tom Guarino	Councilperson
Leslie Zink	Councilperson
Sharon Mattison	Town Clerk
Robert Viscardi	Highway Superintendent
Richard Olson	Attorney for the Town

**ALSO:**

** Kevin Moore	Building Inspector
** Elizabeth Spencer	Assessor
**excused	

Supervisor Filipowicz opened the meeting and took roll call. She led everyone in the Pledge of Allegiance. A moment of silence was observed for our service men and women, first responders, those on the front lines fighting COVID-19, and those who have kept our communities running throughout this pandemic. We also remember those who have paid the ultimate price, those who provide service to this country and continue to work for peace and equality.

Supervisor Filipowicz added that Liz Spencer, the Town Assessor and Kevin Moore, the Building Inspector are excused this evening.

**OPEN FORUM**

None.

**CLARKSON RENEWABLES LLC**

Mike Cucchiara of Nexamp joined via conference call. Supervisor Filipowicz noted that a public hearing was held in January. JP Schepp has already reviewed the SEQR. The SEQR Part 2 questions and responses were read aloud. R. Olson commented that item #13, impact on transportation, should be no.

**RESOLUTION #327**

**CLARKSON RENEWABLES LLC – NEGATIVE DECLARATION**

PRESENT: Supervisor Filipowicz, Councilpersons Hoy, Didas, Zink and Guarino

ABSENT: None

Introduced by Councilperson Hoy

Seconded by Councilperson Didas

**WHEREAS**, the Town of Clarkson Town Board is considering the establishment of a Solar Energy System Overlay District on tax parcel #053.04-1-6 that will make development of a 5mW large scale solar energy system; and

**WHEREAS**, the Board determines that said proposed application is classified as Type 1 Action under the SEQR regulations; and

**WHEREAS**, the Board completed a coordinated review in accordance with Section 617.6(b)(3); and received no objections to the Board acting as Lead Agency; and

**WHEREAS**, the Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c)(1) of the SEQR regulations and the information contained in the Full Environmental Assessment Form Part 1; and

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**WHEREAS**, the Board has completed Part 2 and Part 3 of the Full Environmental Assessment Form; and

**NOW, THEREFORE, BE IT RESOLVED** the Board does hereby designate itself as Lead Agency for the proposed development above herein; and

**BE IT FURTHER RESOLVED** that the Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7(c);

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic, noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;
- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site according to the State Office of Parks, Recreation and Historic Preservation (SHPO), or will the proposed Action impair the existing community or neighborhood character;
- (vi) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be an irreversible change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (ix) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;
- (x) there will not be a material demand for other Actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

**BE IF FURTHER RESOLVED**, based on the information and analysis above and the supporting documentation referenced above, the proposed Action **WILL NOT** result in any significant adverse environmental impacts.

**BE IT FINALLY RESOLVED**, that the Board does hereby make a Determination of Non-Significance on the proposed development, and the Supervisor of the Board is hereby directed to sign the Full Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Town Board's determination.

**VOTE OF THE BOARD:**

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

NAYS: None

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R. Olson stated that the following resolution allows the Town to rescind the solar overlay district if an agreement cannot be reached on or before August 15, 2020. When an agreement is reached, a notice will be sent to Clarkson Renewables LLC within three days so that they can go over it with their partners. There is nothing in the agreement that would prevent them from applying to the Planning Board for the necessary approval. They will talk to the Planning Board preliminarily next week and get the public hearing scheduled.

**RESOLUTION #328**  
**FINAL ORDER APPROVING APPLICATION OF THE**  
**SOLAR ENERGY SYSTEMS OVERLAY DISTRICT REGULATIONS**

Introduced by Councilperson Hoy

Seconded by Councilperson Didas

**WHEREAS**, Clarkson Renewables, LLC has made application to the Town Board of the Town of Clarkson for approval and authorization for the application of the Solar Energy Systems Overlay District Regulations to parcels of land located within the Town of Clarkson, Monroe County, New York which they wish to develop for installation of solar energy systems; and

**WHEREAS**, the Town Board of the Town of Clarkson did hold and conduct a public hearing to consider such application, which public hearing was held at the Clarkson Town Hall 3710 Lake Road, Clarkson, New York on the 14<sup>th</sup> day of January, 2020 at 6:00 p.m. and at which hearing all interested persons were heard concerning the subject matter thereof, due notice of which was given as required by law; and

**WHEREAS**, the Planning Board of the Town of Clarkson has recommended that this application be approved; and

**WHEREAS**, the Monroe County Planning Board has, pursuant to Section 239 of the General Municipal Law, reviewed the project per letter dated December 19, 2019; and

**WHEREAS**, upon a review of the maps, plans and application and after having heard all interested persons concerning such application and due deliberation having been had, the Town Board of the Town of Clarkson is desirous of approving such application;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Clarkson, Monroe County, New York, as follows:

**Section I:** That by the adoption of this Resolution and Final Order, the Town Board of the Town of Clarkson does hereby approve the application of the Solar Energy Systems Overlay District Regulations to those parcels of land, as more particularly described in schedule A which is attached hereto and made a part hereof.

**Section II:** That the Planning Board of the Town of Clarkson shall be entitled to apply such Solar Energy Systems Overlay District Regulations to the application of Clarkson Renewables, LLC for site plan approval in accordance with the provisions of such Overlay District, as more particularly described therein.

**Section III:** That the Town Board of the Town of Clarkson, acting as lead agency for purposes of SEQR Review did review Part I of the full Environmental Assessment Form, as prepared by the applicant, and did, by Negative Declaration dated June 9, 2020 issue its determination and finding that the proposed action will have no significant impact upon the environment and did issue its Negative Declaration with respect to the same.

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**Section IV:** That this resolution may be rescinded by the Town Board should the Town of Clarkson and the property owner not reach an agreement regarding the lease and transfer of the property on or before August 15, 2020. The Town Board shall provide written notice of this agreement to Clarkson Renewables, LLC within three (3) days of it being signed by all parties. Nothing contained herein shall prevent Clarkson Renewables from applying to the Planning Board for necessary approvals.

**Section V:** That the Town Clerk shall give due notice of this Resolution and Final Order as required by law.

**VOTE OF THE BOARD:**

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

NAYS: None

## Schedule A

**Parcel:**           **053.04-1-6** (Lake Road, Monroe County. Brockport, NY)

## Parcel I

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Clarkson, County of Monroe and State of New York, being part of Lot Number 11 in the 5th Section of Town No. 4 of the Triangular Tract bounded and described as follows: Beginning at a point in the south line of land conveyed by Isaac Palmer and others to Charles Bates and referred to in deed from Morton G. Read and Mary E. Read to Newton B. Hovey dated March 1, 1911 and recorded in the Office of the Monroe County Clerk in Liber 646 of Deeds at page 256, said point being 500 feet distant westerly as measured along said south line from the west line of the Main Lake Road; (1) thence running southerly at right angles to said south line, a distance of 25 feet; (2) thence easterly parallel with said south line to the southerly and partly westerly boundary of the land first above described; (3) thence northwesterly along the said westerly boundary, following one or more courses to the northerly boundary of the land first above mentioned being the south line of land conveyed by Isaac Palmer; (4) thence westerly along said northerly boundary to the point or place of beginning.

## Parcel II

**ALSO, ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Clarkson, County of Monroe and State of New York, being part of those two certain lots, part of a large tract of land known by the name of the Triangular Tract and on a map thereof made by Richard M. Stoddard and filed in the Clerk's Office of the County of Genesee are distinguished as Lots Nos. 11 and 12 in the 5th Section of Town No. 4 and running thence north 85 degrees and 15 minutes west, 81 chains and 22 links to a stake and stones on the west line of said lot; thence north 3 degrees east, 11 chains 33 links to a stake in the west line of said Lot No. 12 at the southwest corner of land heretofore conveyed by Isaac Palmer, et al, to Lucy Jane Bates; thence south 86 degrees east, 88 chains and 79 links to the west line of said Lake Road at the northeast corner of land conveyed by John Bowman and wife to Elias B. Holmes and Joseph A. Holmes; thence south 31 degrees 15 minutes west along the west line of said Lake Road, 13 chains and 5 links to the place of beginning. Containing 93.53 acres of land, more or less.

**EXCEPTING AND RESERVING FROM THE LAST DESCRIBED PARCEL THE FOLLOWING:**

Premises conveyed by warranty deed recorded in the Monroe County Clerk's Office on October 16, 1959 in Liber 3240 of Deeds at page 313.

Easement recorded December 3, 1959 in Monroe County Clerk's Office in Liber 3249 of Deeds at page 54.

Premises conveyed by warranty deed recorded April 25, 1960 in Monroe County Clerk's Office in Liber 3269 of Deeds at page 252.

Premises conveyed by warranty deed recorded July 29, 1960 in Monroe County Clerk's Office in Liber 3287 of Deeds at page 57.

Premises conveyed by warranty deed recorded September 23, 1960 in Monroe County Clerk's Office in Liber 3297 of Deeds at page 475.

Premises conveyed by warranty deed recorded October 21, 1960 in Monroe County Clerk's Office in Liber 3303 of Deeds at page 163.

Premises conveyed by correction deed recorded June 1, 1961 in Monroe County Clerk's Office in Liber 3337 of Deeds at page 298.

Premises conveyed by warranty deed recorded July 7, 1961 in Monroe County Clerk's Office in Liber 3344 of Deeds at page 442.

Premises conveyed by warranty deed recorded August 11, 1961 in Monroe County Clerk's Office in Liber 3350 of Deeds at page 505.

Premises conveyed by warranty deed recorded October 24, 1967 in Monroe County Clerk's Office in Liber 3856 of Deeds at page 184.

Premises conveyed by warranty deed recorded November 26, 1968 in Monroe County Clerk's Office in Liber 3948 of Deeds at page 417.

Premises conveyed by warranty deed recorded November 26, 1968 in Monroe County Clerk's Office in Liber 3948 of Deeds at page 419.

Premises conveyed by warranty deed recorded November 25, 1968 in Monroe County Clerk's Office in Liber 3948 of Deeds at page 421.

Premises conveyed by warranty deed recorded November 26, 1968 in Monroe County Clerk's Office in Liber 3948 of Deeds at page 423.

Premises conveyed by warranty deed recorded February 24, 1969 in Monroe County Clerk's Office in Liber 3965 of Deeds at page 378.

Premises conveyed by warranty deed recorded June 6, 1969 in Monroe County Clerk's Office in Liber 3986 of Deeds, page 543.

Premises conveyed by warranty deed recorded June 6, 1969 in Monroe County Clerk's Office in Liber 3986 of Deeds, page 545.

Premises conveyed by warranty deed recorded June 6, 1969 in Monroe County Clerk's Office in Liber 3986 of Deeds, page 547.

Premises conveyed by warranty deed recorded June 6, 1989 in Monroe County Clerk's Office in Liber 3986 of Deeds, page 549.

Premises conveyed by warranty deed recorded June 6, 1969 in Monroe County Clerk's Office in Liber 3986 of Deed, page 551.

Premises conveyed by warranty deed recorded August 2, 1973 in Monroe County Clerk's Office in Liber 4494 of Deeds, page 184.

Easement recorded August 10, 1976 in Monroe County Clerk's Office in Liber 5076 of Deeds, page 15.

Premises conveyed by warranty deed recorded October 19, 1976 in Monroe County Clerk's Office in Liber 5521 of Deeds, page 212.

Premises conveyed by warranty deed recorded November 30, 1978 in Monroe County Clerk's Office in Liber 5542 of Deeds at page 189.

Premises conveyed by warranty deed recorded November 30, 1978 in Monroe County Clerk's Office in Liber 5542 of Deeds, page 191.

Premises conveyed by warranty deed recorded December 18, 1979 in Monroe County Clerk's Office in Liber 5733 of Deeds, Page 236.

**06.09.20**

**RESOLUTION #329**  
**APPROVE MERIT/STEP INCREASE**

Introduced by Councilperson Hoy

Seconded by Councilperson Guarino

To approve 2-step increase for Robert J. Wilson from MEO step 2 @ \$19.02/hour to step 4 @ \$19.60/hour, retroactive to 05/20/2020.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION #330**  
**APPROVE MERIT/STEP INCREASE**

Introduced by Councilperson Zink

Seconded by Councilperson Hoy

To approve 2-step increase for Keylee Gilfilian, Assistant to the Supervisor, from step 7 @ \$15.26/hour to step 9 @ \$15.72/hour.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION #331**  
**AUTHORIZING SUPERVISOR TO SIGN AMENDMENT B TO CHANGE THE ESTIMATED EXPENDITURE FOR 2019-20 SNOW & ICE AGREEMENT**

Introduced by Councilperson Didas

Seconded by Councilperson Guarino

**WHEREAS**, the Town Board has authorized the Supervisor of the Town of Clarkson, County of Monroe, State of New York to sign the **NYS DOT MUNICIPAL SNOW AND ICE AGREEMENT AMENDMENT B – AMENDMENT TO CHANGE THE ESTIMATED EXPENDITURE FOR SNOW & ICE AGREEMENT**, due to the severity of the 2019/20 winter season.

The Original Estimated Expenditure of \$256,213.93 plus Index Adjustment of **\$9,235.50** equals a total revised estimated expenditure of \$265,539.43.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION #332**  
**AUTHORIZE TRANSFER OF FUNDS-PURCHASE TRUCK**

Introduced by Councilperson Hoy

Seconded by Councilperson Zink

**BE IT RESOLVED**, that the Town of Clarkson fund the purchase of one (1) 2019 International HX515 6x4 dump truck, Serial #KN556153 (~\$132,000); plus the cost of the installation of related equipment, i.e. one-way plow, leveling wing, spreader, Bavroc 14' muni body, including all attachments and accessories (~\$38,000), as follows:

1. Transfer of \$160,000.00 from DA Fund (Highway) to H Fund Capital) to be used in the interim.
2. Issuance of five-year notes/bonds in the amount of \$160,000.00 on or before January 30, 2019 with the proceeds being transferred to DA Fund and be it further

**RESOLVED**, that the purchase of the truck and related equipment is a Type II SEQR action pursuant to NYCRR 617.5(c)(25) and not subject to review under SEQR; and be it further

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**RESOLVED**, that this Resolution shall take effect immediately.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION #333****ACKNOWLEDGE RECEIPT OF SUPERVISOR'S FINANCIAL REPORT**

Introduced by Councilperson Hoy

Seconded by Councilperson Guarino

To acknowledge receipt of the Supervisor's Financial Report for May.

**VOTE OF THE BOARD**

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

NAYS: None

**TOWN BOARD REPORTS**

Supervisor Filipowicz reported that on June 3, 2020 she extended the State of Emergency for Clarkson 30 days. She also prepared an executive order to permit outdoor seating for Clarkson restaurants as our Code did not allow for this. It was well received. MRB Group prepared an evaluation of the Town Hall which was sent to Town Board members via email. This will be discussed further after Board members have had a chance to review it. She continues to participate in MCHD and Monroe County Supervisor's weekly conference calls, down to four per week. She and L. Zink have discussion options regarding update to the comprehensive plan and zoning based on the report from John Steinmetz. She emailed Mr. Steinmetz today alerting him that they felt the community survey might be most important. He gave her estimates on pricing.

Councilperson Guarino reported that on July 6<sup>th</sup> the Rec Center will start its summer camp.

Councilperson Didas contacted BOCES regarding the honor roll sign and will obtain it in a few days. There are a couple more trees on order for the sponsor-a-tree program.

Councilperson Zink reported that she has been in contact with Life Solutions and has scheduled a food drive from June 13 to June 20<sup>th</sup>. A bin will be placed outside the Town Hall for residents to drop off food – she will pick it up daily and deliver to Life Solutions. On Saturday, June 20, 2020 from 9 a.m. to 12, in front of the Highway Department, she will collect food donations via a drive-through service. J. Smith has secured more masks and hand sanitizer to distribute that day as well, as long as supplies last. B. Viscardi will assist with signs.

**TOWN CLERK REPORT**

S. Mattison reported the total amount collected for Town and County taxes was \$5,658,553.38. An additional \$12,230.00 was collected in interest. Due to the anticipated extreme temperatures tomorrow, the location for the blood drive has been changed to the Brockport High School cafeteria.

**HIGHWAY REPORT**

B. Viscardi reported that CHIPS money is going through, totaling \$34,771. He shared copies of the reports. In regards to County work, they finished second phase of Lawton Road today, crew working 12 hour days. It is anticipated this project will be completed in August. Redman Road contract for milling was signed today and is planned for June 24<sup>th</sup>. Junk Days is ongoing this week and Saturday; it has been very busy. Water line at 4,500 feet, halfway across, 450 to 500 feet a day. Pressure testing will be next. Councilperson Hoy asked about the culvert/bridge repair needed on Route 19, a State road. B. Viscardi said he has not been given a definitive response regarding repair; he even offered Town services. Another notice will be sent to NYS DOT.



**06.09.20**

**ATTORNEY REPORT**

R. Olson remarked that both the Planning Board and Zoning Board of Appeals have been busy and are doing a great job moving projects along.

**RESOLUTION #334**

**MINUTES**

Introduced by Councilperson Guarino

Seconded by Councilperson Zink

To approve May 26, 2020 minutes.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION #335**

**MINUTES**

Introduced by Councilperson Zink

Seconded by Councilperson Didas

To approve the June 1, 2020 budget workshop minutes.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION #336**

**AUDIT 6-01-2020**

Introduced by Councilperson Hoy

Seconded by Councilperson Guarino

To authorize payment of audit 6-01-2020 totaling \$20,113.98 to include: AA General \$11,812.91; BB General \$747.91; DA Highway \$3,942.57; HH Capital Projects \$211.00; SL Lighting \$3,361.99; SS Sewer \$37.60. Checks distributed: Joint Checking #35591-35629; Trust and Agency #6092-6095.

**VOTE OF THE BOARD**

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

NAYS: None

**RESOLUTION #337**

**ADJOURNMENT**

Introduced by Councilperson Hoy

Seconded by Councilperson Didas

To adjourn the Town Board meeting at 6:36 p.m.

**VOTE OF THE BOARD**

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

NAYS: None

Respectfully submitted,

*Sharon S. Mattison*

Town Clerk

Approved 06-23-2020