

TOWN OF CLARKSON  
TOWN BOARD MEETING  
September 14, 2021

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, September 14, 2021 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 P.M.

**PRESENT:**

Christa Filipowicz	Supervisor
Allan Hoy	Councilperson
Patrick Didas	Councilperson
Tom Guarino	Councilperson
Leslie Zink	Councilperson
Susan Henshaw	Town Clerk
Robert Viscardi	Highway Superintendent
Richard Olson	Attorney
Liz Spencer	Assessor
Kevin Moore	Building Inspector

Supervisor Filipowicz opened the meeting. She led everyone in the Pledge of Allegiance. A moment of silence was observed for our service men and women, first responders, as well as those on the front lines fighting COVID.

**PUBLIC HEARING**

Supervisor Filipowicz opened the hearing for Nexamp on West Ave (Highway 31) Renewables 2. Mike Cucchiara from Nexamp, Dave Byrne from Renua Energy and Jim Palumbo from Klepper, Hahn and Hyatt, civil engineer firm, spoke in regards to the Nexamp project. Drawings were handed out to all board members, Town Attorney Richard Olson and Supervisor Filipowicz. Mr. Cucchiara advised that this is a 4.7 megawatt AC project. He explained how Nexamp started in 2007 and is based in Boston Massachusetts, but has many projects going on as well in New York. They are long-term owner operators of the project and will tend to any and all concerns that come up. Those residents who sign up for solar will be receiving a 10% discount off a portion of their energy bill. Due to recommendations from town engineer JP Schepp, they have made changes to their design. He advised that they stopped to introduce themselves to the neighbors on County Line Rd and answer any questions they may have. A lengthy discussion ensued by presenter Jim Palumbo:

- Project will take place on existing farm land, on the NW corner of the property and is in compliance with the Department of Transportation
- 8 ft berm of pollinator crop (metal mix) beneath the solar arrays to preserve the topsoil
- Described in detail the supplemental drawings of the solar array all from the west side looking to the east
- Stormwater basin management (made of top soil) for drainage towards east or back of array
- Panels are on a rotating axis, from east to west to best harvest the sun
- Enclosed with a perimeter fence, with access points for maintenance and emergency responders. Road will be made of crushed stone. Maintenance (mowing) will take place 3-4 times per year for minimal traffic
- Equipment pads, poles with transformers for control purposes
- Screening for front and south side of project consist of approx. 76 new trees and shrubs, 7ft high chain link fence along with existing hedgerow for visualization purposes
- There is a 10-15 ft setback from inside the fence to the solar modules
- Panels at max height is 12 ft and in compliance with code
- In 25 years after the lease ends and is decommissioned, the stone and fabric will be removed and soil will go back to its existing conditions

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## Questions from the public:

Don Osborne of 1086 West Ave asked if the land is purchased or leased. He advised that this is a lease from landowner Kathryn Hoppe.

Bill Fine of 3502 County Line Road asked if the trees on the west side of the road would interfere with the arrays. He advised that the trees are set back far enough, even for growth, that it will not pose any problems or any obstruction to the system.

Jim Palumbo continued to discuss the visual assessment of the solar array and the drawings provided:

- Pointed out in detail the existing vegetation and limited visual impact and showed growth of new 76 trees over the next 5 - 10 year span
- Discussed how the dark panel color is best for the vegetation it is in
- Deciduous trees and evergreen trees were added to the south side of the array to assist visually from the San Souci Park view
- Will be planting trees that are 5ft tall vs a taller 8ft tree, as they grow better when planted at a younger age. Takes a root 3 years to adapt and develop to be the healthiest
- The panels are all black, even though they may look blue during full tilt
- Land drops off towards the east and most panels will not be visible
- Fence is black and translucent

Don Osborne inquired about snowfall. Jim Palumbo advised that snow falls off as the panels begin to turn and flip. Councilperson Didas inquired about the amount of trees and size depicted over the 5-10 year span. He is concerned about how long it takes for the trees to grow and cover this solar project for the next 25 years. Jim Palumbo mentioned that after 20 years, trees start to die off. That is why they have also added the double line of screening with the black fence. Reviewed how the town does have height limitations and Nexamp was concerned about staying within those limits. He will research and see if he might be able to tighten up the space between the white spruce trees that will be planted so as to visually assist. Perhaps they can filter in a cluster of white pine trees as well as they grow quicker and fuller. If still more screening needed, perhaps they could add more green slats to the fencing. Councilperson Hoy asked if there is any concern for reflection or glare from the panels. Mr. Byrne advised that the panels are made of an anti-reflective material and this should not be a concern. Councilperson Zink inquired about the berms they discussed. Mr. Palumbo mentioned that they call it a stockpile (berm) where they use the original soil on the southside of the array to make a hedgerow. No soil will be leaving the site during this 25 year project. During the decommission process, they will take down the stockpile, remove the crushed stone from the roadway and replace that area with the soil from the stockpile. Supervisor Filipowicz reviewed the spacing and height of the shrubs and how the view to the panels is shown on the drawings. She agrees with Councilperson Didas that they were hoping for a better visual effect and better screening, at a quicker pace, then a 5ft shrub may provide. Mr. Palumbo advised that he will inquire about a possible 6ft shrub instead of 5ft. Mike Cucchiara mentioned that he will go back and see if there is a way to intersperse different types of shrubs/trees in response to the towns concerns of the visual impact of the project. Mr. Palumbo asked that the town board mention to the Planning and Zoning Boards that Nexamp will be reviewing these items of concern and will be reporting back. Martha Clasquin of 34 Sherwood Dr wants to mention that she doesn't feel this project should be dismantled in 25 years. That it takes that long for the trees to be fully grown and cover this area. She would like to see this project continue beyond that timeframe. Mr. Cucchiarra advised that the length of the contract with National Grid is 25 years, and the lease is for 40 years and the life of each module is 25 years. At that time Nexamp can look into an extension in contract as well as other possible means of delivering power. Harold Mundy wanted to mention that there are 3 members of the planning board that are at the present meeting and will relay the information at the next scheduled planning board meeting.

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Councilperson Zink inquired about the reduction of agricultural land. She wanted to discuss further what is happening to the soil. Mr. Palumbo advised that they will be using a pollinator mix (metal mix) which will benefit nearby farmers and their corn fields, bees, butterflies, birds and rabbits. Different types of clover, and aster will grow and all will be maintained so as not to exceed certain heights. Superintendent Viscardi advised that the town currently has a pollinator mix on 3-4 acres at Kimball Park where it is maintained and mowed 2-3 times a year. Councilperson Hoy asked how they were able to change and lower the size of the panels. Mike Cucchiara advised that Nexamp and Renua together, through the engineering process were able to eliminate a 4ft tube from each panel. Councilperson Guarino asked how the reaction was for the neighbors of this solar project. Mike Cucchiara advised that he and Dave Byrne were met with positive feedback. One wished to visit the site while one was opposed. They communicated to neighbors a letter of explanation as well as made sure to invite everyone to the public hearing. Supervisor Filipowicz advised that there will be a second public hearing at the Planning Board meeting in a few weeks. Also to advise that the town board is the lead agency on this project.

**RESOLUTION #164****TO CLOSE THE PUBLIC HEARING ON THE SOLAR OVERLAY**

Introduced by Councilperson Guarino

Seconded by Councilperson Zink

To close public hearing on the Solar Overlay

**VOTE OF THE BOARD**

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

NAYES: None

**OLD BUSINESS**

**Cannabis** – Town attorney Richard Olson advised this is type 2 SEQR and we need an unlisted public hearing at the Town Board meeting on Tuesday, September 28.

**RESOLUTION #165****SETTING PUBLIC HEARING****INTRODUCTORY LOCAL LAW #1-2021****TOWN OF CLARKSON, MONROE COUNTY****A LOCAL LAW TO OPT OUT OF ALLOWING CANNABIS RETAIL****DISPENSARIES AND ON-SITE CONSUMPTION SITES AS****AUTHORIZED UNDER CANNABIS LAW ARTICLE 4**

Introduced by Councilperson Hoy

Seconded by Councilperson Zink

**WHEREAS**, the Town Board has before it a proposed Local Law which, if adopted, would prohibit cannabis retail dispensaries and on-site consumption sites; and

**WHEREAS**, as required by law, the Town Board of the Town of Clarkson must hold a Public Hearing on said law;

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

**SECTION 1.** That the Town Board of the Town of Clarkson shall hold and conduct a Public Hearing on the 28<sup>th</sup> day of September, 2021, at 6:00 p.m. at the Town Hall, 3710 Lake Road, Town of Clarkson, New York, 14430 to consider the attached Local Law; at which Public Hearing all interested persons will be heard concerning the subject matter thereof.

**SECTION 2.** That the Town Clerk shall cause due notice of such public hearing to be published and posted required by law.

**VOTE OF THE BOARD**

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

NAYES: None

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**Multi Family Moratorium** – Town attorney Richard Olson advised this is a type 2 SEQR in environmental law. Requires review from Monroe County and there will be a public hearing at the Town Board meeting on Tuesday, October 12, 2021.

**RESOLUTION #166**  
**SETTING PUBLIC HEARING**

**INTRODUCTORY LOCAL LAW # 2-2021**  
**TOWN OF CLARKSON, MONROE COUNTY**  
**A LOCAL LAW TO ESTABLISH A MORATORIUM ON THE APPROVAL OF,**  
**OR THE**  
**CONSTRUCTION OF, MULTI FAMILY DWELLINGS IN THE TOWN OF**  
**CLARKSON**

Introduced by Councilperson Didas

Seconded by Councilperson Guarino

**WHEREAS**, the Town Board has before it a proposed Local Law which, if adopted, would place a moratorium on the approval of, or the construction of, multifamily dwellings in

the Town of Clarkson; and

**WHEREAS**, as required by law, the Town Board of the Town of Clarkson must hold a Public Hearing on said law;

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

**SECTION 1.** That the Town Board of the Town of Clarkson shall hold and conduct a Public

Hearing on the 12<sup>th</sup> day of October, 2021, at 6:00 p.m. at the Town Hall, 3710 Lake Road, Town

of Clarkson, New York, 14430 to consider the attached Local Law; at which Public Hearing all

interested persons will be heard concerning the subject matter thereof.

**SECTION 2.** That the Town Clerk shall transmit a copy of this proposed Local Law to the

Monroe County Planning Department, the Town of Clarkson Planning Board and the Town of

Clarkson Conservation Board for their review and comments.

**SECTION 3.** That the Town Clerk shall cause due notice of such public hearing to be published

and posted required by law.

**VOTE OF THE BOARD**

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

NAYES: None

**Capitalization Policy** – will be discussed with Bob Fox. This will be reviewed for the September 28 town board meeting.

**Supervisor Report:**

**Budget** – Supervisor Filipowicz, Superintendent Viscardi and Keylee Gilfilian will be meeting with EFPR to go over the 2022 budget on September 20, 2021.

**San Souci Park** – Supervisor Filipowicz was contacted by Village of Brockport Mayor Blackman in regards to the kayak and bicycling tour groups along the canal. You will have the ability to either bike or kayak between San Souci Park in Clarkson to the village of Holley. A request to have a trailer parked at San Souci Park to store these items. Town attorney Richard Olson will review the insurance policy and Superintendent Viscardi will assist in finding the best place to park the trailer.

**2021-9-14**

**Step Increase** – this will be the final increase for Building Inspector Kevin Moore as he will progress into yearly.

**RESOLUTION #167**  
**AUTHORIZE MERIT/STEP INCREASES**

Introduced by Councilperson Guarino

Seconded by Councilperson Zink

To approve, based on merit, step increases for Building Inspector Kevin Moore

**VOTE OF THE BOARD**

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

NAYES: None

**Budget Meeting Date** – will wait for the preliminary from MRB. Town Board members will meet Wednesday October 6, at 6p at town hall to discuss the budget.

**Town Board Report:**

**Good Neighbor Days** – Councilperson Zink wanted to report how successful Clarkson Good Neighbor Day was. Thank you to Councilperson Guarino and Didas as well as Superintendent Viscardi for their assistance at the event. Big turnout, band was great As well as the fireworks.

**Comprehensive Plan** – Councilperson Zink also advised that the group is currently reviewing the visions and goals portion with a timeline due out any day.

**Multi Family Moratorium** – Councilperson Hoy advised that he took a look at the data from 5 years ago, and the town was not to exceed 30% for multi family dwelling. The Bassett future prediction seems to be accurate, However the Brookfield is not. Town Assessor Liz Spencer will review and see if numbers have changed at all in the 5 years.

**Eagle Scout Nate Bushnell** - Councilperson Guarino mentioned Nate originally wanted to build a lodge down at Kimball Park. Due to cost of building materials and cost to the town this was not permissible. Instead he will be building 4 planter benches along with 10 park benches and together he and Councilperson Guarino will find placement for each through-out the town. Eagle Scout Zachary Kelly is designing a way to better identify veteran's markers at the West Clarkson Cemetery for flag placement.

**Assessor Report** – Liz Spencer is asking the Town Board to re-appoint one of her BAR members Deborah Fasciano.

**RESOLUTION #168**  
**APPOINT BOARD OF ASSESSMENT REVIEW MEMBER**

Introduced by Councilperson Zink

Seconded by Councilperson Guarino

To appoint Deborah Fasciano, 1099 Lawrence Road, Clarkson NY to the Board of Assessment Review beginning October 1, 2021 and ending September 30, 2026.

**VOTE OF THE BOARD**

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

NAYES: None

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Liz Spencer also mention that she is working on a contract with her commercial consultants on the upcoming reassessment and it requires a signature. The contract is for \$7,000 and provides all commercial services required. She advised that she had a zoom call with her consultants and they mentioned commercial properties across the county are all trending low. Due to COVID 19, they will take in consideration loss of revenue that restaurants had, golf courses, all individual properties. Residential property has an increase of 12-15% over assessed value for the last 3 years. She requested that her contract please be signed for her to hand in. Town Attorney Richard Olson advised he will need to review it along with the town board as well.

**Fire Department** - Supervisor Filipowicz wanted to say a special thank you to the Fire District for the 911 Memorial, all the bikers and ceremony. It was a very emotional day and she feels very proud to live here.

**Line Transfers – see attachment**

**RESOLUTION #169**  
**APPROVE MINUTES 8-10-2021**

Introduced by Councilperson Guarino

Seconded by Councilperson Zink

To approve meeting minutes of 8-10-2021

**VOTE OF THE BOARD**

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

NAYES: None

**RESOLUTION #170**  
**APPROVE MINUTES 8-24-2021**

Introduced by Councilperson Guarino

Seconded by Councilperson Zink

To approve meeting minutes of 8-24-2021

**VOTE OF THE BOARD**

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

NAYES: None

**RESOLUTION #171**  
**APPROVE MINUTES 9-7-2021**

Introduced by Councilperson Guarino

Seconded by Councilperson Zink

To approve meeting minutes of 9-7-2021

**VOTE OF THE BOARD**

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

NAYES: None

**RESOLUTION #172**  
**AUDIT 9-14-2021**

Introduced by Councilperson Hoy

Seconded by Councilperson Guarino

To authorize payment of audit 09-14-2021 totaling \$42,116.45 AA General \$17,574.09, BB General- Outside Village \$2,763.45, DA Highway - Town Wide \$17,517.41, DB Highway – Outside Village \$290.98, HH – Capital Projects \$169.98, SL – Lighting \$3,530.47, SS – Sewer \$270.07 and Distribution of checks: Trust and Agency #6209-6211, Joint Checking #4444-4481.

**VOTE OF THE BOARD**

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

NAYES: None

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**RESOLUTION #173**  
**ENTER INTO EXECUTIVE SESSION**

Introduced by Councilperson Zink  
Seconded by Councilperson Didas  
To enter into executive session at 7:26pm

**VOTE OF THE BOARD**

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink  
NAYES: None

**RESOLUTION #174**  
**EXIT OUT OF EXECUTIVE SESSION**

Introduced by Councilperson Didas  
Seconded by Councilperson Zink  
To exit executive session at 8:04pm

**VOTE OF THE BOARD**

AYES: Supervisor Filipowicz, Councilpersons Guarino, Didas, Hoy and Zink  
NAYES: None

**RESOLUTION #175**  
**ADJOURN**

Introduced by Councilperson Guarino  
Seconded by Councilperson Zink  
To adjourn the meeting at 8:04pm

**VOTE OF THE BOARD**

AYES: Supervisor Filipowicz, Councilpersons Hoy, Didas, Hoy and Guarino  
NAYS: None

Respectfully submitted,

*Susan Henshaw*  
Town Clerk

Approved 9-28-2021