

TOWN OF CLARKSON  
TOWN BOARD MEETING  
June 27, 2023

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, June 27, 2023 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 P.M.

PRESENT:

** Christa Filipowicz	Supervisor
Nick D'Amuro	Councilperson
John Culhane	Councilperson
Tom Guarino	Councilperson
Leslie Zink	Councilperson
** Susan Henshaw	Town Clerk
Robert Viscardi	Highway Superintendent
Keith O'Toole	Attorney
Kevin Moore	Building Inspector
** excused	

Councilperson Zink 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 and veterans, particularly those who have paid the ultimate price.

**OPEN FORUM-**

Bill Fine, 3502 County Line Road, inquired about the meeting on May 16 regarding the window replacement approval. He felt the public was not notified. Councilperson D'Amuro explained the reasoning of that particular meeting and that Superintendent Viscardi was not present at the May 9 board meeting and that there was only 1 bid at that time. Bill Fine suggested meeting at the next May 23 meeting instead of May 16 to approve this \$45,000 bid and have better notice to the public. Councilperson D' Amuro advised the board there were discrepancies with the bid that was in, and comparing it to the original, 2-year-old bid of \$25,000. They felt the need to move forward with the Town Hall repairs before further increases. They also had a 45-day approval period with that one bid. Martha Clasquin, 34 Sherwood Dr, advised that last-minute meetings feel unacceptable, and that questions the openness of the town board. She further advises that information she receives from town board meetings, she then shares with many others within the town. She was unsettled regarding the amount of money voted on. David Behnke, 4063 Lake Road, mentioned he had several questions. He mentioned Lee Hicks and his professional services and his desire to further his own business and didn't understand the town boards' view of the situation. He discussed his disappointment of the assessor merge with the Town of Sweden and the recent assessment. He also discussed the Town Hall window pricing. Mr. Behnke further mentioned his concerns with his proximity to Wellington Woods. He discussed the gas lines through his property, the 2-year

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construction project with their vehicles in his driveway, workers walking through his yard, and the garbage accumulated. He asked that in the future, if the town board were to consider subsidized housing, to re-think its placement in a residential neighborhood.

**PUBLIC HEARING**

**Unsafe Building 8438 Ridge Road** - Ralph Marcello, owner of the property, mentioned that the project was put on hold due to his finances and a divorce and he would like to now progress. He had a stop work order in place from February 2023. He had his insurance adjusted and his plans are in place and needs approval to move ahead. Kevin Moore had provided his report to the board and a new building permit must be issued to move forward. Keith O'Toole mentioned the permit would be regarding new plans. Discussions on the porch, window and door change and existing and future walls were had. Councilperson Zink mentioned that based on the order, the town board has provided the owner with the option to 1) demolish the building or 2) rebuild the front and stabilize the rear of building. The owner's plan is option number two.

**RESOLUTION #189**

**CLOSE PUBLIC HEARING ON UNSAFE BUILDING AT 8438 RIDGE ROAD**

Introduced by Councilperson D'Amuro

Seconded by Councilperson Guarino

Close public hearing on Unsafe Building located at 8438 Ridge Road.

**VOTE OF THE BOARD**

AYES: Councilpersons Culhane, D'Amuro and Zink

NAYES:None

ABSENT: Supervisor Filipowicz

Councilperson Guarino asked when the owner plans to resume the project. Mr. Marcello advised as soon as the stop work order is lifted. Stop work order meaning was discussed along with timelines.

**RESOLUTION #190**

**MOTION TO RESOLUTION REGARDING UNSAFE BUILDINGS OR STRUCTURES AT 8438 RIDGE ROAD, CLARKSON, NY**

Introduced by Councilperson Guarino

Seconded by Councilperson D'Amuro

Motion to Resolution Regarding Unsafe Buildings or Structures at 8438 Ridge Road, Clarkson, NY.

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**WHEREAS**, the Building Inspector of the Town of Clarkson has filed his report in writing with the Town Board of the Town of Clarkson containing his findings and recommendations dated on or about May 29,2023 regarding certain structures situate on premises at 8438 RIDGE ROAD, Town of Clarkson, NY designated by Tax Map No. 054.13-1-13, in which report said Building Inspector states his opinion that said structures are unsafe and dangerous to the public and recommends their demolition and removal, and or repairs within 45 days and,

**WHEREAS**, the Town Board of the Town of Clarkson, upon due deliberation, considered said report and determined that the building(s) are unsafe and dangerous and ordered their demolition and or repair in the manner described in their Order dated June 13,2023, and

**WHEREAS**, the Town Board scheduled a public hearing, so that members of the public and the property owners of record would have an opportunity to be heard regarding the Order and to thereafter determine whether said Order should be revoked, modified or affirmed, and

**WHEREAS**, the Town Board did conduct said public hearing on June 27, 2023, and all interested parties were given an opportunity to be heard,

**NOW, THEREFORE, BE IT RESOLVED**, that

1. The Order dated June 13,2023 is hereby affirmed.
2. **The Order attached as Exhibit A** hereto is hereby adopted and the Town Clerk is authorized to execute same by order of the Town Board.

**VOTE OF THE BOARD**

AYES: Councilpersons Culhane, D'Amuro and Zink

NAYES:None

ABSENT: Supervisor Filipowicz

**NEW BUSINESS**

Martha Clasquin inquired about the other public hearings. Councilperson Zink mentioned a new agenda is in place and the other two hearings will be mentioned later in the meeting.

**Town Hall Painting Bids** - no bids were brought in. David Behnke inquired about vinyl siding for the building. He further mentioned the previous town board discussions on the fitness trail. He felt more effort be made on the town hall building itself then other items. Councilperson D' Amuro mentioned the fitness trail would be through a grant. He mentioned the town hall building being historic and the focus on painting versus vinyl.

**RESOLUTION #191**

**MOTION TO ACCEPT 79.5 HOURS OF VACATION ROLLOVER FOR MIKE FARRELL**

Introduced by Councilperson Culhane

Seconded by Councilperson Guarino

Motion to accept 79.5 hours of vacation rollover for Mike Farrell.

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**VOTE OF THE BOARD**

AYES: Councilpersons Culhane, D'Amuro and Zink

NAYES:None

ABSENT: Supervisor Filipowicz

**Employee Handbook** - updates were shared and will be discussed at a future meeting.

**RESOLUTION #192**

**MOTION TO RESCHEDULE PUBLIC HEARING FOR PROPOSED LOCAL  
LAW: INTRODUCTORY LOCAL LAW #4-2023  
TOWN OF CLARKSON**

Introduced by Councilperson Guarino

Seconded by Councilperson D' Amuro

Motion to reschedule public hearing for proposed Local Law: Introductory Local Law #4-2023 Town of Clarkson.

**A LOCAL LAW TO AMEND THE** Town of Clarkson's "Local Law No. 1-1973 of the Town of Clarkson".

**WHEREAS**, the Town Board has before it proposed Introductory Local Law 4 of 2023 to amend "Local Law No. 1-1973 of the Town of Clarkson" which will amend the zoning regulations involving accessory structures and accessory uses; and

**WHEREAS**, in order to adopt said Local Law, the Town Board of the Town of Clarkson is required to hold and conduct a public hearing thereon;

**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 8th day of August, 2023, at 6:00 p.m. at the Town Hall, 3710 Lake Road, Town of Clarkson, New York, 14430 to consider the changes which are contained on 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 as required by law.

**VOTE OF THE BOARD**

AYES: Councilpersons Culhane, D' Amuro and Zink

NAYES:None

ABSENT: Supervisor Filipowicz

**RESOLUTION #193**

**MOTION TO RESCHEDULE PUBLIC HEARING FOR PROPOSED LOCAL  
LAW: INTRODUCTORY LOCAL LAW #5-2023  
TOWN OF CLARKSON**

Introduced by Councilperson D' Amuro

Seconded by Councilperson Guarino

Motion to reschedule public hearing for proposed local law: Introductory Local Law #5-2023. Town of Clarkson.

**WHEREAS**, the Town Board has before it proposed Introductory Local Law #5 of

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2023 entitled A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON CERTAIN LAND DEVELOPMENT APPLICATIONS THAT ARE PENDING OR MAY SUBSEQUENTLY BE FILED WITH THE TOWN OF CLARKSON;

**WHEREAS**, in order to adopt said Local Law, the Town Board of the Town of Clarkson is required to hold and conduct a public hearing thereon;

**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 8th day of August, 2023, at 6:00 p.m. at the Town Hall, 3710 Lake Road, Town of Clarkson, New York, 14430 to consider the changes which are contained on 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 as required by law.

**VOTE OF THE BOARD**

AYES: Councilpersons Culhane, D'Amuro and Zink

NAYES:None

ABSENT: Supervisor Filipowicz

**RESOLUTION #194**

**MOTION TO SCHEDULE PUBLIC HEARING FOR PROPOSED LOCAL LAW:**

**INTRODUCTORY LOCAL LAW #6-2023**

**TOWN OF CLARKSON**

Introduced by Councilperson D' Amuro

Seconded by Councilperson Culhane

Motion to schedule a public hearing for proposed local law: Introductory Local Law #6-2023. Town of Clarkson.

**WHEREAS**, the Town Board has before it proposed Introductory Local Law No. 6 of 2023 entitled BATTERY ENERGY STORAGE SYSTEM LAW;

**WHEREAS**, in order to adopt said Local Law, the Town Board of the Town of Clarkson is required to hold and conduct a public hearing thereon;

**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 12th day of September, 2023, at 6:00 p.m. at the Town Hall, 3710 Lake Road, Town of Clarkson, New York, 14430 to consider the changes which are contained on 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 as required by law.

**VOTE OF THE BOARD**

AYES: Councilpersons Culhane, D' Amuro and Zink

NAYES:None

ABSENT: Supervisor Filipowicz

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**RESOLUTION #195**  
**MOTION TO SCHEDULE PUBLIC HEARING FOR PROPOSED LOCAL LAW:**  
**INTRODUCTORY LOCAL LAW #7-2023**  
**TOWN OF CLARKSON**

Introduced by Councilperson Culhane

Seconded by Councilperson Guarino

Motion to schedule public hearing for proposed local law: Introductory Local Law #7.  
Town of Clarkson.

**WHEREAS**, the Town Board has before it proposed Introductory Local Law #7 of 2023 a local law to amend "Local Law No. 2-2019 of the Town of Clarkson" a/k/a "Solar Energy Facilities Law of the Town of Clarkson.";

**WHEREAS**, in order to adopt said Local Law, the Town Board of the Town of Clarkson is required to hold and conduct a public hearing thereon;

**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 12th day of September, 2023, at 6:00 p.m. at the Town Hall, 3710 Lake Road, Town of Clarkson, New York, 14430 to consider the changes which are contained on 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 as required by law.

**VOTE OF THE BOARD**

AYES: Councilpersons Culhane, D'Amuro and Zink

NAYES:None

ABSENT: Supervisor Filipowicz

**Town Board Reports -**

**Good Neighbor Day** - Councilperson Zink advised she spoke with the Lions Club and they will be serving all food at the event.

**Zoning Board** - Councilperson Zink advised they have plans for a public hearing this Fall.

**Historic Commission** - Councilperson D' Amuro advised the committee will be meeting week of July 10.

**Grants** - Councilperson D'Amuro advised he continues to research grants, especially for the town hall building itself. The process will be complete by the end of July.

**Seymour Library** - Councilperson Guarino mentioned he met with Patrick Pittman, director at the library, and they will be attending Good Neighbor Days with a tent and will be discussing literacy.

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**Tree Sponsorship** - Councilperson Culhane mentioned he is gathering the information and will continue to update the website.

**Town Clerk Report** - Stacey Yanklowski, Deputy Town Clerk, mentioned the lodge rentals and how popular they are not just on the weekends, but weekdays as well. A shout out to our cleaners Paul and Cody and for the great work they do.

**Highway Superintendents Report** - Bob Viscardi mentioned highway has been busy with county work in neighboring towns.

**RESOLUTION #196**  
**APPROVE MINUTES 6-13-2023**

Introduced by Councilperson Culhane  
Seconded by Councilperson Guarino  
To approve minutes from 6-13-2023.

**VOTE OF THE BOARD**

AYES: Councilpersons Culhane, D' Amuro and Zink

NAYES:None

ABSENT: Supervisor Filipowicz

**RESOLUTION #197**  
**AUDIT 6-27-2023**

Introduced by Councilperson Guarino  
Seconded by Councilperson D' Amuro  
To authorize payment of audit 6-27-2023 totaling \$87,413.27. AA General \$23,510.46, BB General- Outside Village \$3,195.51, DA Highway - Town Wide \$12,247.78, HH-Capital Projects \$48,300.00, TA-Agency \$159.52 and Distribution of checks: Joint Checking #0003541-0003580 and Trust and Agency #006290-006291.

**VOTE OF THE BOARD**

AYES: Councilpersons Culhane, D' Amuro and Zink

NAYES:None

ABSENT: Supervisor Filipowicz

**RESOLUTION #198**  
**MOTION TO ENTER INTO EXECUTIVE SESSION**

Introduced by Councilperson Guarino  
Seconded by Councilperson Culhane  
Motion to go into executive session for discussions relating to proposed, pending or current litigation. Matters relating to collective negotiations under Taylor Law. Matters relating to medical, financial, credit or employment history of a particular person or corporation. Matters related to the appointment, promotion, demotion, discipline or removal of a particular person or corporation.  
That the Town Board enter into a private session with its attorney to discuss legal matters at 6:30PM.

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**VOTE OF THE BOARD**

AYES: Councilpersons Culhane, D'Amuro and Zink

NAYES:None

ABSENT: Supervisor Filipowicz

**RESOLUTION #199**

**MOTION TO EXIT OUT OF EXECUTIVE SESSION**

Introduced by Councilperson Zink

Seconded by Councilperson D' Amuro

Motion to exit out of executive session at 6:40 PM.

**VOTE OF THE BOARD**

AYES: Councilpersons Culhane, D'Amuro and Zink

NAYES:None

ABSENT: Supervisor Filipowicz

**RESOLUTION #200**

**MOTION TO ADJOURN**

Introduced by Councilperson Culhane

Seconded by Councilperson Guarino

Motion to adjourn at 6:41 PM.

**VOTE OF THE BOARD**

AYES: Councilpersons Culhane, D' Amuro and Zink

NAYES:None

ABSENT: Supervisor Filipowicz

Respectfully submitted,

*Susan Henshaw*

Town Clerk

Approved 7-11-2023



TOWN OF CLARKSON COUNTY OF MONROE  
STATE OF NEW YORK

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IN THE MATTER OF

**ORDER**

**8438 Ridge Road, Clarkson, NY 14420**  
**Tax Account Number: 054.13-1-13**

PROCEEDINGS TO REMOVE AND/OR REPAIR UNSAFE  
BUILDINGS AND COLLAPSED STRUCTURES  
ON PREMISES REPUTEDLY OWNED  
BY RAFFAELE MARCELLO

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**TO RAFFAELE MARCELLO:**

THE FOLLOWING IS AN ORDER OF THE TOWN BOARD OF THE TOWN OF CLARKSON, after conducting a Public Hearing held on June 27, 2023, in the above captioned matter;

Now upon the Building Inspector of the Town of Clarkson, Monroe County, having filed a written report with the Town Board of the Town of Clarkson, regarding property located at 8438 Ridge Road, Clarkson, NY 14420 designated by Monroe County, Tax Map No. 054.13-1-13, deeming the same to be unsafe to the public a, copy of which is on file with the Town Clerk, and

The Town Board of the Town of Clarkson, upon due deliberation of said report, and upon resolution duly adopted at its June 13, 2023 meeting, determined that the building(s) are unsafe and dangerous and Ordered their demolition and/or repair, and

The Town Board of the Town of Clarkson, by resolution duly adopted at its June 13, 2023 meeting did set the date for a Public Hearing on June 27, 2023, to determine whether, in the opinion of the Town Board of the Town of Clarkson, that said Order dated June 13, 2023 should be revoked, modified <sup>01</sup>. affirmed, and

The Town Board of the Town of Clarkson, by resolution duly adopted at its June 13, 2023 meeting did require that a Notice be served in compliance with the provisions of Clarkson Code §48-9 along with a copy of said Order dated June 13, 2023 (the "Notice and Order"), and

The Notice of the Public Hearing was published in the official newspaper of the Town of Clarkson on June 18, 2023, and

A copy of the Notice and Order was affixed to the building in question on June 19, 2023, and,

A copy of the Notice and Order was served on the property owners via suitable age and discretion on June 15, 2023, and,

A copy of the Notice and Order was served on the property owners via registered mail on June 16, 2023, and

A copy of the Notice and Order was served on "John Doe" (said John Doe being any adult person residing in or occupying said premises, if any), on June 15, 2023, and

A Notice and Order was recorded at the Monroe County Clerk's office on June 16, 2023, and

Upon the Public Hearing having been held on June 27, 2023, all exhibits and evidence and testimony presented therein and all interested parties having had an opportunity to be heard and upon all prior proceedings,

NOW, THEREFORE, BE IT,

1. **ORDERED**, that the Order dated June 13, 2023 is hereby **affirmed**,

Dated: June 27, 2023

By Order of the Town Board of the Town of Clarkson

Town of Clarkson

Stacey Yanklowski  
Deputy Town Clerk

IN THE MATIER OF

**ORDER**

**8438 Ridge Road, Clarkson, NY 14420**  
**Tax Account Number: 054,13-1-13**

PROCEEDINGS TO REMOVE AND/OR REPAIR UNSAFE  
BUILDINGS AND COLLAPSED STRUCTURES  
ON PREMISES REPUTEDLY OWNED  
BY RAFFAELE MARCELLO

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TO RAFFAELE MARCELLO:

THE FOLLOWING IS AN ORDER OF THE TOWN BOARD OF THE TOWN OF CLARSON, adopted after a meeting of the Town Board held on June 13, 2023, in the above captioned matter;

Now upon the Building Inspector of the Town of Clarkson, Monroe County, having filed a written report with the Town Board of the Town of Clarkson, regarding properly located at 8438 Ridge Road, Clarkson, NY 14420 designated by Monroe County, Tax Map No. 054.13-1-13, deeming the same to be unsafe to the public a copy of which is on file with the Town Clerk, and

The Town Board of the Town of Clarkson, upon due deliberation of said report, and upon resolution duly adopted at its June 13, 2023 meeting, has determined that the building(s) are unsafe and dangerous and wishes to order their demolition and/or repair, and

The Town Board of the Town of Clarkson, by resolution duly adopted at its June 13, 2023 meeting did set the date for a Public Hearing, to determine whether, in the opinion of the Town Board of the Town of Clarkson, that this Order should be revoked, modified or affirmed, and

The Town Board of the Town of Clarkson, by resolution duly adopted at its June 13, 2023 meeting did require that a Notice, substantially the same in form and content as that attached, be served in compliance with the provisions of Clarkson Code §48-9 along with a copy of this Order, and

NOW, THEREFORE, BE IT,

I. ORDERED, that the structures and buildings located at:

are unsafe and dangerous.

2. ORDERED, that the property owners, his successors and or assigns, shall choose one of the following two "options" to make the structures safe:

- l) Option#1: (Demolish all)

- A. Obtain a demolition permit and demolish the entire structure and its foundations and dispose of the debris offsite in a lawful manner in a landfill. Backfill excavation with clean fill and make level with grade.

or

- 2) Option #2: (Demolish Front, Rebuild Front, StabilizeRear)

- A. Obtain a demolition permit and demolish the portion of structure which is perpendicular to NYS Route I04 (the "front"). Dispose of the debris offsite in a lawful manner in a landfill; and

- B. Obtain a new building permit with stamped plans from a licensed design professional to:

- a. Install a new support beam on the rear structure's south wall; and
- b. Install framing, sheathing, and siding to enclose the exterior. Paint exterior siding per building code, and

- c. enclose all openings (door, windows, exterior walls, to prevent entry by children, vagrants and others.) Paint opening enclosures per building code; and

- ct. Rebuild the front portion of the structure in conformance with current building code requirements, upon the existing foundation or upon a new foundation.

3. ORDERED, that all work, repairs and/or removal must be commenced within 30 days of the service upon you of this ORDER and be completed within 60 days thereafter unless for good cause shown such time shall be extended by the Town of Clarkson Building Inspector, and

4. ORDERED, that in the event of any neglect or refusal to comply with this ORDER of said TOWN BOARD OF THE TOWN OF CLARKSON as detailed herein, the Town Board of the Town of Clarkson is authorized to perform the total demolition and removal of said structures. The remains of the house and related accessory improvements and foundations shall be demolished, and all debris produced by such demolition shall be removed from the property and safely disposed of in an appropriate land fill. After demolition, the excavation shall be filled with clean fill and brought level with the grade of the parcel. Collectively, all such work shall be called "Town Work", and

5. ORDERED, that, in the event that Town Work is performed, it may be performed by Town employees and/or by contract, and
6. ORDERED, that all expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe buildings, including the cost of actually removing such buildings and debris, shall be assessed against the land on which such buildings are located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy,

Dated: June 13, 2023

**Town of Clarkson**  
Christa Filipowicz, Supervisor