

TOWN OF CLARKSON
TOWN BOARD MEETING
August 13, 2024

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, August 13, 2024, at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 P.M.

PRESENT:

Ursula Liotta	Supervisor
John Culhane	Councilperson
** Nick D'Amuro	Councilperson
Sharon Mattison	Councilperson
Evan Wexler	Councilperson
Susan Henshaw	Town Clerk
Robert Viscardi	Highway Superintendent
Keith O'Toole	Attorney
Kevin Moore	Building Inspector

** excused

Supervisor Liotta 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, along with thanks to healthcare workers who tirelessly work to save lives every day.

HISTORICAL MOMENTS

Historian Leanna Hale wished to thank the Town Board and Councilperson D'Amuro who encouraged her to apply for and receive a grant for a summer intern to assist her in the historian's office. Sharon Marie Bartz, a history major at SUNY Potsdam and Clarkson town resident, worked with Leanna for approximately 6 weeks. The grant received included funds for a copier/scanner, and Leanna's laptop was refurbished. Sharon Marie assisted in scanning journals and researching local residents from the Revolutionary War. / Leanna wishes to advise the Clarkson Academy will have an Open House on Friday, August 16 from 4p-5p, prior to the start of the Good Neighbor Day event. / Monday, August 19 begins Cursive Writing Summer Camp. / September 14 she will be providing History Tours at the Sweden Farmers Museum event. / September 16-18 Leanna will be attending The Association of Public Historians of New York State (APHNYS) conference in Long Island where she will speaking on cursive writing.

PUBLIC HEARING

Local Law #6-2024-Keeping of Chickens-Supervisor Liotta read the legal notice for the public hearing. The proposed local law was referred to Monroe County Planning and Development for comment, and it was referred back to the town for local review. The information was further referred to the town Planning Board for comment, and a subsequent Letter of Recommendation was sent to Town Board with some suggestions to consider. Building Inspector Kevin Moore briefly discussed each:

- **Possibly changing number 5 of the proposed law from 30ft to 15ft.** In the current code, farm animals cannot be housed within 100ft of a property line. 15ft could affect adjoining properties adversely with noise, sanitation or various health concerns on a residential property. 30ft is the distance recommended in the Town of Clarkson draft code.
- **Define coops, cages and enclosures in a definition section.** Coops, cages and enclosures are well defined in the dictionary, but this can be added into the definitions section of the Town of Clarkson draft code.
- **Look at 4 and 5 of the proposed law to see if they are contradicting each other.** Planning Board is correct. 140-19N(4) should be addressing distance to any door or opening of an occupied structure. As written, it states other than owner dwelling. This is in conflict with 140-19N(5) which states any coops, cages or enclosures need to be 30ft from a side or rear lot line.

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Kevin referenced the current zoning committee, with help from the consultants and that they are updating the code at this time. Modifications will be made in conjunction with these changes and new local laws. Further lengthy discussions ensued on the topic with the board members and those residents present. Scott and Kristina Wilson, 1687 Drake Road, discussed the proposed law requiring a certain number of chickens and its limitations. They mentioned size of the coops and cages and lot sizes. Further discussion ensued. Supervisor Liotta discussed complaints and abuse of the current law and that residents cannot be a nuisance to their neighbors. Concerns on chickens, roosters, slaughtering of chickens within residential neighborhoods versus a farm were discussed. Kevin Moore advised anything over 5 acres constitutes a farm. This new law would not apply to a farm. Greg Parkhurst, 3412 Lake Road, discussed neighbors' chickens roaming into his yard, his gardens and the disturbance they cause. Tim Murphy, 18 Lynnwood Drive, wished to say he is adamantly opposed to this chicken law as it is proposed. He has reviewed neighboring towns and their laws regarding chickens and shared his findings and concerns. He is inquiring about possible application and permit fees, fines and violations that could be written within the new law. Karen Murphy described several past accounts of her contact with chickens within her neighborhood and the distraction they caused. Gwyn Parkhurst wanted to discuss her neighbors chickens and the number of coops they currently have. Supervisor Liotta read a letter received by a neighborhood resident, Dave Virgilio, 17 Lynnwood Drive, who advised his strong disapproval of the proposed chicken law, and suggestions to consider. She wished to mention that any resident is welcome to file a complaint form with the town if they have further concerns regarding chickens. Information provided by those in attendance is welcomed and will be helpful in considering changes made to the law. The discussion on the chicken law will be tabled for further review and a second public hearing will be scheduled.

RESOLUTION #201

LOCAL LAW #6 - 2024 - CLOSE PUBLIC HEARING

Introduced by Councilperson Mattison

Seconded by Councilperson Culhane

BE IT RESOLVED AS FOLLOWS:

Section 1. That the Town Board of the Town of Clarkson closes the public hearing for Local Law #6 - 2024.

VOTE OF THE BOARD

AYES: Supervisor Liotta, Councilperson Culhane, Mattison and Wexler

NAYS: None

ABSENT: D'Amuro

RESOLUTION #202

MOTION TO SCHEDULE A SECOND PUBLIC HEARING FOR PROPOSED

LOCAL LAW:INTRODUCTORY LOCAL LAW #6 of 2024

TOWN OF CLARKSON

**A Local Law to provide for the Keeping of Chickens
within the Town of Clarkson.**

Introduced by Councilperson Mattison

Seconded by Councilperson Culhane

WHEREAS, the Town Board has before it proposed Introductory Local Law 6 of 2024 which would amend the existing regulations relating to the Keeping of Chickens within the Town of Clarkson. By way of example, these regulations include: Establishing the number of chickens which may be kept, how they are housed, permitting them in all zoning districts, requiring that all chickens be kept in a fenced enclosure or coop and prohibiting roosters.

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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 Second Public Hearing on the 24th day of September, 2024, at 6:00 p.m. at the Town Hall, 3710 Lake Road, Town of Clarkson, New York, 14430 to consider changes to proposed Local Law 6 of 2024; 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: Supervisor Liotta, Councilperson Culhane, Mattison and Wexler

NAYS: None

ABSENT: D'Amuro

RESOLUTION #203

RESOLUTION TO WAIVE THE 30-DAY WAITING PERIOD FOR THE LIQUOR LICENSE APPLICATION FOR RIDGE RUNNERS BAR AND GRILL

Introduced by Councilperson Wexler

Seconded by Councilperson Culhane

WHEREAS, Ridge Runners Bar II Inc. has delivered to the Town of Clarkson Town Board a Standardized Notice Form for Providing 30-Day Advance Notice of Intent to file a new application for an On-Premises Alcoholic Beverage License for liquor, wine, beer and cider to be sold at 8006 Ridge Road West, Clarkson, NY 14420; and

WHEREAS, pursuant to the applicable provisions of the Alcohol and Beverage Control Law

Section 64, Subdivision 2(a), the Town of Clarkson has been notified of their intent to file an

application for a liquor license with the New York State Liquor Authority; and

WHEREAS, a thirty (30) day hold before said application can be filed is mandated by New York Alcohol and Beverage Control Law, unless, this time period is waived by the municipality; and

WHEREAS, the Town of Clarkson Town Board does not intend to comment upon such application.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clarkson Town Board hereby waives the thirty (30) day notice requirement contained in Section 110-b of the Alcoholic Beverage Control Law, and states that it does not intend to offer any comments regarding the application of the Ridge Runners Bar II Inc., 8006 Ridge Road West, Clarkson, NY 14420; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized to issue a letter to the applicant and to the New York State Liquor Authority to confirm the Town's receipt of the Notice of Intent to file for the liquor license and a waiver of the thirty (30) day hold on the processing of said application.

VOTE OF THE BOARD

AYES: Supervisor Liotta, Councilperson Culhane, Mattison and Wexler

NAYS: None

ABSENT: D'Amuro

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RESOLUTION #204
RETAIN ATTORNEY FOR TAX ASSESSMENT CHALLENGE INVOLVING
SUNSET TRAILS NY, LLC

Introduced by Councilperson Mattison

Seconded by Councilperson Wexler

WHEREAS, the Town Board may, pursuant to Town Law, § 20 Subdivision 2(a), employ an attorney in respect to any particular proceeding or litigation; and

WHEREAS, the Town Board wishes to retain the services of an attorney to represent the Town in pending litigation;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the Town Board retains the legal services of Peter J. Weishaar Esq of McConville Considine Cooman & Morin, P.C. to represent the Town of Clarkson in a Tax Assessment matter under Real Property Tax Law Article 7 involving Sunset Trails NY LLC

SECTION 2. That in furtherance of this decision, the Supervisor is authorized to enter into a retainer agreement with Peter J. Weishaar Esq of McConville Considine Cooman & Morin, P.C.

VOTE OF THE BOARD

AYES: Supervisor Liotta, Councilperson Culhane, Mattison and Wexler

NAYS: None

ABSENT: D'Amuro

RESOLUTION #205
MOTION TO AUTHORIZE LEANNA HALE, TOWN HISTORIAN, TO ATTEND
THE ANNUAL NYS HISTORIAN CONFERENCE IN LONG ISLAND IN
SEPTEMBER

Introduced by Councilperson Culhane

Seconded by Councilperson Mattison

Motion to authorize Leanna Hale, Town Historian, to attend the Annual NYS Historian Conference in Long Island in September, and approve the registration expenditure of \$225.00.

VOTE OF THE BOARD

AYES: Supervisor Liotta, Councilperson Culhane, Mattison and Wexler

NAYS: None

ABSENT: D'Amuro

Update Lodges – Supervisor Liotta advised of 3 quotes received for adding air conditioning to both our lodges. Current contract is with Aire Serv and will secure them for the lodges as well. All quotes are as follows:

Aire Serv

Kimball \$4,328.00

Goodwin \$4,897.65

Isaac

Kimball \$5,325.00

Goodwin \$5,730.00

TripleO

Kimball \$7,986.00

Goodwin \$7,797.00

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RESOLUTION #206
MOTION TO AUTHORIZE EXPENSES FOR AIRE SERV TO INSTALL AIR
CONDITIONING UNITS AT KIMBALL AND GOODWIN LODGES

Introduced by Councilperson Wexler

Seconded by Councilperson Culhane

Motion to Authorize expenses for Aire Serv to install air conditioning units at Kimball (\$4,328.00) and Goodwin (\$4,897.65) Lodges.

VOTE OF THE BOARD

AYES: Supervisor Liotta, Councilperson Culhane, Mattison and Wexler

NAYS: None

ABSENT: D'Amuro

WIBA#1 – Supervisor Liotta advised that an amendment needed to be made for MRB Group's professional services. This required excess tasks on the project with an additional \$30,000 as noted below:

As requested by the Owner(Town of Clarkson), we have completed additional tasks beyond our agreed-upon scope of work. The work completed was a Subsurface investigation and report needed for the project. This amendment includes the \$21,444.50 for the investigation and report, as well as an estimated amount of \$8,555.50 for future additional services. Further adjustment of this fee (upwards or downwards) may be necessary based upon the efforts necessary for additional services and the changing scope of this work.

RESOLUTION #207
AUTHORIZING AMENDMENT TO OWNER-ENGINEER AGREEMENT,
AMENDMENT NO. 1 BETWEEN TOWN OF CLARKSON AND MRB GROUP,
FOR ADDITIONAL SERVICES FOR THE WIBA #1 PROJECT

Introduced by Councilperson Mattison

Seconded by Councilperson Culhane

Authorizing Amendment to Owner-Engineer Agreement, Amendment No.1 between Town of Clarkson and MRB Group, for Additional Services for the WIBA #1 Project.

VOTE OF THE BOARD

AYES: Supervisor Liotta, Councilperson Culhane, Mattison and Wexler

NAYS: None

ABSENT: D'Amuro

RESOLUTION #208
ACKNOWLEDGE RECEIPT OF SUPERVISOR'S JULY 2024 FINANCIAL
REPORT

Introduced by Councilperson Culhane

Seconded by Councilperson Wexler

Acknowledge receipt of Supervisor's July 2024 Financial Report.

VOTE OF THE BOARD

AYES: Supervisor Liotta, Councilperson Culhane, Mattison and Wexler

NAYS: None

ABSENT: D'Amuro

Supervisors Report –

Sheriff Baxter – visited yesterday to advise Supervisor Liotta that Clarkson will have a dedicated patrol car by summer of 2025. He advised that MCSO are the lowest paid employees in NYS. Key concern is bail reform and its unprecedented levels. MCSO has created "The Consortium for Safe Communities" which addresses immediate and long term positive change for citizens of Greater Rochester with regard to bail reform issues. The group has prepared a letter that can be read and signed by scanning a QR code provided, completing a fill-in format and submitting the form. It is then forwarded to the NYS leaders. He encouraged as much support as possible. / Sheriff Baxter also advised about RIOC – Regional Investigative Operations Center -- a new central command center for all of Monroe County. This will be located in Greece and does not recognize town

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boundary lines. Info for both topics are on the town hall's entryway table, and will be posted on FB.

Town Board Reports -

Highway Department – Superintendent Viscardi mentioned their summer milling project is continuing on Sherwood and Crescent Drive, Sunset Center and Woodstock Lane. Paving will begin mid-September. Once completed, almost 80% of the town roads will be in maintenance phase. / Preparation is complete for Good Neighbor Day. / A windscreen was placed at the pickleball court.

RESOLUTION #209
MOTION TO APPROVE 7-23-2024 MINUTES

Introduced by Councilperson Wexler
Seconded by Councilperson Culhane
Motion to approve minutes 7-23-2024.

VOTE OF THE BOARD

AYES: Supervisor Liotta, Councilpersons Culhane, Mattison and Wexler

NAYES: None

ABSENT: Councilpersons D'Amuro

RESOLUTION #210
AUDIT 8-13-2024

Introduced by Councilperson Mattison
Seconded by Councilperson Wexler
To authorize payment of audit 8-13-2024 totaling \$62,378.03 AA General \$27,691.86, BB General- Outside Village \$2,797.23, DA Highway – Town Wide \$4,154.56, DB- Highway-Outside Village \$3,037.95, HH- Capital Projects \$20,495.21, SL – Lighting \$4,115.78 SS – Sewer \$85.44 and Distribution of checks: Joint Checking #4729-4773.

VOTE OF THE BOARD

AYES: Supervisor Liotta, Councilpersons Culhane, Mattison and Wexler

NAYES: None

ABSENT: Councilpersons D'Amuro

RESOLUTION #211
MOTION TO ADJOURN

Introduced by Councilperson Mattison
Seconded by Councilperson Culhane
Motion to adjourn at 7:12pm.

VOTE OF THE BOARD

AYES: Supervisor Liotta, Councilpersons Culhane, Mattison and Wexler

NAYES: None

ABSENT: Councilpersons D'Amuro

Respectfully submitted,

Susan Henshaw
Town Clerk

Approved 8-27-2024