

TOWN OF CLARKSON
TOWN BOARD MEETING
May 22, 2007

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, Mar. 27, 2007, at the Clarkson Court House, 3655 Lake Road, Clarkson, NY at 7:00 PM

PRESENT:

Paul Kimball	Supervisor
** Christa Filipowicz	Councilperson
Allan Hoy	Councilperson
Patrick Didas	Councilperson
Harlan Purdy	Councilperson
Frances Wilcox	Town Clerk
David Goodwin	Highway Supt.
** Richard Olson	Town Attorney

ALSO:

William Ey	Ass't to Supervisor
** Pam Dolliver	Assessor
Larry Gurslin	Building Insp/Code Enf.

**excused

Also:

Supervisor Kimball opened the meeting, and Fran Wilcox, Town Clerk, led all those present in the Pledge of Allegiance.

INFORMATIONAL MEETING

PROPOSED WATER DISTRICT FOR SWEDEN WALKER ROAD BETWEEN GILMORE ROAD AND RIDGE ROAD

Supervisor Kimball explained the process in order to create a water district in this section of Sweden Walker Road

There are 33 parcels with 12 in the Ag. District. Vacant parcels in the Ag. District are exempt to contributing to the cost of the water district, however the homes in the proposed district have to contribute.

The State comptroller has a threshold and the 2007 threshold is \$603.00 for water districts. The average cost of water annually is between \$175.00 and \$200.00

So the debt load in the first full year need to be between \$403.and \$428 to get under the threshold.

Supervisor Kimball included everyone whom responded yes to the survey which go to 3529 Sweden Walker Rd west side; 3389 Sweden Walker Rd. east side, the threshold cost would be \$747.00 plus \$150.00- \$200.00 water usage.

He explained that because this amount is almost 50% higher than the State comptroller threshold, documentation from the residents showing additional cost i.e. salt for water softener, cost of hauling water, replacement of appliances due to hard water.

These additional cost/problems help the Comptroller understand the need for water.

The general consensus of the residents present was to proceed with process to form the district.

Motion by Councilperson Hoy

Second by Supervisor Kimball

To have the Town engineer finalize the map, plan and report, do the SEQRA EAF, have the Attorney prepare the formal petition. Unanimously carried.

PUBLIC HEARING

LOCAL LAW #4-2007 – OUTDOOR FURNANCE

Supervisor Kimball opened the hearing for OUTDOOR FURNANCE.

Leon Hulberton questioned if you don't have the setback needed for a furnace

What was your recourse? The attorney said it would be an area variance from ZBA.

Supervisor Kimball closed the hearing.

05.22.07

TOWN OF CLARKSON
 May 22, 2007
New York State Environmental Quality Review Act ("SEQRA")-
Determination of Nonsignificance
(Negative Declaration)

Local Law #4-2007
"TOWN OF CLARKSON OUTDOOR FURNACE LOCAL LAW"

Motion by Councilperson Purdy
Second by Councilperson Hoy

WHEREAS, the Town Board of the Town of Clarkson proposes a local law to regulate the use of Outdoor Furnaces in the Town; and

WHEREAS, the Town Board has determined that the project is an **unlisted action** pursuant to SEQRA regulations; and

WHEREAS, the board has reviewed the Short Environment Assessment Form on file in the Town Office; and

WHEREAS, on this date, May 22, 2007, at a regular meeting, the Town Board conducted the required SEQRA review process by reviewing said Short Environment Assessment Form

NOW THEREFORE, BE IT RESOLVED:

1. Based on its review of all of the evidence submitted and reviewed, and based upon the Town Board's deliberations and its review of the short Environmental Assessment Form for the proposed local law, it is hereby determined that the proposed local law will not have a significant impact on the environment and that a negative declaration is hereby issued for the lease.

2. This notice of this determination of non-significance shall be filed as required by SEQRA.

The foregoing resolution was approved as follows:

AYES: 4

NAYS: 0

Unanimously carried.

**RESOLUTION ADOPTING LOCAL LAW #4-2007 TOWN OF CLARKSON
 OUTDOOR FURNACE**

Motion by Councilperson Didas
Second by Councilperson Hoy

Whereas, the Town Board has before it a Local Law entitled " Local Law #4-2007 "Town of Clarkson Outdoor Furnace Local Law" which, if adopted, will regulate outdoor furnaces 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, 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;

05.22.07

Now, therefore, be it resolved:

Section 1. That the Town Board of the Town of Clarkson hereby enacts Local Law #4-2007 "Town of Clarkson Outdoor Furnace Local Law".

Section 2. That the Town clerk is ordered to publish a legal notice indicating the adoption of this Local Law and 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: 4

Nays: 0

LOCAL LAW #_4_-2007 "Town of Clarkson Outdoor Furnace Local Law"

Be it enacted by the Town Board of the Town of Clarkson,

Chapter xxx, OUTDOOR FURNACES

§ xxx-1. Title; statutory authority.

A. This chapter shall be known as the "Town of Clarkson Outdoor Furnace Local Law."

B. It is adopted pursuant to Municipal Home Rule Law, § 10.

§ xxx-2. Legislative intent.

Although outdoor furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This chapter is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the Town.

§ xxx-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FIREWOOD -- Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

OUTDOOR FURNACE -- Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

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LOCAL LAW #4 –OUTDOOR FURNACE

UNTREATED LUMBER -- Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

§ xxx-4. Permit required.

No person shall cause, allow or maintain the use of an outdoor furnace within the Town of Clarkson without first having obtained a permit from the Town Building Inspector. Application for permit shall be made to the Building Inspector on the forms provided.

§ xxx-5. Existing outdoor furnaces.

Any outdoor furnace in existence on the effective date of this chapter shall be permitted to remain, provided that the owner applies for and receives a permit from the Town Building Inspector within one year of such effective date; provided, however, that upon the effective date of this chapter all the provisions hereof, except § xxx-6B, C and D, shall immediately apply to existing outdoor furnaces. All of the provisions of this chapter shall continue to apply to existing outdoor furnaces which receive permits except § xxx-6B, C and D. If the owner of an existing outdoor furnace does not receive a permit within one year of the effective date of this chapter, the outdoor furnace shall be removed. "Existing" or "in existence" means that the outdoor furnace is in place on the site and in operating condition.

§ xxx-6. Specific requirements.

- A. Permitted fuels. Only firewood and untreated lumber are permitted to be burned in any outdoor furnace. Burning of any and all other materials in an outdoor furnace is prohibited.
- B. Permitted zones. Outdoor furnaces shall be permitted only in the RS-20 Zoning District as shown on the Town's Zoning Map. Outdoor furnaces are prohibited in all other zoning districts.
- C. Minimum lot size. Outdoor furnaces shall be permitted only on lots of four acres or more.
- D. Setbacks. Outdoor furnaces shall be set back not less than 200 feet from the nearest lot line.
- E. Months of operation. Outdoor furnaces shall be operated only between September 1 and May 31.
- F. Spark arrestors. All outdoor furnaces shall be equipped with properly functioning spark arrestors.

§ xxx-7. Suspension of permit.

A. A permit issued pursuant to this chapter may be suspended as the Building Inspector may determine to be necessary to protect the public health, safety and welfare of the residents of the Town of Clarkson if any of the following conditions occurs:

- (1) Emissions from the outdoor furnace exhibit greater than 20% opacity (six minute average), except for one continuous six-minute period per hour of not more than 27% opacity, which shall be determined as provided in 6 NYCRR 227-1.3(b);
- (2) Malodorous air contaminants from the outdoor furnace are detectable outside the property of the person on whose land the outdoor furnace is located;

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- (3) The emissions from the outdoor furnace interfere with the reasonable enjoyment of life or property;
- (4) The emissions from the outdoor furnace cause damage to vegetation or property; or
- (5) The emissions from the outdoor furnace are or may be harmful to human or animal health.

B. A suspended permit may be reinstated once the condition, which resulted in suspension, is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition, which has previously resulted in suspension of a permit, shall be considered a violation of this chapter subject to the penalties provided in § xxx-9 hereof.

§ xxx-8. Waivers.

Where the Zoning Board of Appeals finds that extraordinary and unnecessary hardships may result from strict compliance with this chapter, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of this chapter or of jeopardizing the health, safety or welfare of the public. In varying any regulations, the Applicable Town Board may impose such conditions and requirements, as it deems reasonable and prudent. The Applicable Town Board may, at its discretion, hold a public hearing as part of its review. If the Applicable Town Board grants the waiver, a permit shall be issued for the outdoor furnace. If the Applicable Town Board denies the waiver, the outdoor furnace must either be brought into compliance with this chapter or removed. If the Applicable Town Board does not take any action with respect to the waiver within 60 days from its receipt of an application for waiver, the waiver shall be deemed denied.

§ xxx-9. Penalties for offenses.

Failure to comply with any of the provisions of this chapter shall be a violation and, upon conviction thereof, shall be punishable by a fine of not more than \$500 or imprisonment for a period of not more than 10 days, or both, for the first offense. Any subsequent offense shall be punishable by a fine of not more than \$1,000 or imprisonment for a period of not more than 30 days, or both. In addition, any permit issued pursuant to this chapter shall be revoked upon conviction of a second offense and the subject outdoor furnace shall not be eligible for another permit. Each day that a violation occurs shall constitute a separate offense. The owners of premises upon which prohibited acts occur shall be jointly and severally liable for violations of this chapter. Any fine imposed hereunder shall constitute a lien upon the real property where the outdoor furnace is located until paid.

§ xxx-10. Effect of other regulations.

A. Outdoor furnaces, and any electrical, plumbing or other apparatus or device used in connection with an outdoor furnace, shall be installed, operated and maintained in conformity with the manufacturer's specifications and any and all local, state and federal codes, laws, rules and regulations.

B. Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by the United States Environmental Protection Agency, New York State Department of Environmental Conservation or any other federal, state, regional or local agency. In case of a conflict between any provision of this chapter and any applicable federal, state or local ordinances, codes, laws, rules or regulations, the more restrictive or stringent provision or requirement shall prevail.

05.12.07

CANAL KIOSK

Councilperson Didas reported that the State has approved the work permit so we may install a kiosk in San Soci Park Canal Park. The Highway Dept. will build the kiosk According to S.H.I.P.O guidelines.

Councilperson Didas will gather information to be put on the kiosk and report back to the Board the progress.

AUTHORIZATION FOR ASSESSOR SCHOOLING

Motion by Councilperson Purdy

Second by Councilperson Hoy

To authorize the Assessor to attend mandatory schooling on July 16-20 at Ithaca, NY.

This cost of training is subsidized by the State.

Unanimously carried.

APPOINTMENT

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER/FIRE MARSHALL

BE IT RESOLVED AS FOLLOWS:

Section 1. That Dennis Scibetta, 11 Leah Lane, North Chili,
and is hereby appointed to Building Inspector,
Code Enforcement Officer, Fire Marshall
effective May 29,2007 and ending December 31,2007

Section 2. That this resolution will take effect immediately.

Discussion:

Motion for adoption of this resolution by
Councilperson Purdy

Second by Councilperson Hoy

VOTE BY ROLL CALL

Councilperson Filipowicz absent

Councilperson Hoy aye

Councilperson Didas aye

Supervisor Kimball aye

Councilperson Purdy aye

Adopted, May 22, 2007

SPECIAL RECOGNITION AWARD

Supervisor Kimball recognized Larry Gurslin, Interim Building Inspector for an outstanding job, as Building Inspector, Fire Marshall, Code Enforcement Office for the last 6 months.

Councilperson Purdy, in recognition of his outstanding job, made a motion to pay him a bonus of \$500.00. A unanimous second by the Board.

Carried.

APPOINTMENT DEPUTY BUILDING INSPECTOR, CODE ENFORCEMENT, FIRE MARSHALL

Motion by Councilperson Purdy

Second by Councilperson Hoy

To appoint Larry Gurslin, Deputy Building Inspector, Fire Marshall, Code Enforcement Officer effective immediately and ending December 31, 2007.

Unanimous carried.

05.22.07**BEINVENIDA PROCLAMATION**

Supervisor Kimball stated that he will attend the celebration and read the proclamation.

Motion by Supervisor Kimball
Unanimous second by The Town Board

Whereas, Agriculture is the number one industry in New York State.

Approximately 1,000 migrant farm workers who come to the Clarkson area
constitute the backbone of our area's agricultural workforce

These farm workers are members of our community for approximately six months of each year, during which time they plant and harvest our crops.

As residents of the Clarkson community, migrant farm workers make a substantial contribution to our local business economy.

Therefore:

The Town of Clarkson designates the month of June as a month of recognition of the presence and contributions of our local farms and farm workers, and proclaims Sunday June 24th 2007 as a day of welcome to the migrant farm workers.

By Order of the Town Board

Frances B. Wilcox
Town Clerk

Adopted: May 22, 2007

HIGHWAY SUPERINTENDENT REPORTS

Supt. Goodwin reported that he purchased from the Municipal auction the following:

1987 Sewer Vacuum Truck with 30,000 hrs.	\$19,000.00
A stainless steel sander	\$ 7,000.00
Tractor broom	\$ 1,500.00

He sold:

Dump body	\$ 600.00
1984 MAC Truck	\$5000.00

RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN THE AGREEMENT FOR AN AMENDMENT TO CHANGE THE ESTIMATED EXPENDITURE FOR SNOW & ICE AGREEMENT

Due to the severity of the winter during 2006/7, Clarkson requests that the Municipal Snow and Ice Agreement estimated expenditure be revised to reflect the additional lane miles of state road that were plowed/treated during the winter season. All the terms and conditions of the original contract extension remain in effect except as follows:

Original	\$196,905.24
Index Adj.	\$ 43,319.15
Rev. Est. Exp.	\$240,224.39

Motion by Councilperson Purdy
Second by Councilperson Hoy

To authorize the Supervisor of the Town of Clarkson to sign amendment to the Snow and Ice Agreement.

Unanimously carried.

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AUTHORIZATION TO PURCHASE A S185 BOBCAT SKID STEER LOADER

Supt. Goodwin asked for authorization to purchase a S185 Skid Steer Loader – Bobcat
With the following options

Factory Installed Tire Options –Offset Rims –Loader width 60”

Heated Cab Package

Pallet Fork Frame

42” Pallet Fork Teeth, Set of 2

Bobcat Operator Safety DVD

The total package would be \$20,596.00.

He said this piece of equipment would be used for drainage work, plowing sidewalks,
cleaning swales.

Motion by Councilperson Didas

Second by Councilperson Hoy

Unanimously carried.

APPROVAL OF MINUTES

Motion by Councilperson Purdy

Second by Councilperson Didas

To approve the minutes of April 24, 2007; May 8, 2007.

Unanimously carried.

AUDIT

Total \$60,997.27; Vouchers #560-638; Gen. \$17,551.24; Hgwy \$43,321.99; SS \$124.04

Motion by Councilperson Hoy

Second by Councilperson Didas

To pay the bills from their respective accounts. Unanimously carried.

Motion for adjournment by Councilperson Purdy; second by Councilperson Didas

To adjourn the meeting at 8:30 PM. Unanimously carried.

Respectfully Submitted,

Frances Wilcox

Town Clerk