

TOWN OF CLARKSON
TOWN BOARD MEETING
March 10, 2009

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, March 10, 2009 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 PM

PRESENT:

Paul Kimball	Supervisor
Christa Filipowicz	Councilperson
Allan Hoy	Councilperson
Patrick Didas	Councilperson
Sheldon Meyers	Councilperson
Sharon Mattison	Town Clerk
** David Goodwin	Highway Supt.
Richard Olson	Attorney for the Town

ALSO:

William Ey	Ass't to Supervisor
** Pam Dolliver	Assessor
Chad Fabry	Building Insp/Code Enf.
Robert Viscardi	Highway Foreman
**excused	

Supervisor Kimball opened the meeting, and Sharon Mattison, Town Clerk led all those present in the Pledge of Allegiance. A moment of silence was observed for those serving in the military.

OPEN FORUM

John T. Hoomans of 1084 Lawrence Road expressed his concern over the recent re-assessment. He suggested a moratorium on the re-assessment and asked how he would go about it. Mr. Hoomans inquired as to what the board is doing to cut costs and stated he feels the town should be considerate of the current economy. Mr. Hoomans indicated that at least fourteen of his neighbors feel the same way about their recent assessment increase. Supervisor Kimball stated the town board passed a resolution in August 2008 to do an annual update on town assessments and re-assessment has been done annually since 2004. He said the process for the most recent update was started before the current critical downturn in the economy. Supervisor Kimball said he personally has had two significant assessment increases and can appreciate the comments. He stated that the assessor is "insulated" from the political process by law. The board has had some dialogue about the issue with the assessor and will work on solutions to minimize impact to residents in these very unusual economic circumstances. He said the process of disputing an increased assessment consists of scheduling a one-on-one meeting with the assessor, and then going to the grievance day, if desired.

Ken Marshall of 1319 Lawrence Road expressed his personal situation and asked why the town can't postpone the re-assessment. Supervisor Kimball replied that one problem with that is how to be fair to the people who have been notified that their property has gone down in value. He estimated 8% of re-assessed values went down and 35% remained the same.

Tony Traino of 1215 Lawrence Road asked if he could petition the board to put the current reassessment on hold for 12 months or possibly until the economy improves.

Supervisor Kimball pointed out that the estimated figures used on the notification letters were based on tax rates as they were before and it's hard to say what the change in town, county and school taxes actually would be because it's so impacted by the other municipalities that are involved. Further, he stated that the town's tax rate is equivalent to what it was in 1991. Kimball went on to explain how the equalization rate works. He said when the town of Sweden went to 100% assessment in 2002, when Clarkson's was still 50%, it resulted in Clarkson's 2003 school tax rate increasing while Sweden's went down.

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The process of artificially bringing the properties up to 100% caused a shift in school tax rates from Sweden to Clarkson and Hamlin. This is why Clarkson went to a 100% assessment in 2004.

The goal has been to maintain 100% value so that everyone, regardless of where they are, are paying their fair share. Supervisor Kimball assured the audience that the board would take their comments under very careful advisement to see what the board can do to soften the impact. Judy Fraser of 3346 Lake Road asked if the tax shift has equalized since Clarkson has gone to 100% value assessments and Supervisor Kimball said that it had. Board member Sheldon Meyers stated his personal feeling that the process is huge and there is always room for improvement. He said state law requires the equalization rate be looked at every year.

Judy Frazier expressed concern that despite the tax rate staying the same, an increased assessment will still raise taxes. Ms. Frazier asked if the assessment was supposed to reflect market value of the property, Supervisor Kimball replied that it was. He explained that the assessor does a re-val each year, working with hired contractor GAR Associates, to statistically examine all neighborhoods and compare sales by class, in order to find areas where sale prices do not align with assessment values. This could result in assessments being raised or lowered. Supervisor Kimball explained that the state does not mandate 100% assessments but does require an equal and fair assessment for everyone in the town. He also pointed out that any exemptions that citizens are entitled to, such as military or senior, are only available in the same percentage as the assessment. A property with a 50% assessment would only receive 50% of the exemption, School taxes are paid proportionately to the value of the home, as are town and county taxes. Assistant to the Supervisor, William Ey, explained that higher taxes don't come from higher assessments but from school budgets that are too costly and don't reflect the decrease in student enrollment over past several years.

Board member Patrick Didas suggested adding additional workshop dates with the assessor and Gar Associates due to high interest and Supervisor Kimball indicated this was already planned. Didas recommended that concerned townspeople go through the process to challenge their assessment, saying they would learn a lot in the process and that they could be successful in having their assessment lowered. He went on to point out several cost saving measures that the town has implemented over the past year, including changing employee health insurance to a health savings account, saving \$35,000 annually. When asked about highway employees being paid overtime, Bill Ey said 98% of the overtime is snow-related.

Sandy Lanni of 1083 Lawrence Road asked about further dialogue between the board and the assessor, and asked that the reassessment be put off for a time. Supervisor Kimball stated that the board can approach the assessor with the townspeople's concerns but there are deadlines that must be met and she is protected by law from political pressure. He explained that this is the reason the state mandates the assessor be appointed for seven years. He encouraged concerned property owners meet personally with the assessor to obtain an understanding of the increase and possibly have it lowered. He explained that the next step in the process is grievance day where one comes before the assessment board of review which consists of a farmer, a realtor and someone from the general population. A last resort would be to challenge the assessment in State Supreme Court in an Article 78 hearing.

Town Attorney, Richard Olsen stated that if the town failed to reassess on a timely basis, the state would step in and adjust the equalization rates using the same data the assessor has, which would result in taxes staying the nearly the same.

William Ey stated that the town assessor has sworn an oath to maintain a uniform tax rate and required by law to adjust assessments as necessary, whether up or down.

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Board member Christa Filipowicz said she learned recently that, when looking at homes in Clarkson that have sold more than once between 2004 and the present, area homes are not losing their value, in contrast to the current nationwide trend. Councilperson Didas distributed copies of this information from a February 25, 2009 article from the Democrat & Chronicle that indicated local home sales have been strong during the recent economic downturn.

Supervisor Kimball remarked that every property with an adjustment in assessment has had a roadside visit by the assessor and by the consultant.

Windmills were briefly discussed as a means to lower taxes, with pros and cons to both sides of the issue. Town Attorney Richard Olsen stated "wind generators" are not currently covered under local law but would require obtaining a height variance by the property owner. Formation of a committee to study the issue was discussed. A public hearing on the matter will be held during the next Town Board meeting.

INTRODUCTION TO PROPOSED LOCAL LAW #1 - TO ESTABLISH A MORATORIUM ON THE CONSTRUCTION OF WIND GENERATORS IN THE TOWN OF CLARKSON

Local Law # 1-2009

A LOCAL LAW TO ESTABLISH A MORATORIUM ON THE CONSTRUCTION OF WIND GENERATORS IN THE TOWN OF CLARKSON

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

Section 1. This Local Law is enacted pursuant to the authority contained in Article 2 of the Municipal Home Rule Law of the State of New York.

Section 2. Definitions. For the purpose of this Local Law, the term **Wind Generator** shall mean any machine, structure, equipment or facility capable of using the power of the wind to generate electricity or to power any mechanical equipment.

Section 3. That the purpose of this Local Law is to place a moratorium on the construction of Wind Generators in the Town of Clarkson, pending review of the current zoning laws which may impact their construction and consideration of new zoning laws regarding Wind Generators.

Section 4. That no Wind Generator shall be constructed in the Town of Clarkson until the enactment of a local law relating to Wind Generators or until February 28, 2010, whichever shall first occur.

Section 5. That a committee is established to study and report to the Town Board on this issue with a preliminary report no later than December 1, 2009 and a final report no later than January 15, 2010.

Section 6. That this committee shall consist of the following:

- A. Town Board Member designated by the Town Board.
- B. Planning Board Chairman or member of the Planning Board to be designated by the Planning Board.
- C. Zoning Board of Appeals Chairman or member of the Zoning Board of Appeals to be designated by the Zoning Board of Appeals.
- D. Conservation Board chairman or member of the Conservation Board as determined by the Conservation Board.
- E. One resident of Clarkson, not on any board or employed by the Town, to be designated by the Town Board.

Section 7. That should the above designations not be made or accepted on or before April 13, 2009, the Town Board shall be free to designate a substitute or substitutes who may, or may not, be a member of one of the boards.

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Section 8. That the Attorney for the Town shall attend meetings at the request of the committee.

Section 9. Severability. The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

Section 10. Penalties. Any infraction of the provisions of this local law by failure to comply with any of its requirements shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Clarkson from taking such other lawful action as necessary to prevent or remedy an infraction.

Section 11. That this local law shall take effect immediately.

RESOLUTION SETTING PUBLIC HEARING ON LOCAL LAW#1-2009

AT A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF CLARKSON HELD AT THE TOWN HALL, 3710 LAKE ROAD, TOWN OF CLARKSON, MONROE COUNTY, NEW YORK ON THE 10th DAY OF MARCH, 2009

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Meyers

ABSENT: NONE

RESOLUTION SETTING PUBLIC HEARING

Introduced by: Supervisor Kimball

Seconded by: Councilpersons Hoy, Filipowicz, Didas and Meyers

**LOCAL LAW #1-2009
TOWN OF CLARKSON, MONROE COUNTY**

**A LOCAL LAW TO ESTABLISH A MORATORIUM ON THE
CONSTRUCTION OF WIND GENERATORS IN THE TOWN OF CLARKSON**

WHEREAS, the Town Board has before it a proposed Local Law to establish a moratorium on the construction of wind generators in the Town of Clarkson while the matter is studied and a report is transmitted to the Town Board; 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 24th day of March, 2009, at 7:00 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: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas, and Meyers

NAYS: none

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STANDARD WORKDAY RESOLUTION

Tabled to March 24, 2009 meeting.

CALL FOR MATERIAL BID DATE FOR CLARKSON HAMLIN TOWNLINE WATER DISTRICT #2

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To advertise for water main materials for Clarkson Hamlin Townline Water District #2. Bids to be opened March 23, 2009 at 11:00 a.m. at Clarkson Town Hall. Contract documents available at Town Hall.

Unanimously carried.

AUTHORIZE SUPERVISOR TO ENTER INTO AGREEMENT WITH J.O'CONNELL AND ASSOCIATES, GRANT CONSULTANTS

Motion by Councilperson Meyers

Seconded by Councilperson Hoy

To authorize Supervisor to enter into an agreement with J. O'Connell and Associates in the amount of \$28,000 annually.

Unanimously carried.

MOTION AUTHORIZING \$250 DONATION TO COBBLESTONE SOCIETY

Motion by Supervisor Kimball

Seconded by Councilpersons Hoy, Filipowicz, Didas and Meyers

To donate \$250 to the Cobblestone Society, Gaines NY in recognition of their time and expertise spent inspecting the building. Upon inspection, society members Andrea Rebeck and Bill Latin informed Don Lage, president of the Clarkson Historical Society, the buildings structure and integrity has been compromised, therefore, would not be allowed on the National Registry which is an important factor for any historical building. Don Lage contacted architect John Bero, and asked for the cost of an estimate to repair the building. Mr. Bero stated that a Historical Structural Report would cost \$11,000; Condition Report \$4,600; a site visit \$2,350; and estimated the total repair cost to the Cobblestone Bldg. to be approximately \$450,000-\$500,000. At this time everyone is of the same belief that repairing the building would not be a responsible use of tax dollars. If the building is taken down, the cobbles, lentils, quoins, and trusses will be saved and reused, possibly at the new Veterans Memorial Park. Leann Hale, Town historian thanked the Board for all the time they have spent coming to this decision. Supervisor Kimball stated that a Public Hearing/Information Meeting will be held at the next Board meeting on March 24th, 2009

Unanimously carried.

MOTION TO CALL FOR PUBLIC HEARING ON PROPOSED DEMOLITION OF STONE AND MASONRY BLDG. AT 3726 LAKE RD. (COMMONLY KNOWN AS THE DEATS BLDG)

Motion by Councilperson Filipowicz

Seconded by Councilperson Hoy

To call for a Public Hearing regarding the future of the Cobblestone Bldg. at 3726 Lake Road.

Unanimously carried.

KEN FORQUELL RESOLUTION

Will be added to the February 24, 2009 minutes.

HIGHWAY SUPT. REPORTS

Highway Foreman, Robert Viscardi, reported that due to the melting snow they are busy working on drainage concerns. Every year they try to target a certain area of the town, and for the past two weeks, they have been working on Otis Creek and Gilmore Rd. trying to get the drainage to head north.

03.10.09**AUDIT**—03-01-2009

Vouchers 20090254-20090311; Total \$25,338.58; Gen. \$7,213.78; Hwy. \$8,124.80

Motion by Councilperson Hoy

Second by Councilperson Filipowicz

Unanimously carried.

Motion to adjourn at 8:45 p.m. by Councilperson Hoy

Second by Councilperson Didas

Unanimously carried.

Respectfully submitted,

Sharon S. Mattison
Town Clerk**APPROVED March 25, 2009**