

A regular meeting of the Town Board of the Town of Sweden was held at the Town Hall, 18 State Street, Brockport, New York, on Tuesday, September 12, 2017.

Town Board Members present were Supervisor Robert Carges, Councilperson Robert Muesebeck, Councilperson Mary Rich and Councilperson Lori Skoog. Also present were Finance Director Leisa Strabel, Town Attorney Jim Bell, Superintendent of Highways Brian Ingraham, Town Clerk Karen Sweeting and Solar Committee members Mark Rabjohn and Don Pophal.

Visitors present were Joan Hamlin, Chris Hamlin, Mike and Janice Waeghe, Janet McKinney, Beverly McKinney, Don Grentzinger, Robert Connors, Susan Smith, Kevin Johnson, Patricia Hayles and Laura Smith from Harter, Secrest & Emery, LLP.

Supervisor Carges called the meeting to order at 7:15 p.m. after the close of the public hearing and asked everyone present to say the Pledge to the Flag.

Supervisor Carges asked if there were any comments from the visitors.

Resident Michael Waeghe (applicant – re-zoning application for vacant land on Sweden Walker Road) asked the board if they had any questions for him regarding the comments heard at the public hearing held on August 29, 2017. Supervisor Carges indicated no.

Mr. Waeghe added that if the application was approved they would be willing to follow any conditions or restrictions and suggested they be added to the deed to follow the property should a sale occur. Supervisor Carges wasn't sure what would be required for that, but indicated that the board has to think of everything that is allowed with a zoning change. He did have concerns with the number of events and the size of the events. Mr. Waeghe said that normal events have 400 – 600 people in attendance and they intend to run four events each year typically in the Spring and Fall season – one day event ending at 5 pm. Supervisor Carges asked how many trucks participated in the event. Mr. Waeghe answered between 20 and 40. Mr. Carges was concerned with the noise created by the trucks. Mr. Waeghe said that very few trucks are actually set up to be loud.

Councilperson Muesebeck asked where other “mud run” events were held. Mr. Waeghe answered near Lake Alice in Orleans County, Williamson and Bethany, New York. Councilperson Skoog asked if there were similar expectations at the other locations. Mr. Waeghe answered that it depends on the location and typically street trucks run the events and are encourage to run with mufflers/exhausts.

Councilperson Muesebeck asked what purpose people run these types of trucks for, cash awards, prizes, etc. Mr. Waeghe indicated just for enjoyment. Janice Waeghe added that there would be no overnight camping. Mr. Waeghe added that normally they hold the events on Sundays which discourages attendees from staying on site – people need to get back to work on Monday.

Mrs. Waeghe said they are willing to compromise with any conditions the Town Board would set. Mr. Waeghe was not aware of any written complaints for any events held since the National event and hopes the Board's decision will not be based on that event. He added that the National event was not handled the way they would have and would not be holding another National event. Mrs. Waeghe mentioned that the Building Department and Fire Marshal have done inspections in the past and they have cooperated with the Town and done what was asked.

No further comments.

APPROVAL OF MINUTES

Councilperson Muesebeck made a motion that was seconded by Councilperson Skoog to approve the minutes of the Public Hearing – re-zoning of vacant land on Sweden Walker Road held on August 29, 2017. All voted in favor of the motion. Motion adopted.

Councilperson Muesebeck made a motion that was seconded by Councilperson Skoog to approve the minutes of the regular Town Board meeting held on August 29, 2017. All voted in favor of the motion. Motion adopted.

SUPERVISOR’S CORRESPONDENCE

2017 Received From:	Comments:
*1. Craig McAllister, Planning Board Chairman	Request to review conditions re: Heritage Square development

*Board has copies

Supervisor Carges also received information detailing upcoming training seminars and notification of the meeting for county shared services on September 13th. Mr. Carges asked if the board would support a vote of “aye” to the proposed shared services plan. All members agreed to support the plan.

Councilperson Rich received an email inquiry on the repair activity of the skate park. Councilperson Muesebeck said it was on the Buildings and Grounds schedule for October. (The department has been busy moving equipment from the Lodge on the Canal to the SCCC and preparing the new space at the SCCC for senior activities/programs.)

REPORTS

Supervisor Carges and members of the Town Board attended the 9/11 ceremony. Mr. Carges met with Don Grentzinger to go over modifications to the facility use application for the Farmers Museum. The house will be available for use after funeral services and education events only. Mr. Carges also met with Buildings and Grounds to go over the progress of the CDBG grant at the SCCC. Discussion of the access door. He thanked the Highway Department for mowing down the weeds on Route 19 near the McDonalds. Mr. Carges discussed the front portico at the Town Hall with the Town Architect, David Strabel.

Superintendent of Highways Brian Ingraham reported paving on White Road from Redman Road to Clarendon Town line; assisted Town of Ogden with paving project; preparing Redman Road, Eisenhower Drive and Gallup Road for road work; and assisting with site work for the Lodge at the Town Park. Councilperson Muesebeck added that the lodge is coming along and will be a nice addition to the community.

Councilperson Muesebeck read a prepared schedule of past Town Board members that resigned and their replacements. He noted that since the resignation of Danielle Windus-Cook in September of 2016, no replacement has been appointed. Mr. Muesebeck stated that the Town Board owes it to the community to fill this position. The board has a responsibility to the tax payer to maintain a full board. Mr. Muesebeck added that he does not understand the reasoning in not doing so.

**Councilperson Muesebeck made a motion that was seconded by Supervisor Carges to appoint Kevin G. Johnson as a member of the Sweden Town Board.

VOTE:

Councilperson Muesebeck	Aye
Councilperson Rich	Nay
Councilperson Skoog	Nay
Supervisor Carges	Aye

MOTION NOT APPROVED

Councilperson Skoog reported that things are going well with the “gathering room” at the SCCC. People are using it and SSAI held their meeting there. She also noted that Joe Kincaid is very enthusiastic and is proposing some new ideas for the seniors. Mrs. Skoog asked Supervisor Carges if he would agree to let her continue to be the liaison for the seniors at the SCCC. Mr. Carges approved.

Councilperson Muesebeck commended Buildings and Grounds (Todd Dobson and Roger Evans) on the great job done on the gym floor at the SCCC. He also commended the highway department adding that the Town has very talented crews.

Councilperson Rich attended the Seymour Library Board meeting and announced the Sit Right Down and Read Auction to be held on October 8th from 3 pm to 6 pm at the library. Local artisans have donated painted chairs for the auction. Supervisor Carges would like to invite Seymour Library Director Carl Gouveia to an upcoming workshop to go over the library budget.

Town Attorney Jim Bell discussed the WalMart assessment litigation.

RESOLUTIONS

RESOLUTION NO. 113 Approving Fireworks Application and Permit –
Pork for Patriots c/o Paul & Kelly McCracken
– White Road - September 23, 2017

WHEREAS, an application for the display of fireworks has been received from Young Explosives on behalf of Pork for Patriots c/o Paul & Kelly McCracken, 701 White Road, Brockport, New York for consideration by the Town Board. Display to be held on September 23, 2017 at 9:15 PM at McCracken Farms, 701 White Road, Brockport, New York; and

WHEREAS, the Fire Marshal for the Town of Sweden has approved said application.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board hereby approves the application for the display of fireworks at the McCracken Farm on September 23, 2017 and authorizes the Town Clerk to issue a permit for same.
- Sec. 2. That Young Explosives Corporation provide an indemnity policy with liability of at least \$2,000,000 conditioned for the payment of all damages which may be caused to a person or persons, or to property by reason of acts of the permittee, his agents, employees, etc. Such policy shall run to the Town.
- Sec. 3. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Skoog
Seconded by Councilperson Muesebeck

Discussion: Councilperson Muesebeck said this event was promoting a great cause – several veterans will be attending the event.

VOTE BY ROLL CALL AND RECORD

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>

Supervisor Carges
Submitted – September 12, 2017

Aye

Adopted

RESOLUTION NO. 114

Appoint Seasonal Laborer – Park

WHEREAS, there is a need for extended seasonal labor for park operations; and

WHEREAS, the Buildings and Grounds Department has recommended retaining Anthony Bryant and Dale Taber.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby extend the seasonal appointment of Anthony Bryant and Dale Taber as seasonal laborers for park operations ending on or before October 13, 2017.

Sec. 2. That this appointment does not constitute an offer of permanent employment or any benefits that are normally attached to permanent appointments.

Sec. 3. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Rich
Seconded by Councilperson Skoog

Discussion:

VOTE BY ROLL CALL AND RECORD

Councilperson Muesebeck Aye

Councilperson Rich Aye

Councilperson Skoog Aye

Supervisor Carges Aye

Submitted – September 12, 2017

Adopted

RESOLUTION NO. 115

Authorizing Supervisor to Sign
Maintenance Agreement with
Imperial Door Controls, Inc.

WHEREAS, the maintenance agreements between Imperial Door Controls, Inc. and the Town of Sweden will expire on October 31, 2017; and

WHEREAS, the Town Board desires to enter into new agreements for the Town Hall and Community Center.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize and direct the Supervisor to sign the Maintenance Agreement between the Town of Sweden and Imperial Door Controls, Inc.

Sec. 2. The term of this agreement shall be for a period of one (1) year, commencing on November 1, 2017 and ending on October 31, 2018 at an annual cost of \$180 per door: one at the Town Hall and two at the Community Center for a total cost of \$540.

Sec. 3. That the maintenance agreement will cover automatic door labor only to include travel time during business hours; special parts discounts; and two inspection visits per year to adjust, clean, lubricate and tune equipment.

Sec. 4. That this new agreement does hereby supersede the current agreement due to expire on October 31, 2017.

Sec. 5. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Skoog
Seconded by Councilperson Muesebeck

Discussion:

VOTE BY ROLL CALL AND RECORD

Councilperson Muesebeck Aye
Councilperson Rich Aye
Councilperson Skoog Aye
Supervisor Carges Aye

Submitted – September 12, 2017 Adopted

RESOLUTION NO. 116 Appoint Recreation Assistants - Pool

WHEREAS, the Recreation Department is offering swim programs and lessons; and

WHEREAS, additional lifeguards and instructors are needed.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint the following as Recreation Assistants part-time to serve as lifeguards and/or swim instructors: Charlie Danielak, Andrew Sheffer, Meghan Peck and Madison Dobbertin.

Sec. 2. That the rate of pay will be \$11.00 per hour.

Sec. 3. That the start date will be September 13, 2017.

Sec. 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Councilperson Rich

Discussion:

VOTE BY ROLL CALL AND RECORD

Councilperson Muesebeck Aye
Councilperson Rich Aye
Councilperson Skoog Aye
Supervisor Carges Aye

Submitted – September 12, 2017 Adopted

RESOLUTION NO. 117 SEQRA Determination – Local Law 6 of 2017
Add Chapter 174 Solar Energy Systems and Solar
Energy Farms to Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden, intends to adopt a Local Law adding Chapter 174 Solar Energy Systems and Solar Energy Farms to the Sweden Town Code; and

WHEREAS, such a Local Law is defined by 6 NYCRR §617.5 as a Type II action for which no environmental review is necessary.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Sweden Town Board does hereby designate the proposed Local Law as a Type II action.

Sec. 2. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Councilperson Rich

Discussion:

VOTE BY ROLL CALL AND RECORD

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – September 12, 2017

Adopted

RESOLUTION NO. 118 Adopt Local Law 6 of 2017 To Add Chapter 174
“Solar Energy Systems and Solar Energy Farms”
to Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden enacted a moratorium on the construction of solar energy systems and solar energy farms on November 22, 2016 in order to develop a Town Code regulating said systems and farms; and

WHEREAS, the Town Board of the Town of Sweden extended the moratorium on May 9, 2017; and

WHEREAS, a committee appointed by the Town Board of the Town of Sweden drafted a Proposed Solar Energy Systems and Solar Energy Farms Code; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 18 State Street, Brockport, New York, on June 13, 2017, at 7:15 PM., to hear all persons interested in the adoption of Local Law No. 6 of 2017 – Chapter 174 Solar Energy Systems and Solar Energy Farms; and

WHEREAS, after taking into consideration comments from the Public Hearing and those submitted in writing, the committee appointed by the Town Board of the Town of Sweden amended the Proposed Solar Energy Systems and Solar Energy Farms Code; and

WHEREAS, a second duly advertised Public Hearing was held by the Town Board at the Town Hall, 18 State Street, Brockport, New York, on September 12, 2017 at 7:00 PM, to hear all persons interested in the adoption of Local Law No. 6 of 2017 Chapter 174 Solar Energy Systems and Solar Energy Farms as amended; and

WHEREAS, all persons desiring to be heard were heard and due deliberation having been had.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That Local Law 6 of 2017 is attached as Schedule A.
- Sec. 2. That the Town Board of the Town of Sweden hereby adopts Local Law No. 6 of 2017 – Chapter 174 Solar Energy Systems and Solar Energy Farms”.
- Sec. 3. That the Town Clerk is authorized and directed to file a complete copy of Local Law 6 of 2017 with the Secretary of State, as required by law.
- Sec. 4. That this Local Law No. 6 of 2017 shall take effect upon the November 9, 2017 expiration of Local Law No. 3 of 2017 Moratorium on Solar Power Farms/Commercial Solar Power Systems.

**Town Attorney Jim Bell recommends the adoption of the local law with two modifications. Councilperson Skoog made a motion that was seconded by Councilperson Muesebeck to amend the Local Law, Section 8 (D) (11) to read “Sweden Town Code” not Sweden Town Court and also Section 8 (D) (12) removing “contain and/or”. All voted in favor of the motion. Motion adopted.

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Councilperson Skoog

Discussion: Councilperson Muesebeck stated that the committee had a hard time with the definitions and interpretations will be different. Committee member Don Pophal added that there is a mechanism for residential property owners within the draft law. Supervisor Carges mentioned that codes are always subject to change or modification from time to time. Councilperson Muesebeck agreed that once the local law is adopted there may be things that will be adapted and changed. He thanked everyone for their comments and thanked the committee for all the time spent on drafting the law. Supervisor Carges said that solar energy is a fairly new technology and things will change as solar becomes more efficient.

VOTE BY ROLL CALL AND RECORD

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – September 12, 2017

Adopted

DISCUSSION AND ANNOUNCEMENTS

No discussion or announcements.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Rich moved to adjourn the September 12, 2017 meeting of the Sweden Town Board at 7:55 p.m. Councilperson Skoog seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk