

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, October 10, 2006.

Town Board Members present were Supervisor Buddy Lester, Councilperson Rob Carges, Councilperson Patricia Connors, Councilperson Tom Ferris, and Councilperson Danielle Windus-Cook. Also present were Director of Finance Leisa Strabel, Superintendent of Highways Fred Perrine, Town Attorney Jim Bell, and Town Clerk Karen Sweeting.

Visitors present were residents Jim Hamlin, Tim Bates, Joe Pellegrino, Mike Montfort, Cheryl and Terry Cooley, and Raymond Morris; students Tony Deserto and Sam Phillips; Attorney Kelly Pronti from Harter, Secrest & Emery; Mike Costanza from the Brockport Post; and Michael and Sean McLean from McLean Development.

Supervisor Lester called the meeting to order at 7:30 p.m. and asked everyone present to say the Pledge to the Flag. Supervisor Lester then acknowledged the presence of the visitors and asked if anyone would like to speak. Mike Costanza introduced himself as a reporter from the Brockport Post. No other comments.

#### APPROVAL OF MINUTES

Councilperson Connors requested a correction to the minutes of the September 26, 2006 meeting to add that Mrs. Connors also attended the RPAC public information meeting. Councilperson Connors made a motion that was seconded by Councilperson Ferris to accept the minutes of the Regular Town Board Meeting held on September 26, 2006 as amended. All voted in favor of the motion. Motion adopted.

#### SUPERVISOR'S CORRESPONDENCE

2006	Received From:	Comments:
*1.	Sweden Clarkson Community Center Staff	Proposal of skate park mural
2.	Lynette Lemcke, Chief Court Clerk	Resignation
*3.	Gay H. Lenhard, Supervisor Town of Ogden	Nutrition Program

\*Board has copies

RE: #1 The Town Board would like to schedule a work session to discuss the details of the mural with the staff of the Sweden Clarkson Community Center.

RE: #2 Councilperson Carges made a motion seconded by Councilperson Ferris to accept with regrets the resignation of Lynette Lemcke as Chief Court Clerk. All voted in favor of the motion. Motion adopted.

#### DEPARTMENTAL REPORTS

September 2006 departmental reports were received and reviewed by the Town Board from the following: Receiver of Taxes, Kathleen Roberts; Finance Director, Leisa Strabel; Building Inspector, James Butler; Dog Control, Kathy Beaumont; and Town Clerk, Karen Sweeting.

#### REPORTS

Councilperson Carges had no report.  
Councilperson Connors had no report.

Councilperson Ferris reported that he, along with Councilpersons Windus-Cook, Carges, and Connors, attended the retirement party of Keith “Skeeter” Taif, a long-standing employee of the Town who will be missed.

Councilperson Windus-Cook had no report.

Supervisor Lester reported that he met with a resident regarding the assessment process – notifications, correspondence and newspaper notices. Mr. Lester spoke with the Town Assessor about the ability to explore assessments online. The Assessor thought it would be possible within the next year to use the county website for this purpose. Mr. Lester met with Trustee Wagenhauser from the Village of Brockport to discuss the formation of a committee for the Main Street rebuilding project. Mr. Lester also met with the Town Engineer to discuss the baseball field at the Town Park.

Superintendent of Highways Fred Perrine reported that his department would begin leaf collection by October 23<sup>rd</sup> and continue through mid November. Mr. Perrine updated the Board on the progress of the Fourth Section Road north side sewer project and the Shumway Road/Sweden Walker Road water main project.

## RESOLUTIONS

RESOLUTION NO. 153

Authorizing Sidewalk District No. 1  
Wal-Mart Supercenter

WHEREAS, Wal-Mart Stores East, LP (“Wal-Mart”), having succeeded to the interests of Wal-Mart Real Estate Business Trust (“Wal-Mart’s Predecessor”), is the owner of certain real property identified as tax parcel identification numbers 084.01-1-35, 084.01-1-14.12, 084.01-1-14.112, 084.01-1-14.2 and portions of 084.01-1-1.119 and 084.01-1-12 (the “Wal-Mart Tract”);

WHEREAS, James M. Kuster is the owner of certain real property identified as tax parcel identification number 084.01-2-2. (the “Kuster Tract”);

WHEREAS, Wal-Mart’s Predecessor submitted an application for subdivision approval and a final subdivision plan (the “Subdivision Plan”) to the Town of Sweden Planning Board (the “Planning Board”) evidencing its proposed subdivision of the Wal-Mart Tract;

WHEREAS, Wal-Mart’s Predecessor submitted an application and final site plan (the “Site Plan”) to the Planning Board in connection with construction of a Wal-Mart Supercenter on the Wal-Mart Tract;

WHEREAS, the Planning Board, acting as State Environmental Quality Review Act (“SEQRA”) Lead Agency, engaged in a lengthy review process which culminated in the issuance of a SEQRA findings statement adopted by the Lead Agency on November 2, 2005 and amended by the Board on November 14, 2005;

WHEREAS, by resolution dated January 23, 2006, the Planning Board granted Wal-Mart’s Predecessor’s applications for final subdivision approval and site plan approval;

WHEREAS, several improvements will be constructed upon the Wal-Mart Tract in connection with construction of the Wal-Mart Supercenter, including the construction of the sidewalk to be located in the Town of Sweden Sidewalk District #1;

WHEREAS, the Town Board has received a written petition dated September 11, 2006 from Wal-Mart and James M. Kuster requesting that the Town Board establish the Town of Sweden Sidewalk District No. 1 (one) in the Town of Sweden bounded and described in Exhibit A attached to the petition filed with the Town Clerk;

WHEREAS, the petition and the map and legal description showing the Town of Sweden Sidewalk District have been filed in the Town Clerk's office and are available for public inspection;

WHEREAS, the map and legal description filed with the Town Clerk delineate the boundaries of the proposed Town of Sweden Sidewalk District #1;

WHEREAS, a duly noticed public hearing was held before the Town of Sweden Town Board on October 10, 2006 at 7:15 at the Town of Sweden Town Hall located at 18 State Street, Brockport, New York and no one appeared in opposition to the creation of the Town of Sweden Sidewalk District #1;

WHEREAS, the Town Board wishes to establish the Town of Sweden Sidewalk District #1 in accordance with the Town Law;

WHEREAS, the improvements proposed consist of the construction of sidewalks to serve the property described in Exhibit A and shown on Exhibit B to the petition on file with the Town Clerk.

WHEREAS, the maximum amount proposed to be expended on the construction of the Town of Sweden Sidewalk District #1 is \$41,248.63.

WHEREAS, the estimated cost of the district to the typical property owner therein is \$185.00 in the first year in which operation, maintenance, debt service and other charges and expenses to be paid.

NOW THEREFORE, BE IT RESOLVED:

Sec. 1 That the Town of Sweden Town Board hereby creates the Town of Sweden Sidewalk District No. 1, and accepts the descriptions and maps of such district, all of which are filed with the Town Clerk.

Sec. 2 That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Connors  
Seconded by Councilperson Ferris

Discussion: Supervisor Lester made a motion that was seconded by Councilperson Carges to amend the last WHEREAS to read as follows:

WHEREAS, the estimated cost of the district is \$185.00 in the first year for operation and maintenance expenses.

All voted in favor of the motion. Motion adopted

VOTE BY ROLL CALL AND RECORD AS AMENDED:

Councilperson Carges Aye  
Councilperson Connors Aye

Councilperson Ferris	<u>Aye</u>	
Councilperson Windus-Cook	<u>Aye</u>	
Supervisor Lester	<u>Aye</u>	
Submitted – October 10, 2006		Adopted

**MOTION**

Councilperson Ferris made a motion that was seconded by Councilperson Windus-Cook to accept and adopt the State Environmental Quality Review Findings Statement for Heritage Square. All voted in favor of the motion – four ayes. Supervisor Lester abstained and excused himself from the meeting. Motion adopted.

**State Environmental Quality Review  
FINDINGS STATEMENT**

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law of the State of New York and 6 NYCRR Part 617, the Town of Sweden Town Board, acting as the Lead Agency, makes the following findings:

**Name of Action:** Heritage Square

**Description of Action:**

Change of zone of approximately 132 acres from R1-2 Residential, to B-1 Business, to include mixed use consisting of various types of residential uses, assisted living, and business and commercial uses, subject to certain conditions.

**Location:**

On the west side of Redman Road, running west from the Sweden Town Park to the south, and the railroad tracks (NY Central Falls Road Railroad) to the north, and lying directly across from the intersection of Redman Road and New Campus Drive in the Town of Sweden, Monroe County, New York. The properties which are the subject of the application are known as 4599 and 4687 Redman Road, Town of Sweden, Monroe County, New York, and bear Tax Account Nos. 068.03-1-13.111; 068.03-1-14.1; 068.03-1-18 and 068.03-1-19.

**SEQR Classification:** Type I Action

**Lead Agency:** Town of Sweden Town Board

18 State Street  
 Brockport, New York 14420  
 (585) 637-2144  
 Project Information Contact: Ms. Karen M. Sweeting, Town Clerk

**Agency Jurisdiction:** Approvals and permits required for the construction and operation of the proposed project are summarized in the following table:

Agency	Permit or Approval
Sweden Town Board	Change of Zone
Sweden Planning Board	Site Plan Review and Monitoring
Sweden Zoning Board of Appeals	Variances, if any are required.
Building Inspector	Building Permit, Certificate of Occupancy, Sign

	Review
County Planning Department	Zoning/Planning Review
Town of Sweden DPW	Sanitary Sewer Connection/Town Road approvals
Monroe County Water Authority	Potable Water Supply Connection
Monroe County Health Department	Water Main Extension and Connection Review
Monroe County Pure Waters	Interceptor Sewer and Wastewater Treatment Plant Usage
NYS Department of Transportation*	Highway Work Permit and Highway Improvements
NYS Department of Environmental Conservation	Stormwater NPDES Permit, Water Quality Certification for Army Corps Authorization (only if wetlands are affected)
US Army Corps of Engineers	Wetlands Permit (only if wetland areas are affected)

\* Based on assumption that Redman Road is transferred to NYSDOT.

**Date Final EIS Filed:** September 13, 2006

### **Facts and Conclusions Relied Upon to Support Findings:**

#### **I. The Proposed Action**

As stated above, McLean Development, LLC proposes a change of zone of approximately 132 acres from R1-2 Residential, to B-1 Business, to include mixed use consisting of various types of residential uses, assisted living, and business and commercial uses, subject to certain conditions.

#### **II. Environmental Review Process**

June 17, 2005	Applicant, McLean Development, LLC, submitted Full Environmental Assessment Form (EAF)
July 12, 2005	Town Board Resolution establishing public hearing on rezoning application for August 2, 2005.
July 26, 2005	Resolution No. 124 of Town Board, determined the action to be Type I, and expressed intent to declare lead agency status.
August 2, 2005	Public Hearing by Town Board on rezoning application.
August 15, 2005	Work Session by Planning Board to respond to Town Board intent to declare lead agency status, resulting in list of areas and subject matters for environmental review.
September 13, 2005	Town Board Resolution Declaring Lead Agency Status.
September 27, 2005	Resolution by Town Board on Determination of Significance of rezoning application, adoption of EAF, Part 3, identifying potential large significant adverse environmental impacts, and adoption of Positive Declaration requiring the preparation of a Draft Environmental Impact Statement (DEIS) and scoping.
December 29, 2005	Resolution adopting Final Scoping Outline
April 24, 2006	Submission of DEIS
May 23, 2006	Resolution of Town Board accepting DEIS as complete and ready for public comment

June 7, 2006	Publication of Notice of Completion of DEIS
July 10, 2006	End of period for public comment on DEIS
August 8, 2006	Town Board Resolution, pursuant to 6 NYCRR §617.9(a)(5)(ii), extending time to September 26, 2006 to complete preparation of Final Environmental Impact Statement (FEIS)
September 12, 2006	Resolution of Town Board accepting FEIS as complete.
September 13, 2006	Resolution filed, establishing ten-day public comment for preparation of Findings Statement ending September 23, 2006.
September 20, 2006	Publication of Notice of Completion of FEIS.
October 10, 2006	Completion of Findings Statement by Town Board

### **III. Project Environmental Impacts**

#### **A. Land Use and Zoning**

##### Description of Impacts:

The main potential land use impact of the proposed action is most likely to arise from a change in the zoning of the project site from R1-2 Residential to B-1 Business. The proposed project will also result in a change in land use from fallow farmland to a fully developed, multi-building retail and residential site. Such changes will most likely result in increased traffic, light, noise, and/or dust generated during construction and subsequent operation and occupation of the proposed development. The B-1 Business zoning permits residential uses adjacent to retail and commercial uses on the project site. The Town of Sweden Code also includes provisions for a "Planned Unit Development" (PUD) zone. This PUD designation also allows retail and commercial uses to share a project site with residential uses. PUD zoning does not appear to be an appropriate vehicle for the proposed project. The PUD regulations require the creation of detailed site plans and a master plan for the entire project during the initial review. However, since Heritage Square is only in the conceptual phase and subsequent changes to the design of the structures and layouts are likely occur as the market and housing needs of the community change during the expected 10-year or longer phasing of the project.

There are also mature woodlands and wetlands located on the project site. There is a possible impact to these environmental resources due to the proposed action. A more detailed discussion of the environmental resources is contained in later sections of this document.

##### Mitigation Measures

Potential mitigation measures for land use and zoning impacts consist of specific phasing requirements for the construction of the proposed development. These requirements strive to prevent sole construction of the retail component of the mixed use development. Therefore, the Town will require that the Planning Board be empowered to regulate the ratio of residential to commercial development. The design of each phase of the proposed project will be required to be in compliance with the latest federal, state, and local standards and regulations. A formal review of the design of each phase of the proposed project will be required by the Town and the appropriate regulatory agencies prior to construction.

##### Conclusion

With incorporation of the proposed and recommended mitigation measures no significant land use and zoning conflicts should occur.

## **B. Transportation**

### **Description of Impacts**

The Town of Sweden is experiencing substantial, potential future growth in the vicinity of the Route 31/Route 19 corridor. There are approved plans with the Town and Village of Brockport for several new residential subdivisions as well as several new commercial developments (Wal-Mart Supercenter and Lowe's Home Center). This growth will result in an increase in the motor vehicle traffic entering, and leaving, the Route 31/Route 19 corridor.

A comprehensive traffic study was conducted by SRF Associates<sup>i</sup> and is included in Exhibit K. The traffic study demonstrates that traffic mitigation measures, added as required during the various project phases, will help relieve adverse impacts associated with the project. More specifically, the study demonstrates that intersections within the project study area, except Route 31-31A/Redman Road, can adequately accommodate the full development of the project and avoid significant adverse impacts to traffic operations through the implementation of recommended mitigation measures.

An analysis of the current capacity of intersections in the vicinity of the project site was conducted by SRF Associates. The results for the various intersections are as follows:

<b>Existing Intersection Capacity Analysis Results<sup>2</sup></b>	
<b>Intersection</b>	<b>Level of Service (LOS)</b>
Holley St – Canal Road & Redman Road	“C” or better
New Campus Drive & Redman Road	“B” or better
Route 31a & Redman Road	“C” or better
Brockport Holley Road & Redman Road	“B” or better

The Route 31-31A/Redman Road intersection is currently the most burdened and operates at a low level of service (LOS “C”) for the overall operation of the intersection. Based on the SRF traffic impact study<sup>ii</sup> and the NYSDOT review letter<sup>iii</sup>, the low level of service will not be materially exacerbated by the initial project phases. In addition, initial phases of the Heritage Square project, will be required to construct mitigation efforts at this intersection.

Westbound approach traffic at the Holley St – Canal Road & Redman Road intersection also experiences a low level of service (LOS “C”) during peak periods.

An analysis of the capacity of intersections in the vicinity of the project site following full development was conducted by SRF Associates. The results for the various intersections are as follows:

<b>Full Development Intersection Capacity Analysis Results with Mitigation<sup>iv</sup></b>	
<b>Intersection</b>	<b>Level of Service (LOS)</b>
Holley St – Canal Road & Redman Road	“F” or better
New Campus Drive & Redman Road	“B” or better
Route 31a & Redman Road	“F” or better
Brockport Holley Road & Redman Road	“B” or better

Based on the traffic study, the Route 31-31A/Redman Road intersection is currently the most burdened and will operate at a poor level of service (LOS “F”) for the overall operation of the intersection. Once again, initial phases of the Heritage Square project, will be required to construct mitigation efforts at this intersection.

Westbound approach traffic at the Holley St – Canal Road & Redman Road intersection also experiences a poor level of service (LOS “F”) during peak periods. These delays are mostly attributed to minor street approaches with unsignalized intersections. According to the traffic study, it is unlikely that warrants for signalization for this intersection would be met.

NYSDOT is in agreement with the conclusions and methodology of the traffic study. NYSDOT also stated that the mitigation measures which are described below must be in place prior to opening day of the project.

#### Mitigation Measures

The following list summarizes all the improvements recommended by SRF Associates, and affirmed by the NYSDOT, to be part of this development:

- Provide a northbound left turn lane (305 feet minimum storage including 75 foot opening taper) for drivers entering Heritage Square and a southbound left turn (305 feet minimum storage including 75 foot opening taper) lane for drivers entering SUNY Brockport on Redman Road. A determination by the applicant will be required to see if land acquisition will be needed from SUNY Brockport. If this land acquisition is necessary, the applicant must obtain consent from SUNY Brockport to acquire the necessary lands for the required traffic improvements. The Heritage Square driveway should have two 12 foot lanes existing with a minimum storage length of 200 feet (a thru-right turn lane and a left turn lane) aligned with the SUNY Brockport driveway and one 12 foot lane entering. According to the NYSDOT letter, the applicant is required to perform a study of the feasibility for a roundabout at this intersection.
- A three-color traffic signal may be warranted on Redman Road at the site driveway with the full development of Heritage Square. NYSDOT also requires a study to determine the feasibility of a modern roundabout instead of the three-color traffic signal. Follow-up surveys will also need to be performed at three year intervals to fully assess traffic impacts and traffic signal warrants.
- Closing the Town Park driveway on Redman Road and relocate access to the Heritage Square driveway. However, this driveway should not be closed until after a traffic signal or roundabout is fully operational.
- Provide a westbound right turn lane at the Route 31/31A (Fourth Section Road) intersection along Route 31 (minimum 360 feet long with 75 foot opening taper). At full development of the proposed project, a southbound left turn lane (minimum 305 feet with 75 foot opening taper) on Redman Road will be necessary. An opposing northbound left turn lane (minimum 150 feet long with 60 foot opening taper) will also be necessary at full development.
- Provide a westbound left turn lane (minimum 360 feet long with 75 foot opening taper) at the Redman Road and Brockport-Holley Road intersection at full development of the proposed project. An opposing eastbound left turn lane (minimum 150 feet long with 60 foot opening taper) will also be necessary at full development.



### Conclusion

The NYS DOT has reviewed, approved, and required mitigation measures along State Route 31 and Redman Road with respect to the main entrance to this proposed development. The proposed and recommended mitigation measures will prevent significant, adverse impacts to traffic conditions resulting from the proposed project to the maximum extent practicable.

## **C. Terrestrial and Aquatic Ecology**

### Description of Impacts

#### (i.) Loss of Habitats

Development of the proposed project will result in the loss of approximately 75 acres of meadow and 20 acres of forest. It is anticipated that approximately 16 acres of new water surface area will be created as a result of the proposed project.

#### (ii.) Wildlife

Wildlife habitats on the project site are common in the project site area and within this region of western New York State. The forested, meadow, and wetland habitats are likely to support common small and large mammal and avian species. No federally-listed or proposed endangered or threatened species under the jurisdiction of the U.S. Fish and Wildlife Service are known to exist within the project impact area<sup>v</sup>. The NYSDEC reported that the site may contain one endangered species, Gallium concinnum or "Shining Bedstraw". According to Environmental Resources, LLC<sup>vi</sup>, no occurrences of "Shining Bedstraw" was found at the site.

Impacts to wildlife will include the displacement of a portion of resident populations, such as deer, rodents, rabbits, etc. to other areas and may result in some reduction in the area population of some species.

#### (iii.) Wetlands

Wetland delineation has been completed and verified by the US Army Corps of Engineers (USACOE). The USACOE agrees with the determination that Wetland "C" is isolated and not under its jurisdiction<sup>vii</sup>. There also exists four other federally-regulated wetland areas (A, B, D, and E) located on the project site. Wetland area "B" will be impacted during the construction of the new entrance roadway into the Town Park and the egress roadway to the Northview Subdivision. These unavoidable impacts to these wetland areas will be minimized to the maximum extent practicable and will be done so in accordance with the regulations of the NYSDEC and USACOE. The wetland delineation indicated that the record mapping of the wetland boundary (SW-31) located on the subject parcel is inaccurate and that the actual area of the wetland is significantly less than then 12.4 acres required for State regulation. The NYSDEC has confirmed this determination<sup>viii</sup>.

### Mitigation Measures

Mitigation for the loss of upland, open field habitat does not appear to be warranted or necessary. These habitats are common and abundant in the project site area and in the surrounding region. Mitigation for the loss of such open land has not been required of other commercial land development projects in the Town of Sweden.

The developer has offered to place the boundary of SW-31 and its 100-foot buffer in a conservation easement to the Town or transfer the land to the Town altogether. In

addition, the Developer proposed that a minimum 100-foot wide riparian zone will be established along the east side of Moorman Creek will be maintained to ensure the integrity of the creek, existing wetlands, and majority of mature woodlands.

#### Conclusion

Upland and wetland habitats on the project site are common and widely available in the project site area and through this portion of western New York State. Thus, the loss of habitats resulting from the development of the project will be insignificant.

Species to be displaced from the site are common for the area and in abundance. Similarly, replacement habitat is available in abundance in the vicinity of the project site. Therefore, such impacts will not be significant locally or regionally.

The existing wetland areas, Moorman Creek, and a majority of the woodlands will be conserved as part of this project. New water areas proposed for the project site will offer more amenities for displaced wildlife (i.e., water fowl, deer, migratory birds).

#### **D. Drainage, Floodways, Floodplain Conditions**

##### Description of Impacts

In general, land development results in the replacement of pervious, vegetated land areas with impervious buildings and pavement. If unmitigated, this results in an increase in the rate and volume of run-off and an increase in the pollutant loads carried by the stormwater. The entire site is located within the Moorman Creek Watershed, which ultimately drains into Braddock Bay, which is part of Lake Ontario.<sup>ix</sup>

##### Mitigation Measures

The erosion control practices proposed by the developer will meet or exceed all recommendations as contained in the NYS Standards for Erosion and Sediment Control and regulations stated for the SPDES General Permit No. GP-02-01. This will include the utilization of siltation fencing, stone filters, temporary siltation basins and re-vegetation of disturbed areas. The siltation fencing will be placed along property boundaries adjacent to disturbed areas and along the downstream edges of graded slopes. The permanent detention area is designed with a fore bay siltation basin that will be constructed early in the construction sequence and undercut to provide for construction siltation. The basin will be fitted with a stone outlet filter to further filter storm water prior to discharge. As grades permit, storm water from graded areas will be directed toward the detention area. All storm inlets will be protected by stone barriers or siltation fencing to prevent sediment from entering the system.

The proposed Heritage Square development will also include a post-development stormwater management system meeting or exceeding the requirements as specified by the NYS Stormwater Management Design Manual. According to the Stormwater Management Plan, the pre-development stormwater flows anticipated for a 100-year storm event for the project site is calculated to be 122.92 cubic feet per second (cfs). The post-development stormwater flow for a 100-year storm event for the project site is estimated to be 458.85 cfs. These flows will be attenuated to pre-development flow rates.

The proposed stormwater management system will consist of a subsurface stormwater collection system with discharge to enhanced detention and wetland stormwater quality and quantity mitigation facilities. The applicant proposes to install 16 acres of stormwater management facilities, which should provide adequate storage volume as required for this specific development.

### Conclusion

With the incorporation of the proposed and recommended mitigation measures no significant drainage, floodways, or floodplain conflicts should occur. The Developer will be required to submit a Stormwater Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) prior to commencing construction activities on the project site. During construction, periodic inspection of stormwater measures will be required every seven days or following the accumulation ½” of rain in a 24-hour period, whichever is less.

## **E. Water and Wastewater Services**

### Description of Impacts

#### (i.) Water Services

According to the DEIS, the public water system in the Town of Sweden, most notably near the project site, is taxed with low flows from undersized piping. Heritage Square will need to be served from two sources. The water must be drawn from the main located on NYS Route 31 via Redman Road and the main located on Holley Street in the Village of Brockport. The current water main on Redman Road provides approximately 800 gallons per minute at the proposed project entrance, which is less than the 1,000 gallons per minute fire flow and domestic flow requirement.

#### (ii.) Wastewater Services

The proposed project will connect to the new sanitary sewer district currently under construction, which will service the Northview Subdivision, Town Park, and surrounding lands within the district. The ultimate build-out of Heritage Square will result in a projected flow rate of approximately 265,000 gallons per day.

### Mitigation Measures

#### (i.) Water Services

To properly accommodate the water service flows for the proposed project, it is anticipated that extensions to the existing water mains will be needed. The 1,000-gpm fire flow requirement and domestic demands for the proposed development, as determined by MCWA, can be achieved by extending the main at the proposed entrance to Heritage Square to the west then southerly through the Town Park site to the water main located on NYS Route 31, as well as a connection to the public water system at Holley Street. It should be noted that the southern entrance to the Town Park from NYS Route 31 (Fourth Section Road) has not been completed at this time.

#### (ii.) Wastewater Services

This project proposes to connect into a sanitary sewer that is currently under construction, which will service the Northview Subdivision, the Town Park, and the surrounding lands within its reach. A sanitary pump station located at the northwest corner of the Town Park parcel will convey sewage to the larger gravity sanitary sewer located along NYS Route 31A (Fourth Section Road). The full build-out of Heritage Square will result in approximately 265,000 gallons per day of additional flows to the public sewer system. Based on the terrain characteristics of the site, it appears that a gravity driven sewer is possible to convey sewage to the Town Park pump station from the southern portion of the site. A separate pump station will be required at the northern portion of the site due to the elevated terrain in this area. As the project progress and additional

flows are introduced into the system due to the various phases, additional evaluations will be required to determine if the existing configuration of the sewer system can accommodate the increased demands. The contribution of flow that was allotted for development of the Heritage Square lands during the design of the Town Park pump station was approximately 80,000 gpd. Therefore, at such time that Heritage Square is contributing flows to the Town Park pump station above this amount, the Heritage Square developers would be responsible for any system modifications, including additional costs or improvements necessary at this Town Park pump station. Furthermore, it is recognized that the Town of Sweden has already made a considerable capital expenditure towards the construction of this Town Park pump station, along with the accompanying forcemain and 12-inch diameter sewer main along Fourth Section Road, all which are necessary in order for the Heritage Square Development to connect into a public sewer system. In recognition of these costs and the additional capacity that will be used by this development, the developer has offered to contribute \$100,000 to the Town of Sweden to help offset the cost of the newly constructed sewer facilities in this area, along with the future operation and maintenance costs related to this system.

#### Conclusion

With incorporation of the proposed and required mitigation measures no significant water and wastewater adverse impacts would occur.

### **F. Gas, Electric and Telephone Services**

#### Description of Impacts

Gas service for the project site is currently supplied by Rochester, Gas and Electric (RG&E) via an existing 2" polyethylene main located along the west side of Redman Road. According to the DEIS, RG&E has tentatively confirmed that the existing utility should be sufficient for the proposed development; however, they stated that an exact determination of the usage cannot be accomplished until final design has been completed.

Electric service for the project site is supplied by National Grid (formerly Niagara Mohawk). According to the DEIS, National Grid stated that they do not anticipate any difficulties providing the necessary services to a project this size using the existing electric facilities.

Telephone service for the project site is provided in the Town of Sweden by Frontier. According to the DEIS, no improvements to the existing phone system are anticipated to service Heritage Square.

#### Mitigation Measures

No significant, adverse impacts to utility service providers have been identified. Given the above, no mitigation measures are necessary and none are proposed.

#### Conclusion

It is concluded that the proposed Heritage Square will most likely result in an increase in the demand for public services; however, this demand can be accommodated by the service providers. In addition, no significant impact will affect the area service providers.

**G. Soils, Geology, and Topography****Description of Impacts**

An initial impact is that the construction of the proposed project will involve surface grading and the installation of buildings, pavement and supporting utilities. The majority of the earthwork for the project area is planned to be performed with mainly on-site materials, consisting of primarily granular fill material (sand/silt/gravel) located in the uppermost 5 feet, and is not expected to generate substantial, excess import or export quantities. Import materials will be required for asphalt and concrete pavement base, typically consisting of gravel or crushed stone. This surface grading work is not proposed to result in any impacts to the underlying geology of the site or surrounding areas. In the event that earthwork activities result in the need to excavate underlying bedrock that cannot be removed using conventional means, blasting may be necessary to efficiently remove the material. Prior to the commencement of blasting activities, notification to the appropriate agencies, public, and necessary documentation will be required.

According to a Phase I Environmental Site Assessment (ESA), completed by Leader Professional Services Inc.<sup>x</sup>, several potential recognized environmental concerns (RECs) were identified at, or in the vicinity of, the project site. The Phase I ESA referenced two underground storage tanks (USTs); several aboveground storage tanks (ASTs); drums and containers storing hazardous materials and petroleum products; three known water supply wells; a potential for the use of pesticides and herbicides; a potential asbestos containing materials (ACMs); and a potential for lead-based paint at the residence on the project site.

**Mitigation Measures**

The proposed mitigation measures, as stated in the Phase I ESA include:

- All USTs will be required to be located and properly closed or removed in accordance with NYSDEC regulations. Soil samples will be obtained if contamination is observed.
- All ASTs will be required to be located and properly removed and disposed. Soil samples will be obtained if contamination is observed.
- All drums and containers storing, or found to previously store, hazardous materials or petroleum products will be required to be properly removed and disposed.
- All water supply wells on the property will be required to be located and properly closed if no longer in use.
- Soil sampling to determine if past uses of pesticides and herbicides were conducted on the project site.
- Scrap metal, bottles, and residential debris located on the north wooded portions of the parcel will need to be properly collected and disposed.
- Prior to the demolition of any structures on the project site, a pre-demolition asbestos survey will be required in accordance with the latest requirements as stated in Code Rule 56.
- A lead-based paint investigation is recommended on the residence currently occupying the parcel to determine the presence of lead in the paint surfaces.

**Conclusion**

There does not appear to be any significant adverse environmental impacts, however the mitigation measures above should be completed to verify conditions on the

site. It is anticipated that there will not be any significant environmental impacts related to soils, topography, or geology with incorporation of the recommended mitigation measures. In addition, it is anticipated that there will not be any significant environmental impacts related to petroleum or hazardous substance impacts with incorporation of the recommended mitigation measures.

#### **H. Historical, Cultural, and Archeological Resources**

##### **Description of Impacts**

A cultural resource assessment was completed for the proposed project by the Jo-Ann McLean Inc., Archaeological Consultants. The cultural resource assessment consisted of a review of files and records of archaeological and historic resources in the area from the following sources:

- 1) Butterbaugh, Kirk W., Phase 1 Archaeological Report for the Town Park Sewer Improvements Project, Town of Sweden, Monroe County, New York, 2003 (on file at NYS SHPO).
- 2) Garigen, Lisa L. and Brian L. Nagel, Phase 1 Cultural Resource Investigations for the Proposed Brockport Central School District (BCSD) Bus Garage and Site Work, Town of Sweden, Monroe County, New York. RMSC/RHPP PIN 2000.24. Rochester Museum & Science Center Regional Heritage Preservation Program (RMSC/RHPP). Rochester, New York (on file at NYS SHPO), 2001.
- 3) Ladd Archaeological Services, LLC. Phase 1 Cultural Resource Investigation for Northview Park, Town of Sweden, Monroe County, New York (on file at NYS SHPO), 2002.
- 4) Naples, Philip G. Historical Background Search on Dan Polly's Tavern. Attached to site file A07304.000001 (on file at NYS SHPO), 1969.
- 5) Valentine, Patrick H. Cultural Resource Investigation on Redman Road Improvement, Town of Sweden, Monroe County, New York (on file at NYS SHPO), 1979.

Based on the findings contained in the cultural resource assessment, it is unlikely that significant or potentially significant cultural resources are present on the project site or within the immediate surrounding area, with the exception of the vicinity of Moorman Creek. However, construction is not anticipated within a few hundred feet of the last mentioned area based on the submitted conceptual plan.

##### **Mitigation Measures**

No impacts are anticipated to historical, cultural, and archeological resources due to the proposed project and, hence, no mitigation measures are warranted or recommended. In the event that resources of this nature are identified on the project site, the New York State Office of Historic Preservation shall be notified and the proper steps to evaluate and preserve the discovered resources will be executed.

##### **Conclusion**

As stated above, there are no impacts or mitigation measures which apply to the cultural resources of the project site and its surroundings, therefore no conclusions are necessary.

#### **I. Public Services**

### Description of Impacts

Emergency services, for fire and life support, are provided by the Brockport Volunteer Fire Department and Ambulance Corps. As stated in the DEIS, it is believed that the project will result in an increase in calls and that the Brockport Volunteer Fire Department and Ambulance Corps possess sufficient equipment and personnel to adequately handle the new, proposed Heritage Square.

Police enforcement services are provided by the Monroe County Sheriff's Office. As stated in the DEIS, it is believed that the project will result in an increase in calls to the sheriff's office; however, the Monroe County Sheriff's Office can adequately handle this increase.

The occupants of the residences and retail space will each need to contract with private haulers for solid waste removal. Disposal will be at any available NYS DEC licensed facility in accordance with the approved Solid Waste Management Plan covering Monroe County.

### Mitigation Measures

No significant impacts to community service providers have been identified. Any small impacts that may result may be offset by the additional revenues for local governments to be generated by the facility. Given the above, no mitigation measures are necessary and none are proposed.

### Conclusion

It is concluded that the proposed Heritage Square will most likely result in an increase in the demand for public services; however, these service providers can adequately handle the additional demand. In addition, no significant impact will be likely to affect the area customers and service providers.

## **J. Air Quality**

### Description of Impacts

There are no NYSDEC registered stationary sources of air pollution in close proximity to the project site. Vehicular traffic on Redman Road and at SUNY Brockport is the nearest mobile source of air pollution. The nearest major intersection is Redman Road and NYS Route 31/31A, which is located approximately 0.8 miles south of the project site. The proposed project will most likely result in temporary impacts to air quality due to construction activities and increased vehicular traffic. Based on the findings of the Traffic Impact Study<sup>2</sup>, the abovementioned major intersection currently operates at unacceptable levels especially for eastbound traffic traveling along NYS Route 31. These unacceptable levels at the signalized intersection result in increased levels of exhaust gases from idling motor vehicles. Exhaust gases from idling motor vehicles have been shown to result in elevated levels of harmful gases and are an environmental concern to nearby humans and wildlife if not dispersed in a prompt manner. This concern is easily remedied by ensuring that traffic patterns and motor vehicles minimize idling time and allow for natural convection to disperse the undesired pollutants.

### Mitigation Measures

Heritage Square will not contain any large commercial spaces. Therefore, pollution from delivery trucks will be minimal and the proposed uses for the site will not require air emissions permits. In the event that heavy duty vehicles to transport persons

or property are used on the site, strict adherence to Part 217-3 will be observed. The designed traffic patterns and mitigation of existing traffic improvements described in earlier sections of this document aim to ensure that air pollution from motor vehicles will be minimized to the maximum extent practicable.

#### Conclusion

It is anticipated that there will not be any significant environmental impacts related to air quality with incorporation of the recommended mitigation measures.

### **K. Noise, Lighting, Landscaping, and Visual Resources**

#### Description of Impacts

There will be minimal noise impacts due to the proposed project. The majority of the development will consist of senior residential housing, which has historically been shown to be a small contributor to noise pollution. There will also be unavoidable noise impacts due to heavy machinery during construction.

The existing condition of the site contains no lighting elements. With the development of the site, lighting impacts cannot be avoided as they provide the means to protect the people and property located within the development. The lighting design of proposed project will be in compliance with the lighting requirements set forth in the Town of Sweden Code.

As mentioned earlier, the proposed action will result in the conversion of fallow farmland to developed buildings and impervious surfaces. This change in landscape will irreversibly convert traditional "rural" areas into developed lands occupied by buildings, people, vehicles, roads, etc. This change will also most likely result in alterations to the existing terrain characteristics of the project site.

#### Mitigation Measures

A combination of proposed landscaping and existing features will help to reduce any increase in noise that result from the proposed project.

Traditional Neighborhood Design guidelines will be used to provide smaller walkable areas with numerous natural and manmade dampening devices to minimize lighting impacts.

A landscape buffer will be provided between the project's entrance at Redman Road and the existing adjoining residence located to the south at 4717 Redman Road. The location of the proposed stormwater detention ponds, railroad bed, and woodlands will provide a buffer for the remaining adjoining properties. The applicant proposes to preserve open space, foster community integration, and create connectivity with the surrounding environment during the proposed project.

#### Conclusion

It is anticipated that there will not be any significant environmental impacts related to noise, lighting, landscaping, and visual resources with incorporation of the recommended mitigation measures.

### **L. Community Character**

#### Description of Impacts

As stated earlier, the proposed project will result in the irreversible conversion of meadowland to fully developed land. The existing character of Sweden is most accurately described as rural and historic. The exceptions to this distinction are located at



the retail corridors located at the Route 31/19 corridor, the Village of Brockport, and several modern residential subdivisions that have been constructed, or are in construction, throughout the Town. The Village of Brockport maintains its historic, canal town character with village row type buildings and houses located near the Erie Barge Canal.

The proposed project will provide a mixed-use design, will be self-contained, and will not impact neighborhoods beyond the project site. The proposed project will provide an increase in the revenue collected by the community and supply a higher population density without increasing the infrastructure and public service burdens.

#### Mitigation Measures

The proposed project will be required to submit for site plan and subdivision review prior to construction to ensure that it is in compliance with the existing character of the community. The proposed design features of the project must be in accordance with the appropriate rules and regulations and must be compatible with the architectural appeal of the surrounding areas.

#### Conclusion

It is anticipated that there will not be any significant environmental impacts related to the character of the community with incorporation of the recommended mitigation measures.

### **M. Fiscal Analysis**

#### Description of Impacts

The four parcels comprising the project site are currently assessed for \$364,900.00 with corresponding tax revenue of \$13,600.00. It is estimated that the total project, if completed, will have an assessed valuation of approximately \$115,000,000.00 based on 2006 dollars and the various, conceptual uses envisioned. The increase in cost to upgrade the infrastructure (roads, utilities, etc.) and community services (library, schools, recreation, emergency, etc.) to accommodate the proposed project will most likely be covered by the addition of customers.

#### Mitigation

Due to the mixture of retail, commercial and various types of housing, there exists a large possibility to maximize revenue due to the proposed project. This growth in tax base thanks to the proposed project should more than adequately cover the costs to upgrade those services and result in surplus revenue to continual upgrade these services in the Town. The fiscal impact on the local school system will be positive due to the majority of the population being senior citizens, which do not usually increase the need for the expensive resources of the school district.

#### Conclusion

It is anticipated that there will not be any significant impacts related to fiscal resources due to the proposed project.

## **IV. Alternatives**

The following alternative development scenarios have been analyzed:

### **A. FULL DEVELOPMENT PURSUANT TO R1-2 ZONING DISTRICT REGULATIONS:**

It is estimated that approximately 180 single-family residential lots could be constructed on the site under the current R1-2 Zoning designation. It was noted that there are several single-family residential subdivisions approved and currently under construction within close proximity to the project site.

**B. “NO ACTION ALTERNATIVE”**

The “No Action” alternative consists of the denial of the application or a different development of the project site. This would result in fallow farmland remaining in its current condition, which is the most environmentally friendly alternative. The Town of Sweden Environmental Conservation Board is in agreement with this assumption<sup>xi</sup>. However, this alternative does not meet the project sponsor’s goal to provide expanded goods and services to this market area.

The no-action alternative will avoid all potential environmental impacts identified as resulting from the project (all of which can be mitigated by practicable means). However, this will be accompanied by the loss of all benefits of the project including meeting the applicant’s objectives, the expansion of local retail competition, and the potential increases in fiscal benefits to the Town and School District, and the expansion of local job opportunities.

However, if the current application were to be denied, there would be no change in the current zoning, and the “no action” alternative could result in the construction of approximately 180 single family homes, with all the roads and traffic which naturally accompanies such a subdivision development

**V. Unavoidable Environmental Impacts**

Description of Impacts

The unavoidable, adverse environmental impacts for this project are summarized as follows:

- An increase in traffic volume will be introduced to the local roadway network due to the proposed new development. A comprehensive traffic analysis of the local roadway system indicates that the existing transportation network can accommodate the projected traffic volumes with no significant impacts to operations, with the implementation of several mitigation measures.
- The visual appearance of the project site will change due to this new development. A mixed-use development (residential, commercial/retail) with associated parking and utilities will replace an open, agricultural field.
- Drainage of the site will be changed with the addition of impervious surfaces to the property, which will replace porous soils and vegetation. The new drainage impacts are to be fully mitigated through the proposed on-site stormwater management system and no significant impacts are expected to downstream areas with respect to either water quantity or quality.
- This development will include parking lot and store lighting which will increase lighting levels on this site. The developer proposes to mitigate the impact of this lighting through the use on dark sky compliant lighting fixtures and by limiting the spillage of light beyond the property boundaries in accordance with Town regulations.

Mitigation Measures

The mitigation measures proposed for the above-mentioned impacts are summarized in other sections of this Findings Statement and described in more detail in the DEIS and FEIS.

#### Conclusion

These unavoidable, adverse environmental conditions are inevitable results of the development of an open, agricultural field into a mixed-use development. The proposed mitigation measures should adequately minimize these environmental effects to the maximum extent practicable.

#### **Certification of Findings:**

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR §617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

<sup>1</sup> Exhibit K of the Heritage Square Draft Environmental Impact Statement (DEIS), Site Impact Traffic Evaluation for the Proposed Heritage Square, prepared by SRF Associates, Project No. 25021, June 2005.

<sup>1</sup> Site Impact Traffic Evaluation for the Proposed Heritage Square, prepared by SRF Associates, Project No. 25021, June 2005, p. 4.

<sup>1</sup> Exhibit II of the Heritage Square Final Environmental Impact Statement (FEIS), Correspondence, from Mr. Larry Sherman with the NYSDOT, dated November 29, 2005 to Mr. Kris Schultz with Schultz Associates.

<sup>1</sup> Site Impact Traffic Evaluation for the Proposed Heritage Square, prepared by SRF Associates, Project No. 25021, June 2005, p. 10.

<sup>1</sup> Exhibit T of the Heritage Square DEIS, Correspondence, from Mr. Michael Stoll with the U.S. Fish and Wildlife Service, dated September 29, 2005 to Mr. Patrick Laber with Schultz Associates.

<sup>1</sup> Exhibit S of the Heritage Square DEIS, Habitat Evaluation for Presence of Endangered Species, prepared by Environmental Resources, LLC, May 22, 2005.

<sup>1</sup> Exhibit R of the Heritage Square DEIS, Correspondence, from Mr. Vincent Pero with the U.S. Army Corps of Engineers, dated December 30, 2005 to Mr. Michael McLean with McLean Development LLC.

<sup>1</sup> Exhibit Q of the Heritage Square DEIS, Freshwater Wetlands Determination, New York Department of Environmental Conservation, January 9, 2006.

<sup>1</sup> Exhibit X of the Heritage Square DEIS, Lake Ontario Basin (West) map from the Rochester-Monroe County Metropolitan Area Drainage Study- Phase II, Monroe County Planning Counsel, 1964.

<sup>1</sup> Exhibit H of the Heritage Square DEIS, Phase I Environmental Site Assessment, prepared by Leader Professional Services, Inc., Project No. 430.004, February 2006.

<sup>1</sup> Exhibit FF7 of the Heritage Square DEIS, Correspondence, from Sweden Environmental Conservation Board, dated June 1, 2006 to Ms. Karen Sweeting, Sweden Town Clerk.

Made by McLean Development, LLC

- WHEREAS, certain lands in the Town of Sweden, particularly described by metes and bounds in Schedule A annexed hereto and made a part hereof, known as 4599 and 4687 Redman Road, Town of Sweden, Monroe County, New York, consisting of four parcels, and bearing Tax Account Nos. 068.03-1-13.111, 068.03-1-14.1, 068.03-1-18, and 068.03-1-19 situated in Lots 7, 8, 9, 10, 11 and 12, Section 4 Township 3 Triangular Tract, located on the west side of Redman Road bordering the Sweden Town Park on the north in the Town of Sweden, consisting of a total of approximately 132.237 acres, are included in an R1-2 Residential zone, which zone is essentially limited to residential use; and
- WHEREAS, McLean Development, LLC (hereinafter, “applicant” or “developer”), a New York Limited Liability Company having office at 720 Blue Point Road, Holtsville, New York 11742, is the contract vendee for the said lands, and has made application for a change of zone for said properties, from R1-2 Residential to B-1 Business, so as to permit mixed use of said lands for various types of residential use, commercial use, including retail, hotel and assisted living; and
- WHEREAS, a duly advertised Public Hearing was held by the Town Board on August 2, 2005, at 7:15 P.M., to hear all persons for and against the proposed amendment to the Town of Sweden Zoning Ordinance; and
- WHEREAS, all persons desiring to be heard were heard on the proposed amendment; and
- WHEREAS, the Town Board of the Town of Sweden was the Lead Agency in an extensive and comprehensive environmental review of the possible impacts of the proposed rezoning action pursuant to regulations promulgated under the State Environmental Quality Review Act (“SEQRA”), after the issuance of a positive declaration; and
- WHEREAS, the Lead Agency has completed the Final Environmental Impact Statement (FEIS) and allowed a period of no less than ten days for comments thereon pursuant to 6 NYCRR §617.11, and has this date issued its Findings Statement, as required by SEQRA regulations; and
- WHEREAS, the Town Board of the Town of Sweden has determined that the best interests of the Town of Sweden and its inhabitants will be served by the approval of the application, provided, nevertheless that certain terms and conditions be imposed in order to allow the Town of Sweden to have reasonable controls regarding the project, which is reportedly expected to take the better part of ten years or more to complete; and
- WHEREAS, the Town board has found that a full build-out of the proposed Heritage Square project will result in an additional flow of public sewer of approximately 265,000 gallons per day; that a separate pump station will be required to handle the additional flow; that the Town of Sweden has already expended or committed substantial amounts to construct the Town pump station; and that the developer has offered and agreed to contribute the sum of \$100,000.00 to help defray the

cost to the Town of the additional expenditures necessitated by the developer's proposed project; and

WHEREAS, the Town Board of the Town of Sweden considers the best interests of the Town to be served by the monitoring of the project by the Town of Sweden Planning Board as part of the authority of that Board to conduct site plan review.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. Certain lands in the Town of Sweden, particularly described by metes and bounds in Schedule A annexed hereto and made a part hereof, known as 4599 and 4687 Redman Road, Town of Sweden, Monroe County, New York, consisting of four parcels, and bearing Tax Account Nos. 068.03-1-13.111, 068.03-1-14.1, 068.03-1-18, and 068.03-1-19 situated in Lots 7, 8, 9, 10, 11 and 12, Section 4 Township 3 Triangular Tract, located on the west side of Redman Road bordering the Sweden Town Park on the north in the Town of Sweden, consisting of a total of approximately 132.237 acres, are hereby re-zoned from R1-2 Residential to B-1 Business, subject to the following:

**Terms and Conditions**

**Land Coverage and Maximum Square Footage for Commercial Uses**

1. Commercial uses shall not exceed 30% of the total lot area of the Property. The permitted retail uses of the Property include restaurants, assisted living facilities, hotels, stores and shops conducting any legitimate retail business, personal service shops and banks. The balance of the Property shall be developed in conformance with the uses permitted in the MR-1 District as set forth in the applicable sections of the Town Code.
2. No single tenant providing retail consumer goods shall occupy more than 20,000 square feet in a building.
3. Thirty (30%) percent of the Property shall be maintained as open space. Open space shall include all areas of the Property not containing structures, parking areas, or other impervious surfaces. Notwithstanding the foregoing, open space may include gazebos, walking paths, kiosks and similar aesthetic enhancements to the enjoyment and use of the community.

**Density and Age Requirements**

4. The portion of the Property to be developed in conformance with the requirements of the MR-1 District shall yield no more than 1,100 units, with no less than 800 of such units restricted to persons 55 years of age or older, and the balance being non-age restricted.

**Access, Roadways and Lighting**

5. The principal access to the Property shall be from Redman Road at a specific location to be determined by the Planning Board. Internal roads located on the property shall connect, at such locations and in such manner as approved by the Planning Board, to the Town of Sweden Park and the Northern subdivision. The applicant shall participate in a road improvement plan, if any, identified by the Town Engineer and the New York State Department of Transportation, and, to the extent that any such road improvement program is situated off-site in relation to the lands subject to the within rezoning, the developer has volunteered to so participate.

6. All exterior lighting and illuminated signs of permitted retail uses shall be designed, located, installed and directed in a manner that prevents objectionable light and glare from affecting the use and enjoyment of the residential uses on the Property. The Planning Board will review the lighting plan for each phase of the project to ensure compliance with this condition. Additionally, a landscape plan for each phase shall be submitted to the Planning Board for review and approval.
7. Entryways into the development will be attractively designed with landscaped boulevards or park-like areas identifying all access points.
8. The development shall include a hierarchy of roads, including collector roads, local roads and site access drives, with their geometry designed to accommodate the anticipated level of traffic.

**Phasing of Development**

9. The Property shall be required by the Planning Board to be developed in phases. The phasing of the project shall accommodate the need for orderly development of the mix of permitted uses and the necessity for tenant leases to be consummated prior to the construction of retail structures. The details of the phasing of the Property shall be reviewed and approved by the Planning Board. Applications for approval of site plans for distinct phases shall be required. Conceptual layouts for each phase shall be submitted to the Town of Sweden Planning Board. The likely sequence of construction and ratios of commercial, retail, office and various categories of residential uses will be defined, and a standard fiscal impact model, will be developed and presented to the Planning Board. The proposed overall concept for phasing, as of the date of these conditions, is as follows:

Phase One-Front 30 acres (eastern most 30+/- acres):

Phase One targets the construction of the primary infrastructure for the development including the main line sewer and water services, the main entrance at Redman Road, and entrance to the Town of Sweden Park. The goal will be to build along the main road first then north to complete the section with a mix of residential and commercial space.

#1-Restaurant	(Included in Retail Square Footage)
#2-Hotel	50,000 sf*
#3-Commercial/Retail	150,000 sf*
#4-Commercial/Apartments**	150 Units*
#12-Townhouses	100 Units*
#13-Senior Assisted Living	150 Units*
#15-Single Senior Homes	50 Units*

\*Square Foot and Unit counts are estimates based on current market data.

\*\*During Phase One, the Heritage Square project will be limited to construct 50,000 square feet of retail space before the equivalent square footage of residential is constructed. For this purpose, residential includes rental apartments and assisted living; retail does not include the Hotel use.

Phase Two-Victorian Square:

Phase Two develops the center of the site with two large parks and recreation space, along with higher density senior residential and the Victorian Square, an architectural centerpiece of the development.

- #5-Paddle Boat Launch
- #8-Victorians
- #9-Garden Condos
- #10-Garden Condos
- #11-Park

Phase Three-Senior Flats:

Phase Three finishes the development of the projects by completing the lower density senior housing.

- #6-Country Homes
- #7-Country Homes
- #14-4 Unit Senior

10. In calculating the relative concentration of residential versus commercial space constructed in each phase, the Planning Board shall consider that hotel space and assisted living space to be residential, despite the commercial nature of those uses.

11. At any time that the developer prefers to develop with a different proportional relationship among uses as is set forth in these conditions, and there are legitimate hardship, economic or other reasons for the proportional relationship to be altered, the developer may apply to the planning board for relief by way of variance from the requirement, by demonstrating the operative hardship, economic reasons or other applicable reasons for the requested variance.

**Relationship to Town of Sweden Codes**

12. These conditions shall control in the event of a conflict between the provisions of the Town Code and these conditions. Unless specifically addressed by these conditions, the development and use of the property shall be governed by the Town Code and applicable subdivision and site plan regulations.

13. Nothing in these conditions limits in any way the jurisdiction of the Zoning Board of Appeals to hear and grant applications for variances related to the development of the Property.

**Developer Contribution**

14. The Developer shall fulfill its agreement to contribute to the Town of Sweden the sum of \$100,000, payable pursuant to the terms set forth in that certain letter, dated September 8, 2006, from McLean Development, LLC to Supervisor Nat O. Lester III., as formalized in a certain Sewer Contribution Escrow Agreement, dated October 10, 2006, the execution of which, on behalf of the Town of Sweden is hereby approved and authorized.

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

MOTION for the adoption of this Resolution by Councilperson Connors  
Seconded by Councilperson Windus-Cook

Discussion: Councilperson Carges read his prepared statement.

Before I cast my vote in the affirmative I'd like to say a few words:

Change, the world is about change. I'm sure in the history of Brockport or Sweden there has been much change over 175 years! Did everyone support those changes? Probably not. Even in my own lifetime of which I have lived in Brockport, during that entire 50 years I have seen much change here in Brockport. I'm sure back in 1964 when Wegmans built their first plaza on the corner of 19 & 31 there were people against it. I myself remember when I was 7 years old my parents (and me) had to move off of Adams Street in the village to make way for the college to expand – people were not happy about it, it was change. Supervisor Lester tells me when his dad was supervisor; a lot of people were upset about the start of construction of what is now known as Sweden Village. It was change.

All I know is this Town has added as few as 4 new houses a year in the last couple of years, almost no growth. It seems tough to get people to build in Sweden – why – I don't know. Part of it is I don't think everyone wants to live on a 5 acre or bigger lot. Some people, both young and old want to live in a condo or a modern apartment in a village like setting.

We finally have a developer who wants to do something different in Sweden instead of the traditional so called housing tract. They have a good concept and the Sweden Planning Board has good people who have the best interests of the people in Sweden in their hearts. These people will be watching and guiding the developer every step of the way.

I say we give them a chance.

Therefore, I say yes to rezoning of these parcels.

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Abstain</u>

Submitted – October 10, 2006

Adopted

Supervisor Lester re-entered the meeting.

RESOLUTION NO. 155

Excluding From the Condemnation an Easement Held by Monroe County Water Authority – Eminent Domain, Dragani Property

This is an Agreement between the Monroe County Water Authority (“Authority”) and the Town of Sweden (“Town”), dated October 10, 2006.

WHEREAS, in 2002 the Authority obtained an Easement, recorded at Liber 9722 Page 433 in the Monroe County Clerk’s Office (“Easement”) over a parcel of real property in the Town of Sweden, County of Monroe, State of New York, owned by Marilyn Dragani and identified as tax parcel 084.01-19.2 (“property”). A copy of the Authority’s Easement, dated December 5, 2002, is attached hereto as Exhibit “A”; and



WHEREAS, the Town is currently seeking to obtain title by eminent domain to a portion of the property, including the area encumbered by the Authority’s Easement; and

WHEREAS, pursuant to the requirements of Article 2 of New York’s Eminent Domain Procedure Law (“EDPL”), the Town conducted a public hearing on September 12, 2006 and thereafter published the Sweden Town Board’s Determination and Findings authorizing the Board to proceed to acquire the property; and

WHEREAS, the Town has filed a Notice of Pendency, a Notice of Petition and a Petition, each dated September 21, 2006, with the Monroe County Clerk in an action entitled Town of Sweden v. Marilyn Dragani, et al. and having an index number of 06-11223 (“action”); and

WHEREAS, the Town and Authority intend that the Authority’s Easement will survive the condemnation and continue unaffected by such action.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Easement shall survive the condemnation and continue in full force and effect as if such action had not been commenced and the Town agrees that it will take fee title to the property subject to the Authority’s Easement.

Sec. 2. That the Town hereby agrees to be bound by all the terms, covenants and conditions of the Easement.

Sec. 3. That the Order will include the following language:  
Excluded from the condemnation is an Easement held by the Monroe County Water Authority dated December 5, 2002 and recorded in the Monroe County Clerk’s Office at Liber 9722 Page 433. A copy of the surviving Easement is attached hereto as Exhibit A.

Sec. 4. That the 30 day time for the Authority to challenge the Determination and Findings under EDPL Section 207 will be tolled. The 30 day period will not begin to run until the earlier of the (1) date that the Final Order in the action has been filed, or a (2) separate Order is issued by the Court confirming this Stipulation and the continuing easement.

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

MOTION for adoption of this resolution by Councilperson Carges

Seconded by Councilperson Ferris

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – October 10, 2006

Adopted

RESOLUTION NO. 156

Rezoning – Ledgesdale Airpark Property  
Lot 2 Tax Account No. 084.04-1-25.121 and  
Lot 5 – Subdivided From Tax Account

No. 084.04-1-25.11 on 4/24/06

WHEREAS, the Town Board of the Town of Sweden duly called a public hearing by legal notice published in the Suburban News on the 20<sup>th</sup> day of August 2006 and in the Brockport Post on the 24<sup>th</sup> day of August 2006, to consider the request of Walt Eisenhower/Big Fella Enterprises, Inc., owner of the properties, Lot 2 and Lot 5 tax account nos. 084.04-1-25.121 and subdivided from 084.04-1-25.11 respectively, to rezone the properties north of Colby Street/Sweden Walker Road intersection from the current Lot 2 Residential (R1-2) to Light Industrial (I-2) and Lot 5 Residential (R1-2) to Airport Commercial (B-2), legal descriptions as follows:

## LEGAL DESCRIPTION

## Lot 2 – R1-2 to I-2

All that tract or parcel of land, situated in and being part of Town Lot 3, in Section 11, Township 3 of the Triangular Tract, in the Town of Sweden, County of Monroe, State of New York, and being more particularly described as follows:

Beginning at a point on the centerline of Sweden Walker Road, County Route 242, at the division line between lands now or formerly of Walter J. and Helen W. Eisenhower on the north, as described in a deed recorded in the Monroe County Clerk's office in Liber 7028, Page 24, and Lands now or formerly of Walter J. and Helen W. Eisenhower on the south, as described in a deed recorded in Liber 6855, Page 50; thence,

1. South 12° 57' 29" west, along the centerline of Sweden Walker Road, a distance of 32.28 feet to a point; thence,
2. South 89° 50' 40" west, a distance of 33.88 feet to the point on the westerly right-of-way line of Sweden Walker Road at the northerly right-of-way line of Eisenhower Drive; thence,
3. South 89° 50' 40" west, along the northerly right-of-way line of Eisenhower Drive, a distance 218.08 feet to a point of curvature; thence,
4. Northwesterly, continuing along right-of-way, on a curve to the left, having a radius of 858.12 feet and a central angle of 03° 42' 43", an arc distance of 55.60 feet to a point tangency; thence,
5. North 89° 57' 01" west, continuing along the northerly right-of-way line of Eisenhower Drive, a distance of 1,429.72 feet to a point; thence,
6. North 07° 40' 36" east, a distance of 304.06 feet to a point, said point being the most southeasterly corner of lands now or formerly of Richard A. and Patricia Nothnagle, as described in a deed recorded in the Monroe County Clerk's office in Liber 4948, Page 108; thence,
7. North 07° 40' 36" east, along the division line between Nothnagle on the west and Eisenhower on the east, a distance of 660.64 feet to a point on the southerly line of lands now or formerly of Gene F. and Mary Louise Bater; thence,
8. South 89° 43' 47" east, along the southerly line of lands of Bater, a distance of 150.00 feet to the most southeasterly corner thereof; thence,
9. North 84° 52' 50" east, across lands of Eisenhower, a distance of 212.60 feet to a point, said point being the most southwesterly corner of lands now or formerly of Allen W. Phillipp; thence,
10. South 89° 43' 47" east, along the southerly line of lands of Phillipp, and the easterly extension thereof, a distance of 428.39 feet to a point; thence,
11. South 00° 16' 32" west, a distance of 83.48 feet to a point; thence,

12. South 89° 43' 28" east, a distance of 20.20 feet to a point on the westerly line of lands now or formerly of Michelle Marie Eisenhauer, as described in a deed recorded in the Monroe County Clerk's office in Liber 8272, Page 456; thence,
13. South 00° 16' 32" west, along the westerly line of lands of Michelle Marie Eisenhauer, a distance of 257.27 feet to the most southwesterly corner thereof; thence,
14. South 89° 43' 28" east, along the southerly line of land of Michelle Marie Eisenhauer, a distance of 645.27 feet to a point on the westerly line of lands now or formerly of Donald W. Pophal, as described in a deed recorded in Liber 7591, Page 96 said point being the most southeasterly corner of lands of Eisenhauer; thence,
15. South 12° 57' 29" west, along the westerly line of Pophal, a distance of 235.16 feet to the most southwesterly corner of lands of Pophal; thence,
16. North 89° 37' 29" east, along the southerly line of lands of Pophal, a distance of 65.00 feet to a point, said point being the northwesterly corner of lands Paul M. Malarz, as described in a deed recorded in the Monroe County Clerk's office in Liber 9383, Page 508; thence,
17. South 12° 57' 29" west, along the westerly line of Malarz, and continuing along the westerly line of lands of Walter J. and Helen W. Eisenhauer, a distance of 381.80 feet to the southwesterly corner of Eisenhauer; thence,
18. North 89° 37' 44" east, along the southerly line of Eisenhauer, a distance of 201.09 feet to a point on the westerly right-of-way line of Sweden Walker Road; thence,
19. North 89° 37' 44" east, continuing along the southerly line of Eisenhauer, a distance of 33.91 feet to a point on the centerline of Sweden Walker Road, being the point of beginning, containing 1,237,068 square feet or 28.399 acres to right-of-way.

Intending to describe Lot No. 2 of the Ledgedale Airpark Subdivision, as shown on a map prepared by Passero Associates and filed in the Monroe County Clerk's office.

#### LEGAL DESCRIPTION

##### Lot 5 – R1-2 to B-2

All that tract or parcel of land, situated in and being part of Town Lot 3, in Section 11, Township 3 of the Triangular Tract, in the Town of Sweden, County of Monroe, State of New York, and being more particularly described as follows:

Beginning at a point on the northerly right-of-way line of Eisenhauer Drive (60 foot wide right-of-way), at the division line between Lot 2 and Lot 5 of the Ledgedale Airpark Subdivision, as filed in the Monroe County Clerk's office; thence,

1. North 89° 57' 01" west, along the northerly right-of-way line of Eisenhauer Drive, a distance of 663.99 feet to a point of curvature; thence,
2. Southwesterly, continuing along said right-of-way line, on a curve to the left, having a radius of 1,054 feet and a central angle of 08° 32' 36", an arc distance of 157.16 feet to a point of tangency; thence,
3. South 81° 30' 22" west, continuing along the northerly right-of-way line of Eisenhauer Drive, a distance 609.73 feet to a point of curvature; thence,
4. Southwesterly, along said right-of-way, on a curvature to the left, having a radius of 180.00 feet and a central angle of 12° 12' 08", an arc distance of 38.34 feet to a point; thence,
5. North 00° 13' 57" west, along a line that is the southerly extension of the division line between lands now or formerly of Lewis E. Defrank on the west, and land now or formerly of Walter J. and Helen W. Eisenhauer on the east, a distance of 433.97 feet to the northwesterly corner of lands of Eisenhauer; thence,



Sec. 1. That the Town Board hereby approves the 2007 Budget Officer’s Tentative Budget, as amended, and filed herewith in the Office of the Town Clerk as the 2007 Preliminary Budget

Sec. 2. That a summary of the entire proposed budget is as follows:

<u>PURPOSE</u>	<u>TOTAL BUDGET</u>
<u>Operating &amp; Maintenance:</u>	
General Government	\$ 1,072,995
Public Safety	74,126
Health	1,500
Transportation	1,195,724
Economic Assistance	185,391
Culture & Recreation	743,554
Home & Community	224,499
Employee Benefits	481,239
Debt Service	<u>292,192</u>
<b>TOTAL:</b>	<b>\$ 4,271,220</b>
<u>Other-Special Improvement Districts:</u>	<u>397,826</u>
<b>TOTAL BUDGET APPROPRIATIONS</b>	<b>\$ 4,669,046</b>

Sec. 3. That the Town Board shall hold a public hearing at 7:00 p.m. at the Town Hall, 18 State Street in said Town on the 24th day of October 2006 for the purpose of hearing comments, either written or verbal from all interested persons in favor of or against the Preliminary Budget for 2007 or any item therein.

Sec. 4. That the Town Clerk is directed to publish notice of public hearing on the Preliminary Budget, which notice shall state: (1) the time, place and purpose of the hearing; (2) Sec. 2. of this resolution; (3) that a copy of the detailed Preliminary Budget is available for inspection by any interested person at the office of the Town Clerk during regular office hours; and (4) the compensation proposed to be paid to all elected town officials pursuant to Town Law, Sec. 108.

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

MOTION for adoption of this resolution by Councilperson Carges  
 Seconded by Councilperson Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – October 10, 2006

Adopted

RESOLUTION NO. 158

Order for Public Hearing on  
Special District Assessments - 2007

WHEREAS, special assessments for improvement districts, which are assessed on a benefits derived basis, have been prepared and herewith filed with the Town Clerk.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden shall hold a public hearing on the 24th day of October 2006 at 6:45 p.m. at the Town Hall, 18 State Street, Brockport, New York, in said Town on the matter of Special District Assessments, to hear all persons interested in the subject of special assessment rolls for the following improvement districts:

- Sweden Consolidated Sewer District
- Sweden Consolidated Water District
- Sweden Fire District
- Drainage Districts
- Lighting Districts
- Park Districts

Sec. 2. That the Town Clerk is authorized and directed to publish notice of said hearing as required by law.

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

MOTION for adoption of this resolution by Councilperson Connors  
Seconded by Councilperson Windus-Cook

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – October 10, 2006

Adopted

RESOLUTION NO. 159

Extending Agreement with New York State for Control of Ice and Snow – 2009

WHEREAS, the State Commissioner of Transportation and the Town of Sweden have entered into an Agreement No. D139795 entitled "Snow and Ice Agreement Between New York State Department of Transportation and the Municipality of the Town of Sweden" dated July 17, 1978; and

WHEREAS, the term of the said Agreement is for a period of three years commencing July 1, 1978, and the said Agreement provides that the parties may at the end of each year of the term of the Agreement extend such term for an additional year; and

WHEREAS, the present term of the Agreement, as extended, expires June 30, 2008; and

WHEREAS, Section 7 of the said Agreement provides that the Commissioner shall furnish the Municipality with a suitable map for each term of the agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement; and

WHEREAS, Section 10 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner subject to the provisions of Section 10, at the time for extension of the Agreement.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor be authorized to enter into an agreement with the Commissioner of the NYS Department of Transportation to extend the aforementioned Agreement No. D139795 for a period of one year; now to expire on June 30, 2009, unless further extended; and to accept the estimated expenditure as specified in Section 10 of the aforementioned Agreement in the amount of \$2,814.43 per lane mile for 34.89 lane miles for a total of \$98,195.63 for the remainder of the 2006/2007 season and for the remainder of the term of the Agreement commencing July 1, 2006, unless changed by future update.

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

MOTION for adoption of this resolution by Councilperson Ferris  
Seconded by Councilperson Connors

Discussion: Superintendent of Highways Fred Perrine explained that the agreement was based on a three-year average.

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – October 10, 2006

Adopted

RESOLUTION NO. 160 Authorizing the Employment of Midland Appraisal Associates, Inc. – (GBR Spencerport Limited Liability Company & Brockport 31)

WHEREAS, the Town of Sweden is currently the respondent in tax assessment litigation pursuant to Article 7 of the Real Property Tax Law commenced by GBR Spencerport Limited Liability Company & Brockport 31, petitioners; and

WHEREAS, it is necessary to employ an appraiser/expert witness in furtherance of the position and defense of the Town of Sweden in this matter; and

WHEREAS, the Town of Sweden, through the Sweden Town Attorney, has consulted with Midland Appraisal Associates, Inc. for purposes of appraisal/expert witness services; and

WHEREAS, the Sweden Town Attorney hereby has engaged in discussions; and

WHEREAS, Midland Appraisal Associates, Inc. has indicated to the Sweden Town Attorney that the maximum fee charged in this matter will be Ten Thousand Five Hundred Dollars (\$10,500.00)

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the employment of Midland Appraisal Associates, Inc., Real Estate Counseling & Appraisal Services, to assist the Town of Sweden by providing an appraisal and/or expert witness testimony in the above described litigation.

Sec. 2. That the Town Board of the Town of Sweden hereby authorizes the Sweden Town Attorney to take whatever action is necessary to secure the employment of Midland Appraisal Associates, Inc. for the purposes stated hereinabove.

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

MOTION for adoption of this resolution by Councilperson Connors  
Seconded by Councilperson Windus-Cook

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – October 10, 2006

Adopted

RESOLUTION NO. 161 Authorizing the Employment of Midland Appraisal Associates, Inc. – (Petsmart Direct, Inc.)

WHEREAS, the Town of Sweden is currently the respondent in tax assessment litigation pursuant to Article 7 of the Real Property Tax Law commenced by Petsmart Direct, Inc., petitioners; and

WHEREAS, it is necessary to employ an appraiser/expert witness in furtherance of the position and defense of the Town of Sweden in this matter; and

WHEREAS, the Town of Sweden, through the Sweden Town Attorney, has consulted with Midland Appraisal Associates, Inc. for purposes of appraisal/expert witness services; and

WHEREAS, the Sweden Town Attorney hereby has engaged in discussions; and

WHEREAS, Midland Appraisal Associates, Inc. has indicated to the Sweden Town Attorney that the maximum fee charged in this matter will be Nine Thousand Five Hundred Dollars (\$9,500.00)

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the employment of Midland Appraisal Associates, Inc., Real Estate Counseling & Appraisal Services, to assist the Town of Sweden by providing an appraisal and/or expert witness testimony in the above described litigation.



Sec. 2. That the Town Board of the Town of Sweden hereby authorizes the Sweden Town Attorney to take whatever action is necessary to secure the employment of Midland Appraisal Associates, Inc. for the purposes stated hereinabove.

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

MOTION for adoption of this resolution by Councilperson Connors  
Seconded by Councilperson Ferris

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – October 10, 2006

Adopted

RESOLUTION NO. 162

Budget Modifications

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is hereby authorized to make the following modifications to the 2006 Town Budget:

\$332 from A13104. Finance Director Contractual to A1320.4 Auditor Contractual		
\$1,215 from A7310.1 Youth Services Personnel to A7140.1 Community Services Personnel		
\$105 from A9060.8 Hospital and Medical Insurance to A9040.8 Workers Compensation Insurance		
Increase A2770 Miscellaneous Revenues	\$13,591	
Increase A1440.4 Engineer Contractual		\$13,591
\$396 from B5410.1 Sidewalks Personal Service to B3310.4 Traffic Control Contractual		
Increase B2590 Permits and Fees	\$,2588	
Increase B3620.4 Safety Inspection Contractual		\$2,588
Increase B2115 Planning Board Fees	\$24,586	
Increase B1440.4 Engineer Contractual		\$24,586
\$1,594 from DB5112.1 Road Construction Permanent Personnel to DB5147.1 County Road Mowing Personnel		
\$4,452 from DB5112.1 Road Construction Permanent Personnel to DB5148.1 Service Other Governments Personnel		
\$4,481 from DB9060.8 Hospital Insurance to DB9040.8 Workers Compensation Insurance		

Sec. 2 That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Carges  
Seconded by Councilperson Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – October 10, 2006

Adopted

DISCUSSION AND ANNOUNCEMENTS

No discussion or announcements.

EXECUTIVE SESSION

Councilperson Carges made a motion that was seconded by Councilperson Connors to go into executive session at 8:10 p.m. to discuss the Peters litigation and a particular employee. All voted in favor of the motion. Motion adopted.

No action taken.

I, Karen M. Sweeting, Town Clerk of the Town of Sweden, do hereby certify that the Town Board in executive session discussed the item reflected in the foregoing motion, and that no formal action was taken.

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Karen M. Sweeting, Town Clerk

Councilperson Carges made a motion that was seconded by Councilperson Connors to leave executive session and return to the regular meeting at 8:28 p.m. All voted in favor of the motion. Motion adopted.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the October 10, 2006 meeting of the Sweden Town Board at 8:30 p.m. Councilperson Connors seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
Town Clerk

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