

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 14, 2003.

Town Board Members present were Supervisor Nat O. Lester III, Councilperson Rob Carges, Councilperson Patricia Connors, Councilperson Carl Wheat, and Councilperson Danielle Windus-Cook. Also present were Director of Finance Leisa Strabel, Superintendent of Highways Fred Perrine, Assessor Alan Bader, and Town Attorney James Bell

Visitors present were Thomas Ferris, 82 Erie Street, Adam Walters, 3400 HSBC Center, Buffalo, Jim Hamlin, 50 Park Ave., James Mault and Barton Mault, 5743 Redman Rd, Mary Hussong-Kallen and Brandon Zeller, 8 Old Elm Dr., Gary Ferrara, 935 Thayer Rd, Frank and Julie Lapinski, 4016 Sweden Walker Rd., Bob Cloutier and Dan Cloutier, 3 Parkwood Lane Spencerport, Tim Bates, 69 Royal Garden Way

Supervisor Lester called the meeting to order at 7:30 PM. and asked everyone present to say the Pledge to the Flag. He called for public comment. There was none.

#### APPROVAL OF MINUTES

Councilperson Windus-Cook made a motion to approve the minutes of the September 23, 2003 meeting of the Town Board. Councilperson Connors seconded the motion. All voted in favor of the motion. Carried.

#### SUPERVISOR'S CORRESPONDENCE

2003	Received From:	Comments:
1	Brian B. Wirth, Time Warner Cable, 10/01	Copies of TWC FCC Forms 1240 and 1205 for 2004. Also revised 1240 form for 2003, and new form 1235 for 2003. Adjusted rates for 2004.
2	Eliot Spitzer, NYS Office of Attorney General, 10/01	Neighborhood Watch Conference on Thursday, October 23 at Empire State Plaza, Albany.
3.	Monroe County Traffic Safety Board (Mon. Co. STOP-DWI Program) 10/01	Traffic Safety Awards Luncheon 10/22/03, Hyatt Hotel (Registration deadline 10/15)
*4	Sam & Marilyn Cornish 10/03	Reasons for support of Wal-Mart Super Center
*5	Joyce McCullough, Head Cook 10/09	Letter indicating retirement effective December 18, 2003
*6	June Killigrew, Assessment Clerk 8/13	Letter indicating retirement as of November 1, 2003
7	Christina Dandino, Exec. Dr., Joan Bickweat, Asset Network Coordinator, Rochester-Monroe Co. Youth Bureau 10/14	Outstanding Asset Builder Award for Supervisor Lester.
8	Fred Perrine, Highway Superintendent, 10/14	Job posting - full time laborer
9	NYS Office of Real Property Services 10/14	STAR Administrative Aid payment \$3,981.20.
	* Board has copies	

Re: No. 5 Councilperson Carges made a motion to accept with regrets the retirement of Joyce McCullough, Head Cook at the Senior Center, effective December 18, 2003. Councilperson Connors seconded the motion. All voted in favor of the motion. Carried.

Re: No. 6 Councilperson Carges made a motion to accept with regret the retirement of Assessment Clerk June Killigrew, effective November 1, 2003. Councilperson Connors seconded the motion. All voted in favor of the motion. Carried.

Re: No. 8. Councilperson Carges moved to post the full time laborer job that is open in the Highway Dept. Councilperson Windus-Cook seconded the motion. All voted in favor of the motion. Carried

Councilperson Wheat arrived.

#### DEPARTMENTAL REPORTS

Assessor Alan Bader reported that the plans for the new Time Horton's are proceeding smoothly. There will be a new tenant in one-half of the old Ames store. There also will be a new tenant in the Brockport Corners plaza. The Farrish plaza is 80 to 90% occupied. There are vacancies in the Wal Mart plaza but they could be for the future expansion of the Wal Mart store.

Superintendent of Highways Fred Perrine reported that the Department is completing County work on Sweden Walker Rd. (shoulders). There are two other small County jobs to do. The Department will be doing the prep work for the new concession/restroom building in the Sweden Town Park.

The following Departmental Reports for the month of September were submitted and reviewed: Building Department, Dog Control, Fire Marshal, Justice Court, Senior Center, and Town Clerk

#### REPORTS

Councilperson Carges reported that RFPs were received for the street lighting on the Community Center road. The contractor with the lowest proposal to install the lights is Kaplan Schmidt. Councilperson Carges moved to accept the proposal of Kaplan Schmidt for \$6,000 Councilperson Connors seconded the motion. All voted in favor of the motion. Motion carried.

Councilperson Connors had no report.

Councilperson Wheat had received a letter from SUNY Brockport regarding the Good Neighbors Committee. The format of the committee will be changing. More information is to come.

Councilperson Windus-Cook had no report.

Supervisor Lester met with Scott Winner the Economic Development person for the Village. Mr. Winner also met with the Board at their work session. Mr. Lester had a meeting

with the engineers to discuss the sewer lines that will go to the Park and the Northfield development. Supervisor Lester met with the Tax Receiver Shirley Mercer regarding the referendum that is to go before the residents on Election Day. He met with Bob Coopenberg regarding repairs that are needed at the Senior Center. Discussion took place about the alarm system at the Community Center.

Town Attorney James Bell said that the Skidmore Dr. easement is forth coming. Supervisor Lester reminded him that the easement at the Senior Center is needed.

## RESOLUTIONS

### RESOLUTION NO. 122

### Extending Agreement with New York State for Control of Ice and Snow-2006

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, 2005; 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, 2006, unless further extended; and to accept the estimated expenditure as specified in Section 10 of the aforementioned Agreement in the amount of \$95,509.71 for the remainder of the 2003/2004 season and for the remainder of the term of the Agreement commencing July 1, 2003, unless changed by future update.

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

MOTION for adoption of this resolution by Councilperson Wheat  
seconded by Councilperson Connors

Discussion: Superintendent Perrine said that the dollar amount is up \$5000 from last year.

VOTE BY ROLL CALL AND RECORD:

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

Submitted–October14, 2003

Adopted

RESOLUTION NO. 123

Approving 2004 Preliminary Budget and  
Ordering Hearing on General Budget for 2004

WHEREAS: The Town Clerk has presented the Budget Officer’s Tentative budget for 2004 to the Town Board who has given it due consideration.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board hereby approves the 2004 Budget Officer’s Tentative Budget, as amended, and filed herewith in the Office of the Town Clerk as the 2004 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	\$ 1,036,066
Public Safety	58,717
Transportation	1,003,760
Economic Assistance	221,675
Culture & Recreation	682,197
Home & Community	177,858
Employee Benefits	509,436
Debt Service	<u>332,987</u>
<b>TOTAL:</b>	<b>\$ 4,022,696</b>
<u>Other-Special Improvement Districts:</u>	<u>370,691</u>
<b>TOTAL BUDGET APPROPRIATIONS</b>	<b>\$ 4,393,387</b>

Sec. 3. That the Town Board shall hold a public hearing at 7:00PM at the Town Hall, 18 State Street in said Town on the 28th day of October 2003 for the purpose of hearing comments, either written or verbal from all interested persons in favor of or against the Preliminary Budget for 2004 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 Connors  
Seconded by Councilperson Windus-Cook

Discussion: Supervisor Lester mentioned that mandated increases account for \$278,000 in increased spending (NYS Retirement, health insurance, fuel costs, workers' compensation insurance, and bonding for Hollybrook Rd. reconstruction).

VOTE BY ROLL CALL AND RECORD:

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

Submitted–October 14, 2003

Adopted

RESOLUTION NO. 124

SEQR Determination  
AT&T Wireless, 190' Tower  
6615 Redman Road

WHEREAS: AT&T Wireless proposes to construct a 190' telecommunications tower at 6615 Redman Road in the Town of Sweden; and

WHEREAS: to aid the Town, the application and project has been reviewed by the County of Monroe Planning Board, the Town Planning Board, the Town Conservation Board, and the Town's engineer.

WHEREAS: The Town Board has duly reviewed and completed the Environmental Assessment Form and other related documents with respect to the above-referenced action and duly considered the impacts which may be expected to result from such action with the criteria set forth in Article 8 of the State Environmental Quality Review Act and applicable regulations promulgated thereunder (SEQRA).

WHEREAS: The applicant has submitted a Determination of Significance that shall be made a part of this resolution.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. Based upon the review by the Town Board of the Full Environmental Assessment Form as completed by Erdman Anthony Engineers and other necessary criteria, the Board hereby finds that the object of the above-referenced action therefore (a) will result in no major impacts, and therefore is not one which "may have a significant effect on the environment", (b) will not have a "significant effect on the

environment' and (c) no 'environmental impact statement' need be prepared, as such quoted terms are used in SEQRA.

Sec. 2. The proposed project constitutes an Unlisted Action as quoted terms are defined in the regulations of the Department of Environmental Conservation of the State of New York.

Sec. 3. Reasons for supporting this determination are set forth in the EAF attached hereto and hereby made a part of this resolution for the purposes of SEQR. This determination constitutes a negative declaration for the purposes of SEQR.

Sec. 4. A copy of this resolution, together with the notice of negative declaration, shall be placed on file in the office of the Clerk of the Town where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such newspapers as shall be necessary to conform to the requirements of SEQR.

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 Wheat	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted–October 14, 200

Adopted

RESOLUTION NO. 125

Granting Communication  
Facility Permit–AT&T Wireless  
6615 Redman Road

WHEREAS: AT&T Wireless has filed an application to construct a 190' self supporting telecommunications tower at 6615 Redman Road in the Town of Sweden; and

WHEREAS: Pursuant to the Town Code, the Town Board circulated a notice of the application to the Town of Sweden Planning Board, the Town Environmental Conservation Board, the Town Engineer, and Monroe County Planning & Development.

WHEREAS: The Town Board declared the application to be complete for the purposes of holding a public hearing and the town Board upon due notice as required by law published a notice calling a public hearing on the 9<sup>th</sup> day of September, 2003 at 7:15 PM at the Town Hall, 18 State Street, Brockport, New York, in said Town, for the purpose of hearing all persons interested in the application; and

WHEREAS: the Town Board met to review and consider the application, their investigation and knowledge thereof, the evidence submitted and the public comments made at the hearings; and

WHEREAS: the Town Board now desires to grant the Communications Facility Permit to AT&T Wireless affixing conditions and safeguards thereto that it deems appropriate.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That having given due consideration to all the evidence referred to and recited in this resolution, the Town Board of the Town of Sweden hereby grants to AT&T Wireless a Communications Facility Permit.

Sec. 2. That construction of the tower as described in the application for which this permit is granted shall be carried out in compliance with the Town of Sweden Regulations for issuance of the Communications Facility Permit and such permit is granted with the provisions that the following additional conditions shall apply throughout the term of the permit.

Cessation of operations and abandonment:

- A. Prior to the issuance of the special permit, the owner and operator of a communications tower shall provide the town with a surety bond or other financial security acceptable to the Town Attorney to assure that the funds are available to dismantle such tower, remove any debris and to restore the site to a state acceptable to the Town Board. The estimate shall be prepared by the applicant's licensed engineer, verified by the Town Engineer, and approved, as to form, by the Town Attorney. The amount of such bond shall be approved by the Town Board.
- B. In the event that the use of any telecommunications facility has been discontinued by all operators on such facility for a period of 180 consecutive days or more, the facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Building Inspector, who shall have the right to request documentation from the owner/operator of the facility regarding usage thereat. Upon such abandonment, the town may remove the facility at the owner/operator's expense. All special permits, variances and approvals of the nature granted by the town shall automatically expire as of the date of abandonment of the facility.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted–October 14, 2003

Adopted

RESOLUTION NO. 126

Authorize Intermunicipal Technology Services  
Agreement

WHEREAS, the County of Monroe, through its Monroe County Information Services Department has offered local communities its expertise providing computer services that will include technology and telecommunications support requirements; and

WHEREAS, it is the intent of this Agreement for the Monroe County Information Services Department to provide its services to local communities in an effort to save or avoid costs to the local communities participating with Monroe County in this shared service effort; and

WHEREAS, the Monroe County Information Services Department manages the County's Wide-Area-Network (WAN) that provides access to County applications, NyeNet and the Internet; and

WHEREAS, the Town desires to have a connection to the WAN for access to the appropriate applications with appropriate authorization and security approvals; and

WHEREAS, the County and the Town desire to memorialize their current practices and procedures related to the provision and support of the Town's access to the WAN; and

WHEREAS, the County Legislature, by Resolution Number 9 of 2003 adopted on January 14, 2003, authorized the execution of this Intermunicipal Agreement with the Town.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the Supervisor to enter into the Intermunicipal Technology Services Agreement on behalf of the Town of Sweden.

Sec. 2. That the Town Board does hereby appoint Marleen Cain as the Town's Project Manager and Town Administrator as defined in the agreement.

Sec. 3. 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 Wheat	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted–October 14, 2003

Adopted

RESOLUTION NO. 127

Appoint Member to the Town of Sweden  
Planning Board–Minor

WHEREAS: A vacancy has occurred on the Town of Sweden Planning Board; and

WHEREAS: The position was advertised, applications were received, and candidates were interviewed.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Matthew F. Minor to the Planning Board to fill the vacancy.

Sec. 2. That this term of membership will begin October 14, 2003 and end on December 31, 2009.

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 Wheat	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted: October 14, 2003

Adopted

RESOLUTION NO. 128

Authorizing Supervisor to Accept Proposal  
for Auditing Services for 2004

WHEREAS, the following proposal has been received for auditing services for 2004  
Christopher Trento, CPA \$6,645

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is hereby authorized to accept the proposal of Christopher Trento, CPA, 41 Main Street, Brockport, NY 14420 for auditing services for 2004.

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

MOTION for adoption of this resolution by Councilperson Wheat  
seconded by Councilperson Windus-Cook

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted–October 14, 2003

Adopted

DISCUSSION AND ANNOUNCEMENTS

There will be a workshop meeting on October 21, 2003 at 7:30 PM.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges made a motion that was seconded by Councilperson Connors to adjourn the October 14, 2003, meeting of the Sweden Town Board at 8:20 PM. All voted in favor of the motion. Motion carried.

Respectfully submitted,

Gail A. DeToy  
Town Clerk