

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, November 9, 2004.

Town Board Members present were Supervisor Buddy Lester, Councilperson Rob Carges, Councilperson Patricia Connors, and Councilperson Danielle Windus-Cook. Councilperson Tom Ferris was excused. Also present were Director of Finance Leisa Strabel, Building Inspector Bill Weber, Superintendent of Highways Fred Perrine, Receiver of Taxes Karen Sweeting and Kathleen Roberts. Visitors present were Frank and Julie Lapinski from 4016 Sweden Walker Road, Lauren McCracken from White Road, Jim Hamlin from 50 Park Avenue, and students from SUNY Brockport Andrea L. Zaccaria and Adam Young.

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 there was anyone that would like to speak. There was no one.

APPROVAL OF MINUTES

Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to amend the minutes of the Public Hearing held on October 26, 2004 Special District Assessments, the fifth paragraph, last sentence from "Supervisor Lester explained." to read, "Supervisor Lester explained the fire, sewer, lighting, park, drainage and water districts." Councilperson Carges abstained due to his absence on October 26, 2004. All others voted in favor of the amendment. Motion adopted. Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to accept the minutes as amended. Councilperson Carges abstained due to his absence on October 26, 2004. All others voted in favor of the amendment. Motion adopted.

Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to accept the minutes of the Public Hearing held on October 26, 2004 Budget. There were three ayes in favor of the amendment. Councilperson Carges abstained due to his absence on October 26, 2004. Motion adopted.

Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to amend the minutes of the Public Hearing held on October 26, 2004 Local Law 1 of 2004, the first sentence, fifth paragraph, the punctuation at the end from a question mark to a period. Councilperson Carges abstained due to his absence on October 26, 2004. All others voted in favor of the amendment. Motion adopted. Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to accept the minutes as amended. Councilperson Carges abstained due to his absence on October 26, 2004. All others voted in favor of the amendment. Motion adopted.

Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to accept the minutes of the Regular Town Board Meeting held October 26, 2004. There were three ayes in favor of the amendment. Councilperson Carges abstained due to his absence on October 26, 2004. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

2004 Received From:	Comments:
1. Janet Olivieri, Town Clerk	Letter of resignation.
2. Steve Gleason, Chief Financial Officer, Monroe County Department of Finance	Announcement that Sweden will receive \$77,158.10 as the third quarter 2004 sales tax distribution.
3. Craig Surprise, IAO, Chairman of	Announcement that Kathy Alvito has receive a

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| | Trustees, NYS Assessors' Association | complete scholarship to attend the 2005 NYSAA Institute of Assessing Officers Cornell Seminar to be held in July 2005. |
| 4. | Terence J Rice, PE, Director of Transportation, Monroe County Department of Transportation | Announcement that new legislation has passed that requires a complete stop when approaching an intersection with a malfunctioning or nonfunctioning traffic-control signal. |
| 5. | Karen M. Sweeting, Current Receiver of Taxes | Letter of resignation subject to appointment as Town Clerk. |
| 6. | Copy of letter to Mr. Larry Sherman from James R Pond, PE, PTOE, Associate Traffic Engineer | Notification in response to a request for a lowered speed limit on East Avenue from 580 East Avenue to Sweden Walker Road that the speed limit will be reduced to 45 mph. |
| 7. | Seth Musselman
10/27 | Letter voicing concern about the idea of a Super WalMart being introduced to the Brockport-Sweden area. |

REPORTS

Mr. Perrine reported that the top layer of asphalt has been done on Ellis Drive. They have been busy preparing for the winter. The leaf pickup should be completed by the end of November. Activity is still taking place at the Town Park considering the wet weather conditions.

Town Attorney, James Bell, arrived.

Councilperson Carges reported that he met with Monroe Piping regarding the HVAC issues at the Sweden/Clarkson Community Center. The airflow needs to be rerouted for increased efficiency. The brochure for the Sweden/Clarkson Community Center is completed and in production. It should be distributed by next week.

Councilperson Connors reminded the Town Board of the upcoming Regional/Local workshop meeting in Mount Morris on November 19, 2004. The deadline to register is November 12, 2004.

Councilperson Windus-Cook reported that she has been meeting with Bill Weber on Tuesday mornings to work on the code for sign usage.

Supervisor Lester reported that he met with a resident from Fourth Section Road regarding the sewer district. Met with Jim Oberst and Fred Perrine on the formation of a water district on Colby Street. Also spoke with Jim Oberst regarding the filing of an application with FEMA for financial assistance to build a retention pond on East Canal Road to help with flood issues. Met with the Bond Council regarding district formations. Mr. Lester commented on the success of the Rec Center Halloween Party.

RESOLUTIONS

RESOLUTION NO. 125

Appoint Town Clerk – Sweeting

WHEREAS, after November 9, 2004, a vacancy will exist in the position of Town Clerk; and
 WHEREAS, Karen M. Sweeting has been recommended for the position by the Town Board.
 NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden agrees that it is in the best interest of the Town to hereby appoint Karen M. Sweeting as Town Clerk of the Town of Sweden effective November 10, 2004.

WHEREAS, the Town Board has met at the time and place specified in the notice of public hearing on the Preliminary Town Budget for 2005, and heard all persons desiring to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Preliminary Budget for 2005, as amended, and as hereinafter set forth and filed in the Office of the Town Clerk be adopted as the Annual Budget for the Town of Sweden for the fiscal year commencing January 1, 2005, and ending December 31, 2005.

Sec. 2. That the several amounts stated in the column entitled "Adopted" be and are appropriated for the objects and purposes specified, that all amounts stated in the summary as "Amounts to be raised by Tax" be and are the tax levy for the year 2005, and that salaries of elected officers as stated shall be fixed at the amounts shown effective January 1, 2005.

Sec. 3. That the Town Clerk is directed to publish notice that a summary of this enacted budget is available for public inspection during normal business hours in the Town Clerk's Office.

Sec. 4. 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 Ferris	<u>Absent</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted: November 9, 2004

Adopted

RESOLUTION NO. 128

SEQRA Determination – Amending Section 175-25 Signs in the Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden, Monroe County, New York, intends to amend the Town of Sweden Zoning Ordinance Chapter 175-25 Signs; and

WHEREAS, to aid the Town Board in determining whether such Project and other actions of the Town in connection therewith (the “action”) may have a significant effect on the environment, the Board has caused to be prepared an environmental assessment form or similar information (“EAF”), a copy of which is attached hereto; and

WHEREAS, the Town Board has duly reviewed the EAF and 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 the applicable regulations promulgated thereunder (“SEQRA”).

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. Based upon the review by the Town Board of the EAF and other necessary criteria, the Board hereby finds that the object of the above-referenced action (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. The proposed Project does not constitute a “Type I Action” as such quoted term is defined in the regulations of the Department of Environmental Conservation of the State of New York (6NYCRR Part 617, as amended). Reasons supporting this determination are set forth on the notice of negative declaration of the Board attached hereto and hereby made a part of this resolution for the purposes of SEQRA. This determination constitutes a negative declaration for purposes of SEQRA.

Sec. 2. 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 SEQRA.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – November 9, 2004

Adopted

617.21
 State Environmental Quality Review
 NEGATIVE DECLARATION
 Notice of Determination of Non-Significance

November 9, 2004

This notice is pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act of the Environmental Conservation Law.

The Town Board as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Change in Zoning Ordinance Section 175-25 Signs.

Applicant: Town Board
Town of Sweden
18 State Street
Brockport, New York 14420

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Amend Section 175-25 Signs in the Town of Sweden Code Book.

Location: Townwide

Reasons Supporting This Determination:

1. This action is consistent with local zoning and surrounding suburban land uses.
2. This action does not result in any adverse effect to air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, or potential for erosion.
3. This action does not result in any adverse effect to existing natural or cultural resources.
4. This action is consistent with the existing Comprehensive Plan and Land Use/Development Regulations.

RESOLUTION NO. 129

Adopt Amendment to Section 175-25 Signs in the
Sweden Town Code

WHEREAS, a duly advertised Public Hearing was held by the Town Board on November 9, 2004, at 7:15 p.m. to hear all persons for or against the amendments to the Town of Sweden Zoning Ordinance under Chapter 175, Section 25 Signs; and

WHEREAS, all persons desiring to be heard were heard on the amendments.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby adopts the following amendments to the Sweden Town Code, Chapter 175, section 25 Signs:

Section A, (2) delete "~~professional services,~~" so that the part reads as follows:
“(2) Signs announcing products raised on the premises and the use of the premises, which signs shall not exceed five (5) square feet.”

Section F, delete everything following the first sentence so that the part in whole reads as follows: “Signs existing prior to the enactment of this amendment and for which a permit has been issued pursuant to prior provisions of this chapter will be allowed to continue in use.”

Section G, delete “within fifteen (15) days of the termination or cessation of the activity for which it was displayed” and add “*in accordance with the terms of the permit.*” So that the part reads as follows: “Any sign erected under a permit shall be removed in accordance with the terms of the permit.”

Sec. 2. That the Town Clerk is directed to make the appropriate changes in the Town of Sweden Code Book.

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

Submitted – November 9, 2004

Adopted

RESOLUTION NO. 130

BOND RESOLUTION DATED NOVEMBER 9, 2004 OF THE TOWN BOARD OF THE TOWN OF SWEDEN, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE THE ACQUISITION OF A 6-WHEEL DUMP TRUCK, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

NOW, THEREFORE, BE IT RESOLVED, by a favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Sec. 1. The Town of Sweden shall undertake the acquisition of a 6-wheel dump truck, as more specifically described in Section 3 hereof.

Sec. 2. The Town of Sweden is hereby authorized to expend up to \$151,400 for such acquisition, and the Town is authorized to issue its General Obligation Serial Bonds in an aggregate principal amount up to \$105,000 pursuant to the Local Finance Law of the State of New York, in order to finance the purpose described herein.

Sec. 3. The specific object or purpose to be finance pursuant to this resolution (hereinafter described as “purpose”) is the acquisition and equipping of one 2005 Sterling 6-wheel dump truck with plow equipment and dump body, at an estimated maximum cost of \$151,400.

Sec. 4. It is hereby stated that (a) the estimated maximum aggregate cost of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$151,400 and said amount is hereby appropriated therefore, (b) no money has heretofore been authorized to be applied to the payment of the cots of said purpose, and (c) the plan for financing of said purpose is to provide (i) up to \$105,000 of such maximum cost by issuance of

obligations as herein authorized, (ii) up to \$20,000 from the current 2004 fund balance, and (iii) up to \$26,400 from the 2005 budget.

Sec. 5. It is hereby determined and declared that said purpose is one of the class of objects or purposes described in Subdivision 28 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is hereby restricted to five (5) years.

Sec. 6. The Town of Sweden is hereby authorized to issue its Bond Anticipation Notes in an aggregate principal amount not to exceed \$105,000, pursuant to the Local Finance Law of New York, in order to finance the purpose in anticipation of the issuance of the above described Bonds.

Sec. 7. It is hereby stated that (a) there are presently no outstanding Bond Anticipation Notes issued in anticipation of the sale of said Bonds, (b) the Bond Anticipation Notes authorized by this resolution shall mature within one (1) year from the date or their issuance or such later date as may be desired in accordance with the Local Finance Law, (c) such Bond Anticipation Notes are not issued in anticipation of bonds for an assessable improvement, (d) the proposed maturity of the obligations authorized by this resolution will not be in excess of five years to be measured from the date of the Bonds or from the date of the first Bond Anticipation Note issued in anticipation of the sale of the Bonds, whichever date is the earlier, and (e) prior to the issuance of the Bond Anticipation Notes or Bonds herein authorized there will be provided the appropriate amount of current funds required by Section 107.00 of the Local Finance Law, if any.

Sec. 8. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Sec. 9. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulations §1.150-2.

Sec. 10. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and hereby authorized to affix to such bonds and notes the corporate seal of the Town of Sweden.

Sec. 11. The faith and credit of the Town of Sweden, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall

be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Sec. 12. This resolution, or a summary hereof, shall be published in full by the town Clerk of the Town of Sweden together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the town, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Sec. 13. That this resolution shall take effect immediately upon its adoption.

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

Submitted – November 9, 2004

Adopted

RESOLUTION NO. 131

Apply for grant for trail project from New York State Office of Parks and Recreation

WHEREAS, the Town of Sweden is applying to the New York State Office of Parks, Recreation and Historic Preservation for a grant under the Recreational Trails Program for a trail project to be located on the abandoned trolley bed, a site located within the territorial jurisdiction of the Town of Sweden; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town of Sweden hereby does approve and endorse the application of a grant under the Recreational Trails Program for a trail project on the abandoned trolley bed located within the Town of Sweden.

Sect. 2. That said property shall be maintained by the Town of Sweden consistent with the rules promulgated by OPRHP.

Sect. 3. That this resolution 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>Absent</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – November 9, 2004

Adopted

APPROVAL OF PAYMENT OF BILLS

All of the Board members reviewed the CHIPS invoices. Councilperson Connors made a motion that was seconded by Councilperson Carges authorizing payment of the bills in Abstract 11A dated November 9, 2004. All voted in favor of the motion. Motion adopted.

Highway Fund(CHIPS): In the amount of \$31,628.66 as set forth in Abstract 11A dated November 9, 2004.

DISCUSSION AND ANNOUNCEMENTS

Jim Bell thanked both Bill Weber and Marleen Cain for their work on the SEQR relative to the change in sign code. Also announced that he would be working with the Village Attorney, Frank Aloï, on a matter in Court with Natapow Realty during the first weeks in January 2005.

Supervisor Lester read the letters of appointments submitted by Karen M. Sweeting, Town Clerk and Kathleen Roberts, Tax Receiver. Deputies to Town Clerk – Marleen Cain and Phyllis Brudz. Deputy Receivers of Taxes – Kathy Alvito and Phyllis Brudz.

There will be a workshop meeting next Tuesday, November 16, 2004, at 7:00 p.m.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the November 9, 2004, meeting of the Sweden Town Board at 7:53 p.m. Councilperson Connors seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk