

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, 2010.

Town Board members present were Supervisor John H. Milner, Councilperson Rob Carges, Councilperson Patricia Connors and Councilperson Michael Myers. Also present were Director of Finance Leisa Strabel, Superintendent of Highways Fred Perrine and Town Clerk Karen Sweeting.

Visitors present were residents Tim Bates, Vesta Teeter, Cora Schrader, Jim Hamlin, Christine Hunt, Andrew and Dora Jones, Norm Frisch, David Strabel from the Planning Board and Wind Tower Committee and Kristina Gabalski from the Suburban News.

Supervisor Milner called the meeting to order at 7:30 p.m. and asked everyone present to say the Pledge to the Flag.

Supervisor Milner acknowledged the visitors and asked if anyone would like to speak. Resident Tim Bates spoke regarding the fire protection contract and expressed his appreciation at how the Town Board is handling it. He added that if money is allocated to a particular service, ie. fire protection, then the money needs to go to that service and is pleased that the Town Board is looking out for that.

No other comments.

APPROVAL OF MINUTES

Councilperson Connors made a motion that was seconded by Councilperson Myers to accept the minutes of the Public Hearing – 2011 Budget held on October 26, 2010. All voted in favor of the motion – four ayes. Motion adopted.

Councilperson Connors made a motion that was seconded by Councilperson Myers to accept the minutes of the regular meeting held on October 26, 2010. All voted in favor of the motion –four ayes. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

2010 Received From:	Comments:
*1. George Dahl, President, BISCO	2011 Brockport Summer Arts Festival
*2. Rebecca Donohue	Resignation Seymour Library Board
*3. Rebecca Donohue	Resignation Board of Assessment Review

*Board has copies

RE: #1 Supervisor Milner stated that BISCO would like to attend the November 16, 2010 workshop to make a presentation to the board and discuss possible locations for the 2011 Brockport Arts Festival.

RE: #2 Councilperson Connors made a motion that was seconded by Councilperson Carges to accept the resignation of Rebecca Donohue from the Seymour Library Board. All voted in favor of the motion – four ayes. Motion adopted.

RE: #3 Councilperson Connors made a motion that was seconded by Councilperson Carges to accept the resignation of Rebecca Donohue from the Board of Assessment Review. All voted in favor of the motion – four ayes. Motion adopted.

DEPARTMENTAL REPORTS

October 2010 departmental reports were received and reviewed by the Town Board from the following departments: Dog Control, Kathy Beaumont; Building Department, Jim Butler; Finance Director, Leisa Strabel; and Town Clerk, Karen Sweeting.

Sec. 6. That the Museum will receive an annual budget for operations and that the committee shall follow all Town procurement policies and work through the Town Finance Director for management of said budget.

Sec. 7. That this resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – November 9, 2010

Adopted

RESOLUTION NO. 107

Appoint Member of Landmarks
Advisory Committee – Westbrook

WHEREAS, there are vacancies on the Landmark Advisory Committee and Robert Westbrook has expressed interest in serving on the committee.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Robert Westbrook to serve on the Landmarks Advisory Committee commencing on November 9, 2010 and ending on July 31, 2013.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – November 9, 2010

Adopted

RESOLUTION NO. 108

Appoint Representative to Seymour
Library Board - Focarazzo

WHEREAS, a vacancy has occurred on the Town of Sweden Seymour Library Board; and

WHEREAS, the Town Board is desirous of filling the position and Marjorie Focarazzo has expressed an interest in serving on the Board.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Marjorie Focarazzo to serve as a representative on the Seymour Library Board.

Sec. 2. That her term shall be effective from November 9, 2010 until December 31, 2011.

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 Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – November 9, 2010

Adopted

RESOLUTION NO. 109

Calling Public Hearing on
Designating Historic Landmark
Status to 5137 Lake Road

WHEREAS, Ashley Allen has petitioned the Town for designation of his property at 5137 Lake Road (“property”) as an historic landmark under the Historic Preservation Local Law No. 1 of 1993; and

WHEREAS, the Landmarks Advisory Committee, at a meeting held on October 26, 2010, by a vote of 3:0, recommended that the Town Board grant such designation; and

WHEREAS, the owner’s concurrence, signed by Ashley Allen on October 18, 2010 has been received by the Town of Sweden; and

WHEREAS, the Town Board consulted with the Planning Board as set forth in the aforesaid Local Law; and

WHEREAS, the Town Board, prior to making such designation, pursuant to the aforesaid Local Law, has made the following determinations and findings regarding the property at 5137 Lake Road:

- A. The property possesses special character of historic or aesthetic interest or value as part of the cultural, political, economic, social or military heritage of the town, region, state or nation.
- B. The property is identified with historic personages; and

WHEREAS, the Town Board is required to hold a public hearing prior to designating Historic Landmark status.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That a public hearing will be held by the Town Board of the Town of Sweden at the Town Hall, 18 State Street, Brockport, New York, on the 14th day of

\$3,260.8558 per lane mile for 40.51 lane miles for a total of \$132,097.27 for the remainder of the 2010/2011 season and for the remainder of the term of the Agreement commencing July 1, 2010, unless changed by future update.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – November 9, 2010

Adopted

RESOLUTION NO. 111

Designation of Proposed
Local Law as Type II Action

WHEREAS, the Town Board of the Town of Sweden, has authorized for consideration the preparation of a Local Law, to be known as the Wind Energy Conversion Systems Law; and

WHEREAS, the proposed Local Law qualifies as a regulation, policy, procedure or legislative decision in connection with establishment of criteria for administrative acts of a ministerial nature involving building permits, where issuance will be predicated solely on the applicant’s compliance with relevant local and state codes, all in accordance with 6 NYCRR §§617.5(19) and (27); and

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

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Sweden Town Board does hereby designate the proposed Wind Energy Conversion Systems Law as a Type II action.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – November 9, 2010

Adopted

RESOLUTION NO. 112

Adopt Local Law No. 1 of 2010 –
Addition of Wind Energy Conversion
Systems to the Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden would like to add “Wind Energy Conversion Systems” to the Sweden Town Code; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board pursuant to the provisions of Section 265 of Town Law, at the Town Hall, 18 State Street, Brockport, New York, on September 14, 2010, at 7:15 PM and on November 9, 2010 at 6:45 pm., to hear all persons interested in the adoption of Local Law No. 1 of 2010 – Addition of Wind Energy Conversion Systems to the Sweden Town Code; and

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

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby adopts Local Law No. 1 of 2010 – Addition of Wind Energy Conversion Systems to the Sweden Town Code.
- Sec. 2. That the complete text of Local Law No. 1 of 2010 is attached as Exhibit A.
- Sec. 3. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. 1 of 2010 with the Secretary of State, as required by law.
- Sec. 4. That this resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – November 9, 2010

Adopted

RESOLUTION NO. 113

Appoint Seasonal Laborer – Whitten

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

WHEREAS, Richard Whitten is employed by the Town of Sweden as a seasonal laborer for cemetery operations and that appointment expires on November 19, 2010; and

WHEREAS, the Superintendent of Highways has recommended hiring Richard Whitten for seasonal snow operations.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Richard Whitten as a seasonal laborer for snow operations.
- Sec. 2. That this appointment does not constitute an offer of permanent employment or any benefits that are normally attached to permanent appointments.
- Sec. 3. That the rate of pay will be \$8.50 per hour.
- Sec. 4. That the start date will be November 15, 2010 and that the appointment will end on or before April 15, 2011.
- Sec. 5. 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 Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – November 9, 2010

Adopted

RESOLUTION NO. 114

Ordering a Public Hearing Regarding the Adoption of Local Law No. 2 of 2010 – Proposed Amendments to Chapter 84 – Dogs and Other Animals of the Sweden Town Code

WHEREAS, effective January 1, 2011, the State of New York will relinquish the responsibility of dog licensing function to local municipalities and will eliminate the Animal Population Control Fund; and

WHEREAS, local municipalities will now be required to adopt legislation relating to this issue; and

WHEREAS, the Town of Sweden’s current laws relating to dogs need to be updated in conformance with the change in the statute.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. The Town Board of the Town of Sweden shall hold a public hearing at the Town Hall, 18 State Street, Brockport, New York on the 23rd day of November, 2010 at 7:15 pm to hear all interested persons for or against the adoption of Local Law No. 2 of 2010 – proposed amendments to Chapter 84 – Dogs and Other Animals of the Sweden Town Code.
- Sec. 2. The proposed amendments relate to dog licensing, identification and control. The complete amendment is on file in the Town Clerk’s office.
- Sec. 3. The Town Clerk is authorized and directed to cause a notice of the public hearing to be published in the Town’s official newspaper, as required by law.
- Sec.4. 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 Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – November 9, 2010

Adopted

RESOLUTION NO. 115

Authorizing Agreement Regarding
Water Service with Kepler

WHEREAS, the Town of Sweden established the Swamp Road/Salmon Creek Water District on September 29, 2009; and

WHEREAS, the district includes a property identified by tax account number 099.04-2-1.1 which was approved by the Town of Sweden Planning Board through the subdivision process on December 14, 2009; and

WHEREAS, the Deed regarding said property was filed with Monroe County on March 5, 2010.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Supervisor is hereby authorized to execute an agreement with the owner of said property, tax account number 099.04-2-1.1, in order to satisfy requirements of the Monroe County Water Authority.

Sec.2. That the agreement is subject to the review and recommendation of the Town Attorney.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – November 9, 2010

Adopted

DISCUSSION AND ANNOUNCEMENTS

Workshop scheduled for November 16, 2010 at 5:30 p.m. and may be subject to an Executive Session to discuss a legal matter.

Resident Rhett King asked the Town Board, concerning the Fire Contract 2011, what the next step would be. Councilperson Connors stated that the Board would be meeting with the Town Attorney.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Myers moved to adjourn the November 9, 2010 meeting of the Sweden Town Board at 8:00 p.m. Councilperson Connors seconded the motion. All voted in favor of the motion – four ayes. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk