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:
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*1. George Dahl, President, BISCO
 *2. Rebecca Donohue
 *3. Rebecca Donohue
 *4. Rebecca Donohue
 *5. Resignation Seymour Library Board
 *6. 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.

REPORTS

Superintendent of Highways Fred Perrine reported that the water main installation for Swamp Road/Salmon Creek Road is complete. Water samples will be taken and individual service installations should begin soon. Mr. Perrine hopes that all residents that have signed up for connections to date should have water before the end of this year. Fall brush pick up is complete and the leaf collection will continue until Thanksgiving. Mr. Perrine spoke with Lori Mastin of National Grid regarding the installation of lights for Heritage Square. The Highway Department is able to begin the underground installation requirements after the first of the year. The Town Board agreed that the installation of lights for Heritage Square should go forward.

Councilperson Myers announced the Veterans' Day Luncheon to be held at the Senior Center on November 10th.

Councilperson Connors held a department head meeting.

Councilperson Carges had no report.

Finance Director Leisa Strabel reported that the 2011 Budget has been filed with Monroe County as required.

Supervisor Milner along with Councilperson Connors and Superintendent of Highways Fred Perrine, met with NYS DOT to discuss concerns with Route 31 and Redman Road.

RESOLUTIONS

RESOLUTION NO. 106

Establish Sweden Farmers Museum Committee And Appoint Members

- WHEREAS, the Town of Sweden has established a Sweden Farmers Museum in order to preserve the Town's agricultural history; to educate adults and children through a variety of interactive activities; and to celebrate the success and importance of local farming; and
- WHEREAS, a group of volunteers has actively pursued these stated goals for a number of years; and
- WHEREAS, the Town Board of the Town of Sweden wishes to formalize the efforts of these volunteers by creating a Sweden Farmers Museum Committee to oversee the operations of the museum and plan for its future.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby create the Sweden Farmers Museum Committee.
- Sec. 2. That the terms of office shall be four years with two of the initial members having two-year terms and the other two members having four-year terms.
- Sec. 3. That the initial members are: Kathy Goetz and Donald Grentzinger with terms to expire December 31, 2012; and Marie Bell and Danielle Windus-Cook with terms to expire December 31, 2014.
- Sec. 4. That the number of members can change at the request of the committee members and appointment by the Town Board; or at the discretion of the Town Board.
- Sec. 5. That Danielle Windus-Cook is appointed as the chair of the committee through the first term of her appointment after which time committee members shall choose the chairman.

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.

<u>Sec. 7.</u> That this resolution shall take effect immediately.

MOTION for adoption of this resolution by <u>Councilperson Myers</u> Seconded by Councilperson Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson CargesAyeCouncilperson ConnorsAyeCouncilperson MyersAyeSupervisor MilnerAye

Submitted – November 9, 2010 Adopted

RESOLUTION NO. <u>107</u> 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 <u>Councilperson Connors</u> Seconded by <u>Councilperson Myers</u>

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson CargesAyeCouncilperson ConnorsAyeCouncilperson MyersAyeSupervisor MilnerAye

Submitted – November 9, 2010 Adopted

RESOLUTION NO. <u>108</u> 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 <u>Councilperson Connors</u> Seconded by <u>Councilperson Carges</u>

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges
Councilperson Connors
Councilperson Myers
Supervisor Milner
Aye
Aye

Submitted – November 9, 2010 Adopted

RESOLUTION NO. <u>109</u> 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

December, 2010 at 7:15 PM at which time the Landmarks Advisory Committee, owners, and any interested parties may present testimony and documentary evidence, which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark.

<u>Sec. 2.</u> That the Town Clerk is hereby authorized and directed to publish a notice of said public hearing pursuant to local law.

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

MOTION for adoption of this resolution by <u>Councilperson Connors</u> Seconded by <u>Councilperson Myers</u>

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges
Councilperson Connors
Councilperson Myers
Supervisor Milner

Aye
Aye
Aye

Submitted – November 9, 2010 Adopted

RESOLUTION NO. 110

Extending Agreement with New York State for Control of Ice and Snow To Expire 2012

- 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, 2012; 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, 2013, unless further extended; and to accept the estimated expenditure as specified in Section 10 of the aforementioned Agreement in the amount 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 <u>Councilperson Connors</u> Seconded by <u>Councilperson Myers</u>

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson CargesAyeCouncilperson ConnorsAyeCouncilperson MyersAyeSupervisor MilnerAye

Submitted – November 9, 2010 Adopted

RESOLUTION NO. <u>111</u> 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.

<u>Sec. 2.</u> That this resolution shall take effect immediately.

MOTION for adoption of this resolution by <u>Councilperson Carges</u> Seconded by <u>Councilperson Myers</u>

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges
Councilperson Connors
Councilperson Myers
Supervisor Milner
Aye
Aye

Submitted – November 9, 2010

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.

<u>Sec. 4.</u> That this resolution shall take effect immediately.

MOTION for adoption of this resolution by <u>Councilperson Carges</u> Seconded by Councilperson Myers

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson CargesAyeCouncilperson ConnorsAyeCouncilperson MyersAyeSupervisor MilnerAye

Submitted – November 9, 2010 Adopted

RESOLUTION NO. <u>113</u> <u>Appoint Seasonal Laborer – Whitten</u>

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.

<u>Sec. 5.</u> That this resolution shall take effect immediately.

MOTION for adoption of this resolution by <u>Councilperson Connors</u> Seconded by Councilperson Carges

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson CargesAyeCouncilperson ConnorsAyeCouncilperson MyersAyeSupervisor MilnerAye

Submitted – November 9, 2010 Adopted

RESOLUTION NO. <u>114</u> 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.

<u>Sec. 2.</u> 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.

<u>Sec.4.</u> 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 CargesAyeCouncilperson ConnorsAyeCouncilperson MyersAyeSupervisor MilnerAye

Submitted – November 9, 2010 Adopted

RESOLUTION NO. <u>115</u> 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.

<u>Sec.2.</u> 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 <u>Councilperson Connors</u> Seconded by <u>Councilperson Myers</u>

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges
Councilperson Connors
Councilperson Myers
Supervisor Milner
Aye
Aye

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