

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 22, 2005.

Town Board Members present were Supervisor Buddy Lester, Councilperson Patricia Connors, Councilperson Tom Ferris, and Councilperson Danielle Windus-Cook. Councilperson Rob Carges was excused. Also present were Finance Director Leisa Strabel, Town Clerk Karen Sweeting, Town Attorney Jim Bell and Building Inspector Bill Weber.

Visitors present were Richard Mault from Redman Road and Al Spaziano from WSR, LLC, Dave and Jan Preston from Redman Road, Marc Romanowski on behalf of WSR, LLC, and Commander Don Bergmann from Zone C of the Monroe County Sheriff's Department.

Supervisor Lester called the meeting to order at 7:30 p.m. and asked everyone present to say the Pledge to the Flag led by resident Dave Preston. Supervisor Lester then acknowledged the presence of the visitors and asked if anyone would like to speak.

Councilperson Ferris introduced the new Zone C Commander, Don Bergmann. Mr. Bergmann stated that he has been in the Sheriff's Department for 20 years and has been a Lieutenant for 8 years. He will be promoted to Captain in a few weeks. Mr. Bergmann has been visiting the localities to extend the offer to make contact with him for any questions or concerns. Brief discussion took place relative to the patrol units for the Town of Sweden. Mr. Bergmann stated that the department has been collecting statistics to make recommendations for any changes to the Sheriff.

APPROVAL OF MINUTES

Councilperson Connors made a motion that was seconded by Councilperson Ferris to accept the minutes of Regular Town Board Meeting held on November 9, 2005. All voted in favor of the motion – four ayes. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

2005 Received From:	Comments:
1. Carole Black, Resident	Town procedures
2. Patricia Trek, Acting Director of Seymour Library	Notice of appointment
3. Karen Mascioletti, Receptionist	Resignation
4. Bill Weber, Building Inspector	Request to refund building permit fee

RE:#3 Councilperson Windus-Cook made a motion that was seconded by Councilperson Ferris to accept the resignation of Karen Mascioletti as Receptionist of the Sweden Senior Center. All voted in favor of the motion – four ayes. Motion adopted.

RE:#4 Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to grant the request to refund the building permit fee. Councilperson Ferris stated that he was not in agreement with refunding fees but realizes this has been the practice in the past. Mr. Ferris stated this should be discussed at a future workshop. All voted in favor of the refund – four ayes. Motion adopted.

REPORTS

Councilperson Connors reported that she attended a Local Government Workshop in Mount Morris. One of the classes focused on wind farms. Mrs. Connors stated that some neighboring counties are putting up wind farms and the Town may want to be proactive and get

something in the Town Code before wind farms come into this area. The second class focused on the SEQR process.

Councilperson Ferris reported that he attended a Sweden Foundation meeting and the committee is moving forward on the solicitation of funding. The committee has been discussing what types of things will be funded. Mr. Ferris stated that the Sweden Clarkson Community Center received a pool table from the Sweden Foundation. Mr. Ferris attended the Military Service at St. John's with Councilperson Connors. Mr. Ferris stated that the new Hamlin Supervisor also attended and looks forward to working with the Town of Hamlin.

Councilperson Windus-Cook reported that she attended a meeting to discuss the cemetery. The committee is applying for a grant to establish funds for the salvation of the foundation of the barn. She has approached the Landmark Advisory Committee for a recommendation to declare 4988 Lake Road South a Landmark of the Town.

Supervisor Lester reported that he met with the Chairperson for the Sweden Foundation to discuss several possible projects. Mr. Lester also met with the Town Engineer and the developers to discuss the proposed Lowe's development. He also attended the Supervisors' luncheon.

Building Inspector Bill Weber reported that he has been working with Deputy Town Clerk Marleen Cain on the updates to the Sweden Town Code. He stated that they should have something to present to the remaining committee members in a couple of weeks. Mr. Weber stated that Ruth Kruppner has assisted with research on the zoning map and commented that both Ms. Cain and Mrs. Kruppner have been working hard on this project and are to be commended for their research and time.

Town Attorney Jim Bell reported that he is waiting for the decision on the Firestone case. Supervisor Lester asked if Firestone has been in compliance. Building Inspector Bill Weber stated that Firestone has been in compliance.

RESOLUTIONS

RESOLUTION NO. 164

Adopt Local Law No.5 of 2005 - Amending
Section 2(a) of Local Law No. 4 of 2003
Aged Exemption

WHEREAS, the Town Board of the Town of Sweden would like to amend Local Law No. 4 of 2003 to raise the income limit to \$32,400; 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 November 22, 2005, at 6:45 PM., to hear all persons interested in the adoption of Local Law No. 5 of 2005 - Amending Section 2 (a) of Local Law No. 4 of 2003; and

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

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That Section 2(a) of Local Law No. 4 of 2003 is hereby amended to read as follows:

If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of THIRTY TWO THOUSAND FOUR HUNDRED & no/100 DOLLARS (\$32,400). Income tax year shall mean

the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital assets in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

Sec. 2. That the Town Board of the Town of Sweden hereby adopts Local Law No. 5 of 2005 - Amending Local Law No. 4 of 2003.

Sec. 3. That the Town Clerk is authorized and directed to file a complete copy of Local Law No.4, 2003, 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 Connors
Seconded by Councilperson Ferris

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – November 22, 2005

Adopted

RESOLUTION NO. 165

Adopt Local Law No. 6 of 2005 - Amending
Section 1 of Local Law No. 5 of 2003
Persons with Disabilities

WHEREAS, the Town Board of the Town of Sweden would like to amend Local Law No. 5 of 2003 to raise the income limit to \$32,400; 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 November 22, 2005, at 6:50 PM., to hear all persons interested in the adoption of Local Law No. 6 of 2005 - Amending Section 1 of Local Law No. 5 of 2003; and

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

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That Section 1 of Local Law No. 6 of 2005 is hereby amended to include a paragraph to read as follows:

The Town of Sweden has the further option of giving exemptions of less than 50% to persons with qualifying disabilities whose incomes are more than \$24,000. Under this option, called the "sliding-scale" option, a qualifying owner can have a yearly income as high as \$32,400 and get a 5% exemption in places that are using the maximum limit.

- Sec. 2. That the Town Board of the Town of Sweden hereby adopts Local Law No. 6 of 2005 - Amending Local Law No. 5 of 2003.
- Sec. 3. That the Town Clerk is authorized and directed to file a complete copy of Local Law No .6 of 2005 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 Connors
Seconded by Councilperson Windus-Cook

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – November 22, 2005

Adopted

RESOLUTION NO. 166

Authorizing Fire Protection District
Contract for 2006

WHEREAS, the proposed contract between the Village of Brockport, the Brockport Fire Department and the Town of Sweden Fire Protection District has been received; and

WHEREAS, the Town Board held a public hearing on November 22, 2005 at 7:15 PM. on the proposed contract and all persons desiring to be heard were heard; and

WHEREAS, the Town Board deems it to be in the best interest, safety and welfare of the residents of the Sweden Fire Protection District to enter into the proposed agreement.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That Section 7 of the Fire Protection Contract be amended to read as follows:

7. It is hereby covenanted and agreed that neither the party of the first part nor any individual members of the Board of Trustees, or officers of said party of the first part or members of its Fire Department, *nor the party of the second part nor any individual members of the Town Board or officers of said party of the second part*, or members of the third parties hereto shall be liable under this agreement ...

Seconded by Councilperson Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – November 22, 2005

Adopted

RESOLUTION NO. 168

Authorizing Lighting District No. 7
The Woods at Sable Ridge

WHEREAS, a written petition in due form and containing the required signatures was filed with the Town Board of the Town of Sweden, for the establishment of a Lighting District to include land as indicated on the map and plan attached; and

WHEREAS, a Public Hearing was duly scheduled by the Town Board, and was held on November 22, 2005 at 7:00 PM, and all persons desiring to be heard were heard.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board acknowledges that all property and owners benefited thereby are included in the district and it is in the public interest to establish said district.
- Sec. 2. That the Lighting District as requested by authorized and known as Sweden Lighting District No. 7 – The Woods at Sable Ridge.
- Sec. 3. That the cost of improvements in Lighting District No. 7 shall be borne by the developer, and at no expense to the Town, and
- Sec. 4. 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>Absent</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – November 22, 2005

Adopted

RESOLUTION NO. 169

Establishing Extension to the Town of
Sweden Drainage District No. 1 -
The Woods at Sable Ridge

Sec. 2. That the establishment of the water extension as proposed be approved and to become part of the Town of Sweden Consolidated Water District and shall be bounded and described as shown on a map and plan attached to this resolution and made a part thereof.

Sec. 3. That the amount proposed to be expended in the construction of the extension to the Sweden Consolidated Water District is to be borne entirely by the petitioner/owner.

Sec. 4. That this resolution shall take effect immediately,

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – November 22, 2005

Adopted

RESOLUTION NO. 171

Calling Public Hearing on
Designating Historic Landmark
Status to 4988 Lake Road

WHEREAS, the Sweden Town Board wishes to designate properties at Lakeview Cemetery, 4988 Lake Road, specifically the cemetery house and barn, as historic landmarks under the Historic Preservation Local Law No. 1 of 1993; and

WHEREAS, the Town of Sweden is the owner of record for said property; and

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

WHEREAS, the Town Board has consulted with members of the Landmark Advisory Board and has reason to believe that a letter of recommendation for the designation of the aforementioned property is forthcoming; and

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

- A. The properties possess 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 properties are 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 Municipal Building, 18 State Street, Brockport, New York, on the 13th day of December, 2005 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.
- Sec. 2. 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 Councilperson Ferris
Seconded by Councilperson Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted –November 22, 2005

Adopted

APPROVAL FOR PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook authorizing payment of the bills in Abstract 11 dated November 23, 2005 in the amount of \$95,512.11. All voted in favor of the motion – four ayes. Motion adopted.

General Fund: In the amount of \$68,960.07 as set forth in Abstract 11 dated November 23, 2005.
Highway Fund: In the amount of \$18,239.49 as set forth in Abstract 11 dated November 23, 2005
Special Fund: In the amount of \$8,312.55 as set forth in Abstract 11 dated November 23, 2005.

DISCUSSION AND ANNOUNCEMENTS

Workshop meeting scheduled for Tuesday, November 29, 2005 at 7:00 p.m.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Connors moved to adjourn the November 22, 2005 meeting of the Sweden Town Board at 8:55 p.m. Councilperson Ferris seconded the motion. All voted in favor of the motion – four ayes. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk