

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, 2016.

Town Board Members present were Supervisor Robert Carges, Councilperson Robert Muesebeck, Councilperson Mary Rich and Councilperson Lori Skoog. Also present were Finance Director Leisa Strabel, Highway Superintendent Brian Ingraham, Town Attorney Jim Bell and Town Clerk Karen Sweeting.

Visitors present were Christine Hamlin, William Johnson, Ray and Karen Gabriel, Kathy Kandris, Michael and Alex Bieler, Pat and Tom Pawlaczyk and SUNY Brockport student Shanda Kamien.

Supervisor Carges called the meeting to order at 7:00 p.m. and asked everyone present to say the Pledge to the Flag.

Supervisor Carges asked if there were any comments from the visitors.

Residents Pat and Tom Pawlaczyk read a prepared statement. They thanked the Town Board, Town Attorney and Building Inspector for drafting the proposed special events law. A public hearing is scheduled for December 6th and the Pawlaczyk's indicated they would not be attending. They informed the board that they recently received an anonymous, threatening letter of which they also read and provided copies of to the members of the board. (Both statement and anonymous letter are on file in the Town Clerk's office.)

Kathy Kandris, who attends the SilverSneakers program at the Sweden Clarkson Community Center, was present to address her concerns with the excessively low temperatures in the fitness rooms at the center. She indicated that she has been working with Councilperson Rich on these concerns and is now seeking a written statement from the Town that the fitness rooms will be kept at 65 degrees and that the temperatures will be monitored for any issues.

No other comments.

APPROVAL OF MINUTES

Councilperson Rich made a motion that was seconded by Councilperson Skoog to accept the minutes of the regular meeting held on November 8, 2016. All voted in favor of the motion. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

Nothing noted

REPORTS

Superintendent of Highways Brian Ingraham reported on the first winter storm of the season and mentioned there were several accidents on Lake Road/Route 19 due to high winds. Highway crews are working on equipment maintenance, leaf pick up, snow fence installation and the Sweden Town Park sewer project.

Town Attorney Jim Bell updated the board on a Dog Control violation pending in Sweden Town Court and two pending assessment litigation actions.

Councilperson Rich attended a Monroe County Communications System presentation with Fire Marshal Mike Vergari on November 12th. Mrs. Rich would like the county to come out

and share with the board the information presented. She also attended the Seymour Library’s After Hours event on November 19th.

Councilperson Skoog reported on the Water Committee meeting. She discussed the survey results and mentioned that Councilperson Rich set up SUNY Brockport student volunteers to enter the data into Survey Monkey. Mrs. Skoog was pleased with the number of residents that completed the survey – almost half. The next committee meeting is scheduled for December 15, 2016 at 7 p.m. Mrs. Skoog indicated the next step would be to set up public information meetings.

Finance Director Leisa Strabel reported that she received a notice of change in the Clarendon Water District charge. Discussion of liability insurance.

RESOLUTIONS

RESOLUTION NO. 110 Approval of Regular Town Board Meetings for 2017

WHEREAS, it is the intention of the Sweden Town Board to have the Clerk advertise in the official Town newspaper the regular Town Board meetings for 2017.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the dates for regular Town Board meetings for 2017 be approved as listed below:

*January 3, 2017 - 5 PM - Organizational Meeting

January 24, 2017 @ 7 PM	July 25, 2017 @ 7 PM
February 14, 2017 @ 7 PM February 28, 2017 @ 7 PM	August 22, 2017 @ 7 PM
March 14, 2017 @ 7 PM March 28, 2017 @ 7 PM	September 12, 2017 @ 7 PM September 26, 2017 @ 7 PM
April 11, 2017 @ 7 PM April 25, 2017 @ 7 PM	October 10, 2017 @ 7 PM October 24, 2017 @ 7 PM
May 9, 2017 @ 7 PM May 23, 2017 @ 7 PM	November 14, 2017 @ 7 PM November 28, 2017 @ 7 PM
June 13, 2017 @ 7 PM June 27, 2017 @ 7 PM	December 12, 2017 @ 7 PM *December 28, 2017 @ 5 PM (Thursday)

Sec. 2 That Town Board workshops will be held on the first and third Tuesdays of each month.

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

MOTION for adoption of this resolution by Councilperson Muesebeck

Seconded by Councilperson Skoog

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – November 22, 2016

Adopted

RESOLUTION NO. 111 Adopt Local Law No. 1 of 2016 – Moratorium on Solar Power Farms/Commercial Solar Power Projects

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 13, 2016 at 7:00 PM., to hear all persons interested in the adoption of Local Law No. 1 of 2016 – Moratorium on Solar Power Farms/Commercial Solar Power Projects; 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 2016 – Moratorium on Solar Power Farms/Commercial Solar Power Projects as identified in Attachment A.
- Sec. 2. All Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.
- Sec. 3. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. 1 of 2016, 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 Rich
 Seconded by Councilperson Skoog

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – November 22, 2016

Adopted

RESOLUTION NO. 112 Release of Maintenance Deposit
Northview Subdivision Phase II

WHEREAS, on November 25, 2014, the Town Board of the Town of Sweden accepted a cash deposit in lieu of a Maintenance Bond for Northview Subdivision Section II; and

WHEREAS, the required two-year Maintenance Bond period has expired; and

WHEREAS, the Highway Superintendent completed an inspection of the Northview Subdivision Phase II dedicated infrastructure covered by the Maintenance Bond; and

WHEREAS, subsequent repairs were undertaken by the developer and the Highway Superintendent now deems the infrastructure to be acceptable.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden authorizes the Director of Finance to release the cash deposit of \$33,069 held in lieu of the Northview Subdivision Phase II Maintenance Bond.

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

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Councilperson Skoog

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – November 22, 2016

Adopted

RESOLUTION NO. 113 Authorize Supervisor to Sign Reltek/
Falls Road Railroad Co Inc. Acknowledgement

WHEREAS, License No. 130257 between Falls Road Railroad Co. Inc. and the Town of Sweden regulates the right of way agreement between the Railroad and Town; and

WHEREAS, Reltek, manager of the Falls Road Railroad Co, Inc. has requested acknowledgement of an increase in the annual right of way payment.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Supervisor be authorized to sign the acknowledgement of the increase in rental fee for License No. 130257 between the Falls Road Railroad Co. Inc. and the Town of Sweden.

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

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Councilperson Rich

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
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Councilperson Rich Aye
Councilperson Skoog Aye
Supervisor Carges Aye

Submitted – November 22, 2016

Adopted

RESOLUTION NO. 114

Extending Agreement with New York State
for Control of Ice and Snow To Expire 2018

WHEREAS, the State Commissioner of Transportation and the Town of Sweden have entered into an Agreement No. D014743 entitled "Conventional Sum Municipal Snow and Ice Agreement" between the People of the State of New York acting by and through the Commissioner of Transportation of the State of New York and the Supervisor of the Town of Sweden; and

WHEREAS, the term of the said Agreement is for a period of three years commencing July 1, 2015, 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 expires June 30, 2018 unless further extended; 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. D014743 for a period of one year; now to expire on June 30, 2018, unless further extended; and to accept the estimated expenditure as specified in Section 10 of the aforementioned Agreement in the amount of \$186,224.98 for the remainder of the 2015/2016 season and for the remainder of the term of the Agreement commencing July 1, 2015, unless changed by future update.

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

MOTION for adoption of this resolution by Councilperson Skoog
Seconded by Councilperson Muesebeck

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck Aye
Councilperson Rich Aye

Councilperson Skoog Aye
Supervisor Carges Aye
Submitted – November 22, 2016 Adopted

RESOLUTION NO. 115 Authorizing Supervisor to Sign Service Contract with COP Security Inc.

WHEREAS, the Sweden Town Justices have recommended that COP Security Inc. be engaged to provide security operations during certain court proceedings.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That pending approval of the Town Attorney, the Town Board of the Town of Sweden does hereby authorize and direct the Supervisor to sign the services contract with COP Security Inc.
- Sec. 2. The term of this agreement shall be for a period of one (1) year, commencing on January 1, 2017 and expiring December 31, 2017.
- Sec. 3. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Rich
Seconded by Councilperson Skoog

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck Aye
Councilperson Rich Aye
Councilperson Skoog Aye
Supervisor Carges Aye
Submitted – November 22, 2016 Adopted

*At 7:36 pm, the board introduced David Koch, CPA from Thaney and Associates. Mr. Koch briefly presented auditing services offered by Thaney and Associates.

RESOLUTION NO. 116 Appoint Delegate Association of Towns Meeting

NOW BE IT HEREBY RESOLVED:

- Sec. 1. James D. Bell, Town Attorney, has permission to attend the Annual Conference of the Association of Towns of the State of New York to be held in New York City, February 2017.
- Sec. 2. That the Town Board of the Town of Sweden hereby designates James D. Bell to cast the vote of the Town of Sweden pursuant to Section 6 of Article III of the Constitution and By-Laws of said Association.

MOTION for adoption of this resolution by Councilperson Skoog
Seconded by Councilperson Muesebeck

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – November 22, 2016

Adopted

RESOLUTION NO. 117 Approving Bond for Receiver of Taxes and Assessments

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby approves the surety, form and amount of the official undertaking for the faithful performance of the duties of the Receiver of Taxes and Assessments, as follows:

Type of Undertaking:

public employees dishonesty bond including faithful performance

Insurance company: Travelers Insurance Company

Amount: \$200,000

Sec. 2. A true copy of this resolution shall be affixed to the undertaking to indicate this Board’s approval thereon in accordance with Town Law Section 25.

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

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Councilperson Rich

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – November 22, 2016

Adopted

RESOLUTION NO. 118 SEQRA Determination – Local Law 2 of 2016 Proposed Amendments to Chapter 170 Vehicles and Traffic of the Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden by Local Law, intends to adopt amendments to Chapter 170 Vehicles and Traffic of the Sweden Town Code; 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 Local Law as a Type II action.

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

MOTION for adoption of this resolution by Councilperson Rich
Seconded by Councilperson Skoog

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – November 22, 2016

Adopted

RESOLUTION NO. 119 Designating Sweden Town Board Lead Agency and
SEQRA Determination – Local Law 3 of 2016 –
Amendments to Sweden Town Code Chapter 55
Assemblies, Public (Special Events)

WHEREAS, the Town Board of the Town of Sweden, Monroe County, New York, proposes to adopt Local Law 3 of 2016 Amendments to the Sweden Town Code Chapter 55 Assemblies, Public (Special Events); and

WHEREAS, the Town Board has determined that there are no other involved or interested agencies so does hereby intend to establish itself the Lead Agency for making the determination of environmental significance for the Action; 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. That the Town Board does hereby establish itself the Lead Agency for making the determination of environmental significance for the Action.

Sec. 2. 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. 3. 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 Muesebeck

Seconded by Councilperson Skoog

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – November 22, 2016

Adopted

RESOLUTION NO. 120 Designating Sweden Town Board Lead Agency and SEQRA Determination – Local Law 4 of 2016 – Amendments to Sweden Town Code Chapter 175 Zoning and Chapter 97 Farming

WHEREAS, the Town Board of the Town of Sweden, Monroe County, New York, proposes to adopt Local Law 4 of 2016 Amendments to the Sweden Town Code Chapter 175 Zoning and Chapter 97 Farming; and

WHEREAS, the Town Board has determined that there are no other involved or interested agencies so does hereby intend to establish itself the Lead Agency for making the determination of environmental significance for the Action; 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. That the Town Board does hereby establish itself the Lead Agency for making the determination of environmental significance for the Action.

Sec. 2. 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. 3. 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 Rich
Seconded by Councilperson Skoog

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – November 22, 2016

Adopted

*At 8:00 pm, the board introduced Pat Roberts, CPA from Roberts Accounting. Mr. Roberts briefly presented auditing services offered by Roberts Accounting.

APPROVAL FOR PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Muesebeck made a motion that was seconded by Councilperson Rich authorizing payment of the bills in Abstract 11 dated November 23, 2016 in the amount of \$144,871.98. All voted in favor of the motion. Motion adopted.

General Fund: In the amount of \$93,499.51 as set forth in Abstract 11 dated November 23, 2016.

Highway Fund: In the amount of \$44,649.90 as set forth in Abstract 11 dated November 23, 2016.

Special Fund: In the amount of \$6,722.57 as set forth in Abstract 11 dated November 23, 2016.

DISCUSSION AND ANNOUNCEMENTS

No discussion or announcements.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Skoog moved to adjourn the November 22, 2016 meeting of the Sweden Town Board at 8:22 p.m. Councilperson Muesebeck seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk