

At 7:00 p.m. Supervisor Carges called to order two public hearings located at the Town Hall, 18 State Street, Brockport, New York on Tuesday, December 6, 2016. The purpose of the first public hearing was to hear all persons for or against the adoption of Local Law 3 of 2016 – proposed amendments to Sweden Town Code Chapter 55 Assemblies, Public. The purpose of the second public hearing was to hear all persons for or against the adoption of Local Law 4 of 2016 – proposed amendments to Sweden Town Code Chapter 175 Zoning and Chapter 97 Farming.

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, Building/Code Enforcement Officer Steve Lauth, Town Attorney Jim Bell, Superintendent of Highways Brian Ingraham, Fire Marshal Michael Vergari, Planning/Building Clerk Phyllis Brudz, Deputy Town Clerk Kathy Roberts and Town Clerk Karen Sweeting.

Visitors present were Joan Hamlin, Chris Hamlin, Adam Mesiti, Aimee Mesiti, Austin Mesiti, Paul McCracken, Kelly McCracken, Jarl Boyst, Carl Gabriel, Joe McCracken, Maria McCracken, Kathy Breiner, Victoria McCracken, Mike Sullivan, Donna Sullivan, John Lemke, Kevin Breiner, Tim Elliott, Everett Peake, Kevin Bleier, Kim Bleier, Michelle Armstrong, Shane Armstrong, Karen Gabriel, Raymond Gabriel, Wayne Zyra, Karen Conklin, Curt Conklin, Nancy Sanger, Kris Sanger, Attorney Jon Tantillo, Gail Barido-Maier, Janine Mesiti, Ryan McKee, Robert Brawn, Tom O’Hara, Gary Mault, Eric McCracken, Cassia McCracken, Seth McCracken, Gloria McCracken, Zane McCracken, Anita Mault, Ed Anderson, Annette Seyler, Pam Ignaszak, Kevin Ignaszak, Joyce Brawn, Janet Brown, Jim Martin, Cathy Martin, Don Grentzinger, Bonnie Grentzinger, Craig Rusin, Wendy Rusin, Jerry Dowd, Benjamin Logan, Joseph Streb, Bernice Lachman, James Lachman, Jeanie Brown, Carla Carson, Ruby Skellen, Claude Carson, Jr., Kevin Schenk, Bill Johnson, Mark Rabjohn, Daniel Kuhn, Brennan Kuhn, Donald Davis, Julie Lapinski, Frank Lapinski, Rawlin Sams, Darlene Sams, Steve Mesiti, Connie Mesiti, Steve Zisovski, Jimmy Zisovski, Peg Baird, Dick Baird, Tom Bedard, Kristin Coon, Anne Rizzo, Steven Luther, Kathy Gleason, Tom Gleason, Erik Gustafson, John Seymour, Alice Seymour, Pat Cliff, Lynette Cliff, David Stettner, Grace Lawlor, Dale Robinson, Betty Avolin, John Avolin, Robert Lewis, Alvin Anheier, Christine Hunt, Kelly Salomone, Anita Wicks, Mike Cunningham, Kyle Boyst, Laurie Scaglione, Dottie Scott, Chuck Scott, Jennifer Kelly, John Kelly, Kevin M. Johnson, Tom Conrow, Jean Rowley, Ed Rowley, Cathy Cook, Marty Cook, Gregg Sargis, Bill Lisi, Jayne Foose, Neil Foose, Victoria Bochorski, Robert Bochorski, Tammy Bonisteel, Joanne Bocach, John White, Jim Abrams, Josephine Matela, Melanie Schwab, Donna Donnelly, David Young, Darrell Stewart, Fran Gaylord, Mindy Safran, Dakota Kretschman, Gary Skoog, Edward Stieve, Shannon Costello, Hannah Stettner and John Dewey. Many others were present but did not sign in – 170 +/- in attendance.

Supervisor Carges asked Town Clerk Karen Sweeting to read the legal notices published in the Town newspaper. Notices were read.

Mr. Carges stated the purpose of the public hearings are to solicit public comment about the amendments to the Sweden Town Code concerning special events. Currently the Town of Sweden has laws concerning public assembly that this proposed local law will update. He

explained the format of the hearing and asked that comments be limited to five minutes due to the number in attendance.

Mr. Carges opened the floor for comments.

Adam Mesiti of Five Sons Winery/RG Brewery provided the board members with copies of suggested revisions to the local law. He thanked the community for their support and thanked the board for allowing them to speak. He feels they are the catalyst for this legislation due to one neighbor's complaints. Mr. Mesiti explained that Five Sons Winery/RG Brewery is a family owned farm, winery and brewery. His son is the head brewer and they have been labeled as the "gem of the west side". The winery/brewery is located within an agricultural district and protected by Agriculture and Markets Law. All of the events held at the winery/brewery promote their business as well as draw in people that also support the community and other local businesses. Mr. Mesiti stressed that they are not a bar. He stated that since opening 18 months ago, one neighbor has filed 15 complaints, all of which he feels are not legitimate. They have received no tickets or violations for any events that have been held. He feels the proposed local law is oppressive and non-business friendly and that it will set a precedent for other neighboring towns and communities.

Paul McCracken thanked the community for their support. He stated that the events held are not festivals, but are events that support agri-tourism. Their events do have entertainment – petting zoo, pony rides, etc. They have held U-Pick events for 30 years and all have been well organized, safe events. Mr. McCracken mentioned particular concerns with the proposed law. He, as a taxpayer, feels that emergency services are already available to their farm and is unclear as to why it is a requirement of the permit. He added that the Town needs to protect not hinder farming in this community. His farm is required by Agriculture and Markets Law, New York State Law and County Law to obtain certain permits. The proposed local law is redundant.

Joe McCracken of Joe's Farm focused on farms, culture, technology, communities and families changing from generation to generation. Joe's Farm is a small 20 acre farm that he is transitioning to organic. He continuously looks for ways to connect people to his farm and to food through events and CSA programs. Many area farms have added agri-tourism to provide additional income, provide people with locally grown products and teach the communities about farming and food. Mr. McCracken added that farmers are already regulated by several agencies, so this proposed local law seems to add another layer that hinders their ability to operate. (Full statement on file in the Town Clerk's office.)

Gary Mault has a farm that has been in his family since the 1850s. He now leases the farmland to the McCrackens. Mr. Mault questioned whether stables are included in this local law, if not, why. He had questions of fees for retail businesses, etc. He is concerned about recent assessment increases and the value of farmland. Mr. Mault stated that food trucks are already regulated by several other agencies. The Town is not growing at a fast pace and said the Town should support agri-business that offer jobs and education to our youth.

Brennan Kuhn, a 6th grader, stated that he enjoyed going to the local farm events and that the proposed local law should not be passed. The farms make a living off these events and this

law may impact other businesses. The people that come to these events may support other businesses in this community. He feels that without these events, it could affect our economy and shouldn't be limited to 12 days per year.

Cathy Martin, a member of the Monroe County Farm Bureau, stated that farms are a vital part of our community producing a wide variety of products. She is concerned that the proposed law will negatively impact farms by creating additional burdensome requirements. She understands the need for health and safety. Ms. Martin would like to see the Town work with Agriculture and Markets to draft the local law and stressed the importance of agriculture in the community.

Curt Conklin from Windy Meadow Tree Farm informed the board that he has done some research on New York State guidelines. He feels there are discrepancies with definitions in New York State Law and the proposed local law, pointing out several concerns. Mr. Conklin doesn't feel that two events per month, no more than twelve per year is a feasible number of events for farms to sustain their business. He stated that farms are protected by the Agriculture and Markets Law. He is concerned that the law was drafted because of one complaint and not because of an "overriding local concern". Mr. Conklin added that the permit process appears to be cumbersome and encouraged the board to look at state guidelines pertaining to farms and events.

Jerry Dowd commented on the Pledge to the Flag and stated he hopes that if the law passes, common sense prevails.

Gregg Sargis stated that the draw for him to move from Rochester to the Town of Sweden was the agricultural aspect of the community. He questions the intent of the proposed local law and feels that there are already laws in place that pertain to events. Mr. Sargis touched on the distribution model of a farm and the idea of the community intertwining agriculture and business. He disagrees with the proposed local law and would like it redone.

Erik Gustafson, owner of A Gust of Sun Winery and Vice President of the Niagara Wine Trail stressed the need for wineries to sell directly to the consumer and that special events is a necessary part of their business. The events bring people to the business that may normally not visit. He detailed several events that his winery hosts each year and added that Agriculture and Markets recognizes these events as necessary to sustain such businesses. Mr. Gustafson stated that like the Mesiti's they have been respectful to neighbors, have followed noise ordinances and are able to co-exist. He added that the Town of Cambria where his winery is located recognizes the need for agri-business and have focused their concerns on parking, lighting, noise levels and safety. He feels the proposed local law could set a precedence that, in the long run, would damage agri-business across the state. (Full statement on file in the Town Clerk's office.)

Jim Lachman disagrees with the proposed local law stating that many people visit the winery from outside of Monroe County and spend money in the community, supporting the economy of Sweden. He stated that he resides not far from the winery and that the winery does not infringe on their enjoyment of their property. He does not have any issue with noise or traffic safety. The winery has hosted several fundraisers for local sports teams. Mr. Lachman

feels that the winery has positively contributed to the Town and the community. He is not in favor of the local law. (Full statement on file in the Town Clerk's office.)

Robert Lewis stated that local farmers invest time and money in their operations and must evolve and innovate to sustain their businesses. He goes to the local farmers for a sense of community and a family-oriented experience. Mr. Lewis feels this proposed local law does not support the local farmers. He added that the complaints from one neighbor were not valid and the Town should consider protecting the farmers from unfair harassment.

James "Jimmy" Zisovski, from Jimmy Z's stated that times are changing and stressed that the winery is not a bar. Local farms work hard to create jobs and make money. Both McCracken Farm and Five Sons Winery have hosted fundraising events where the community has benefited. Mr. Zisovski spoke about their food truck and involvement with the winery along with the support of the local farmers for their annual Thanksgiving meal for the community. Small local businesses spend money to do things the right way and he feels the Town is giving them a hard time. Mr. Zisovski is against the proposed local law.

Ken Montgomery stated that Churchville, Hilton and Naples all celebrate their local farms and do not over regulate or stifle their businesses. He feels that the Town should do more for our local farmers.

John Lemke of Semco Construction, feels the proposed law is ill-conceived and onerous and believes that this is about liberty and the ability to make a living.

Cassia McCracken explained that she works on a farm and that farms would not be able to pay employees if they are required to pay more permit fees. She feels that by setting restrictions for farmers on events that it will take the experience away from young people, effecting their opportunities and discouraging them from farming. Ms. McCracken stated that the agri-tourism events encourage the relationship between the community and the farm.

Bernice Lachman is opposed to the proposed local law. She is happy to see that the Town encourages agriculture in the Town, but doesn't feel that the day to day operations of the farms are understood. Ms. Lachman felt there were discrepancies in the proposed law and NYS AML Section 301 (2) and (11) – dealing with the definition of farming, what events are included as part of a farm operation and submissions of annual reports. She is concerned with the lack of input from farmers and residents in drafting this law and feels the Town should table adoption of such laws until the Town can seek input from those that benefit from these operations. (Full statement on file in the Town Clerk's office.)

Tim Elliott, elected official for the Village of Medina, stated that a similar situation occurred in Orleans County. The Town passed a local law that the residents challenged and after the adoption Agriculture and Markets stepped in. It cost taxpayers a lot of money.

Attorney Jon Tantillo, appearing on behalf of the Pawlaczyk's, read a statement explaining that the basis of complaints from the Pawlaczyk's was noise. They are not anti-farm. The proposed local law states that special events permits are required for events meeting one of

two criteria and places requirements on events that are not currently permitted under their current site plans, ie. events requiring more parking than currently on the property. He stated that the proposed local law is not prohibiting these events, but rather imposing requirements for protection and safety of the residents and the farms.

Ben Cohen expressed his concerns with the complaints against the winery by one individual and felt that personal conflicts are the main factor in this draft local law. He is against the proposed local law. He pointed out several concerns with the complainant and detailed his conversation with said complainant. Mr. Cohen felt that this law could shut down the winery and negatively impact businesses and farms. He asked that the Board support the local businesses and farms.

Kris Sanger said he is a small farmer that sells his products to other local farmers and the winery. He is against this law and asked the Board to throw it out and not revisit it.

David Stettner of Salmon Creek Nursery stated that they have events each year, now they will be required to obtain permits. The nursery has been in business since 1968, has educated youth, sold to towns and schools and will now be regulated with additional fees. He is upset that farms will now be controlled by the Town when they are already regulated by Agriculture and Markets Law. The Town is creating an image of being non-progressive and is concerned with how this looks to people who want to move to Sweden.

Steve "Poppy" Zisovski of Jimmy Z's, stated that farmers choose to work their land to provide a living for their families and don't get rich doing it. He is concerned with the negativity and restrictions being placed on local farms and the winery. He is opposed to the proposed local law.

Wendy Rusin lives near the Five Sons Winery and McCracken Farms and stated that she has never been impacted negatively by any event either business has held. She asked for a show of hands of those in attendance that agreed that there have been no negative impacts to the neighbors.

Kathy Breiner stated that several neighbors have been negatively impacted by the complainant and asked for a show of hands.

No other comments.

Supervisor Carges closed the public hearing at 8:30 p.m.

Respectfully Submitted,

Karen M. Sweeting
Town Clerk