

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, February 12, 2013.

Town Board members present were Supervisor Patricia Connors, Councilperson Rob Carges, Councilperson Kevin Johnson and Councilperson Donald Roberts, Jr. Councilperson Rebecca Donohue was absent. Also present were Director of Finance Leisa Strabel, Town Attorney Jim Bell, Superintendent of Highways Fred Perrine and Town Clerk Karen Sweeting.

Visitors present were residents Marilyn Cornish, Linda Coleman, Joan Hamlin, Joan Fenton, Helen Smagorinsky, Dottie and Richard Romagnolo, Dorcas Michaels, Robert and Cecilia Berry, Fred and Terry Carbone, Frederick Carbone, Michelle Guerrieri, Pam Ketchum, Heather Schmidt, Melba LoMonaco, Annie Crane, and Philip Miglioratti of Patriot Management, LLC. Others were present but did not sign in.

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

Supervisor Connors acknowledged the visitors and asked if anyone had any comments. Mrs. Connors stated the comment period for the rezoning project closed on February 5, 2013.

Resident Helen Smagorinsky was concerned with a vacant house on Tudor Road. Mrs. Connors will look into this.

Resident Terry Carbone stated there were several residents present that were not able to attend the rezoning public hearing and felt they should be heard.

No other comments.

APPROVAL OF MINUTES

Councilperson Johnson made a motion that was seconded by Councilperson Carges to accept the minutes of the regular meeting held on January 22, 2013. All voted in favor of the motion – four ayes. Motion adopted.

Councilperson Roberts made a motion that was seconded by Councilperson Carges to accept the minutes of the Public Hearing held on January 29, 2013. All voted in favor of the motion – four ayes. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

2013 Received From:

*1. Phyllis Brudz, Planning Clerk

Comments:

Request for Walter Windus, Charles Sanford and David Strabel to attend the FLBOA 38th Annual Educational Conference – March 18 – 21, 2013

*Board has copies

RE: #1 Councilperson Carges made a motion that was seconded by Councilperson Roberts to grant the request of Phyllis Brudz for Walter Windus, Charles Sanford and David Strabel to attend the FLBOA 38th Annual Educational Conference March 18 – 21, 2013. All voted in favor of the motion – four ayes. Motion adopted.

DEPARTMENTAL REPORTS

January 2013 departmental reports were received and reviewed by the Town Board from the following departments: Building Department, Phyllis Brudz; Receiver of Taxes, Theresa Weed; Finance Director, Leisa Strabel; and Town Clerk, Karen Sweeting.

REPORTS

Councilperson Johnson attended an SSAI meeting at the Senior Center and reported that they are planning several upcoming events.

Councilperson Carges commended the highway department for their services throughout the last winter storm.

No other reports.

RESOLUTIONS

RESOLUTION NO. 21

Rezoning – 4574 Lake Road, Portion of
Tax Account No. 083.08-1-2

WHEREAS, the Town Board of the Town of Sweden duly called a public hearing by legal notice published on the 13th day of January 2013, to consider the request of Philip Miglioratti of Patriot Management, LLC, P.O. Box 1062, Webster, NY 14580, the owner of 4574 Lake Road, to re-zone 0.91 +/- acres, a portion of tax account No. 083.08-1-2 from Residential (R-1) to Retail-Commercial (B-1); and

WHEREAS, the applicant, Philip Miglioratti of Patriot Management, LLC proposes to ultimately construct 5 townhouse style apartment buildings, a total of 38 units, and modify the existing structure onsite to become a maintenance facility, as well as constructing onsite stormwater management including green infrastructure provisions; and

WHEREAS, said public hearing was held by the Town Board on the 29th day of January, 2013 at 7:00 PM; and

WHEREAS, the proposed rezoning was reviewed by the Town of Sweden Environmental Conservation Board, the Town of Sweden Zoning Board of Appeals, the Town of Sweden Highway Department, the Town of Sweden Planning Board, Village of Brockport, the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Transportation (NYSDOT), the Monroe County Planning & Development, Monroe County Pure Waters (MCPW), the Monroe County Water Authority (MCWA), the Monroe County Department of Health (MCDOH), and the Monroe County Department of Transportation.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Zoning Map of the Town of Sweden be and the same hereby is amended to change the zoning classification from Residential (R-1) to Retail-Commercial (B-1) of the following:

All that tract or parcel of land situate in the Town of Sweden, County of Monroe and State of New York, as shown on a map entitled “4574 Lake Road Concept Plan” prepared by Costich Engineering, dated 10/24/2012, having Drawing No. 4094-CA100, and being more particularly bounded and described as follows:

Beginning at the northeast corner of lands now or formerly owned by Patriot Management, LLC having tax account #083.08-1-2 and the northwest corner of lands now or formerly owned by Michael & Michelle Guerrieri having tax account #083.08-1-

9, said point also being a point on the common line of the Village of Brockport to the north and the Town of Sweden on the south; thence

1. Southerly along the common property line of lands now or formerly owned by Patriot Management, LLC, having tax account #083.08-1-2 to the west and lands now or formerly owned by Michael & Michelle Guerrieri, having tax account #083.08-1-9 and lands now or formerly owned by Gary Kenney, having tax account #083.08-1-8 to the east an approximate distance of 270 feet to the southeast corner of lands now or formerly owned by Patriot Management, LLC having tax account #083.08-1-2; thence
2. Westerly along the common property line of Patriot Management, LLC having tax account #083.08-1-2 to the north and lands now or formerly owned by Gary Kenney, having tax account #083.08-1-8 and lands now or formerly owned by Sweden Lane Management, Inc. having tax account #083.08-1-5.1 to the south an approximate distance of 150 feet to the existing commercial zoning line; thence
3. Northerly through said lands now or formerly owned by Patriot Management, LLC having tax account #083.08-1-2 and along said existing commercial zoning line an approximate distance of 268 feet to a point on the north line of lands now or formerly owned by Patriot Management, LLC having tax account #083.08-1-2; thence
4. Easterly along the north line of lands now or formerly owned by Patriot Management, LLC having tax account #083.08-1-2 an approximate distance of 151 feet to the point and place of beginning. Containing 0.91 acres of land, more or less.

Sec. 2. That the Town Clerk is hereby directed and authorized to publish a notice of adoption of this Resolution as required by law, and

Sec. 3. That said amendment and change shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Nay</u>
Councilperson Donohue	<u>Absent</u>
Councilperson Johnson	<u>Nay</u>
Councilperson Roberts	<u>Nay</u>
Supervisor Connors	<u>Nay</u>

Submitted – February 12, 2013

*Supervisor Connors announced a five minute recess at 7:12 pm.

RESOLUTION NO. 22

Declare Surplus Items for Disposal

WHEREAS, the Sweden Town Board adopted the Scrap Materials Policy and Procedures on February 8, 2011; and

WHEREAS, Section 1 of such policy and procedure states that prior to disposal, assets must be declared as surplus items by the Sweden Town Board; and

WHEREAS, the Sweden Town Clerk requests the Town Board to declare several items that can not be used or repaired as surplus items and removed from the Town Hall for disposal.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Sweden Town Clerk hereby requests that the following items be declared as surplus items and removed for disposal:

- (4) Microsoft Mouse
- Nexlink Desktop Computer Tower – M2NBP-019898
- (4) keyboards
- LMT Vigor Computer Tower – WS1800-1 #230204370
- Brite Computer Tower – ISO-9002 #101481-041100
- LMT Computer Tower – SL-3200C - #261106754
- HP ScanJet 4200C
- Spectrum Monitor – P8GG07A060929
- Brite Computer Tower - #039654-102904
- BTC Monitor – MO-BTC-JD155E
- LMT Vigor Computer Tower – WS1800-H #220723351
- Aurora AS501X-MS paper shredder
- ShredPet MP-S10 paper shredder
- HP – DesignJet 750C – large paper plotter

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

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

Discussion: These items will be recycled through the NYS electronics recycling program coordinating with SunnKing.

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Donohue	<u>Absent</u>
Councilperson Johnson	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Supervisor Connors	<u>Aye</u>

Submitted – February 12, 2013

Adopted

RESOLUTION NO. 23 In Support NYS Contact Information
for Vacant Structures

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Town of Sweden Town Board supports the passage of said Bills.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town of Sweden Town Board hereby supports the passage of said Bills and respectfully requests that the State Representatives who represent constituents in the Town of Sweden support the passage of said Bills.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Donohue	<u>Absent</u>
Councilperson Johnson	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Supervisor Connors	<u>Aye</u>

Submitted – February 12, 2013

Adopted

RESOLUTION NO. 24

SEQRA Determination – 2013 CDBG,
Public Safety Facility Infrastructure Project

WHEREAS, the Town Board of the Town of Sweden, Monroe County, New York, applied for a Community Development Block Grant for a project titled 2013 Public Safety Facility Infrastructure Project; and

WHEREAS, the proposed Project consists of acquiring property identified by tax account number 069.03-1-1 in the Town of Sweden, to construct a public safety facility; 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. 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. 2. 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 Carges
Seconded by Councilperson Roberts

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Donohue	<u>Absent</u>
Councilperson Johnson	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Supervisor Connors	<u>Aye</u>

Submitted – February 12, 2013

Adopted

**Resolution – Appoint Deputy Town Attorney - TABLED

RESOLUTION NO. 25

Appointment Laborer PT - Graham

WHEREAS, the retirement of Richard Dalheim has created a vacancy; and

WHEREAS, the position was duly advertised and interviews conducted.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Terry Graham to the position of Laborer PT.

Sec. 2. That the rate of pay is \$11.50 per hour.

Sec. 3. That Mr. Graham has a start date of February 13, 2013.

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

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

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Donohue	<u>Absent</u>
Councilperson Johnson	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Supervisor Connors	<u>Aye</u>

Submitted – February 12, 2013

Adopted

RESOLUTION NO. 26 Appoint Recreation Assistant - Pool

WHEREAS, the Recreation Department is offering swim programs and lessons; and

WHEREAS, there is a need for an additional lifeguard/swim instructor.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Meaghan Milbrand as Recreation Assistant PT- lifeguard.

Sec. 2. That the rate of pay is \$10 per hour with a start date of February 2, 2013.

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

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

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Donohue	<u>Absent</u>
Councilperson Johnson	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Supervisor Connors	<u>Aye</u>

Submitted – February 12, 2013

Adopted

RESOLUTION NO. 27 Appoint Town Justice Kevin G. Johnson

WHEREAS, the Honorable Carl A. Coapman resigned on January 17, 2013; and

WHEREAS, after due consideration the Sweden Town Board wishes to appoint Kevin G. Johnson to the position of Sweden Town Justice.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Kevin G. Johnson to the position of Sweden Town Justice effective February 13, 2013 through December 31, 2013 *pending his resignation from the Sweden Town Board.*

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

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

Discussion: Motion made by Councilperson Carges and seconded by Councilperson Roberts to amend Sec. 1 to include “pending his resignation from the Sweden Town Board”.

VOTE BY ROLL CALL AND RECORD AS AMENDED:

Councilperson Carges	<u>Aye</u>
Councilperson Donohue	<u>Absent</u>
Councilperson Johnson	<u>Abstain</u>
Councilperson Roberts	<u>Aye</u>
Supervisor Connors	<u>Aye</u>

Submitted – February 12, 2013

Adopted

DISCUSSION AND ANNOUNCEMENTS

No workshop scheduled for February 19, 2013.

Councilperson Kevin Johnson presented his resignation from the Sweden Town Board effective February 13, 2013. Motion made by Supervisor Connors and seconded by Councilperson Carges to accept with regrets the resignation of Kevin G. Johnson as Sweden Town Board member. All voted in favor of the motion – three ayes. Motion adopted.

Kevin Johnson thanked the board for his appointment to the position of Sweden Town Justice.

EXECUTIVE SESSION

Councilperson Carges made a motion that was seconded by Councilperson Roberts to go into executive session at 7:25 p.m. to discuss a personnel matter and a contractual issue. All voted in favor of the motion – four ayes. Motion adopted.

No action taken.

Councilperson Carges made a motion that was seconded by Councilperson Johnson to leave executive session and return to the regular meeting at 8:40 p.m. All voted in favor of the motion – four ayes. Motion adopted.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the February 12, 2013 meeting of the Sweden Town Board at 8:42 p.m. Councilperson Roberts seconded the motion. All voted in favor of the motion – four ayes. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk