

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, April 22, 2003.

Town Board Members present were, Supervisor Nat O. Lester III, Councilperson Rob Carges, Councilperson Connors, Councilperson Carl Wheat, and Councilperson Danielle Windus-Cook.

Also present were Director of Finance Elaine Jones, Highway Superintendent Fred Perrine, and Town Attorney Jim Bell.

Visitors present were Tim Bates 69 Royal Garden Way, Lauren McCracken, 650 White Rd., Jim Hamlin, 50 Park Ave., Scott Valet, 22 Highview Circle, Adam Lauth, 3 Sweden Ln Apt. 11, Mike Haight, 4329 Canal Road, Steve Popowych, 23 Hillcrest Dr., Dawson Hogett, 188 Hinkleyville Rd., Eric Miller, 172 Hidden Creek lane, Paul Cummings, 7955 Ridge Rd.

Supervisor Lester called the meeting to order at 7:30 PM. and asked everyone present to say the Pledge to the Flag. He then called on Mr. Scott Valet who had asked to be on the agenda to speak. First he thanked the Board for the Snapshots newsletter. It is good to keep the general public informed as to what is going on in the Town. Next he wished to speak about the Hollybrook Rd. reconstruction. Mr. Valet said that sidewalks should be included in the project. Pedestrians use the roadway regularly. The Town's sidewalk policy is inconsistent. There are sidewalks along Sweden Lane that end at Hollybrook Rd. and in the Gary Dr. extension.

Supervisor Lester said that an alternative to having all residents pay for sidewalks is to form a sidewalk district. Only those that have the sidewalks pay for them. In Gary Drive and Talamora Trail, the developers have put them in at their cost. Mr. Lester said that in polling people in the neighborhood most people want sidewalk, but not across their front yard.

Supervisor Lester thanked him for coming and expressing his views. He asked if any of the other visitors present would like to make any comments. There were none.

#### APPROVAL OF MINUTES

Councilperson Connors made a motion to accept the minutes of Regular Town Board meeting held on April 8, 2003. Councilperson Wheat seconded the motion. All voted in favor of the motion. Motion carried.

#### SUPERVISOR'S CORRESPONDENCE

	Received From:	Comments:
2003		
*1	Kenneth M. Naugle, Mon. Co. Dept. of Health, 03/28	Gallup Rd. Watermain Project – Review and revision comments
2	Village of Brockport, 4/9	Invitation for coffee prior to Max's Parade at Capen Hose Co.
*3.	John Shields Esq., 4/9	Wal-Mart Application/Comprehensive Plan/Moratorium
*4	David L. Bimber, NYS DEC, 4/10	Copy of letter sent to Jim Oberst, MRB Re: Letter of no Jurisdiction – Gallup Rd. Watermain

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| *5  | John Centrone, Brockport<br>Symphony Orchestra, 4/14             | Seeking financial support   |
| *6  | Caurie Putnam, STAND, 4/15                                       | Copy of letter to Craig McAllister & Planning<br>Board re: Wal-Mart             |
| 7   | Janet L. Smith, bpd Municipal<br>Finance, 4/16                   | Sale and Closing dates for BANs 2003 (5/21/03<br>and 6/4/03)                    |
| 8   | John T. Hicks, NYS DEC, 4/16                                     | Re: Emergency General 360 permit for ice<br>storm debris April 4 & 5, 2003      |
| 9   | Brian B. Wirth, Time Warner Cable,<br>4/16                       | Update on AOL Time Warner agreement with<br>AT & T Corp                         |
| 10  | Dawn C. Nettin, Mon. Co. Dept. of<br>Planning & Development 4/17 | Steering Comm. Meeting & Public Hearing<br>Draft 2003 Consolidated Plan, 5/8/03 |
| *11 | Muffy Meisenzahl, Office of<br>Emergency Preparedness, 4/21      | Preliminary Damage Assessment with FEMA   |
| 12  | David N. Getman, Loss Control<br>Consultant CRM, 4/21            | Copy of letter to Fred Perrine re: safety<br>programming                        |
| *13 | Joseph J. Albert, Mon. Co. Dept. of<br>Health, 4/21              | Free Community Lecture, 4/28/03   |
| *14 | The Whitehair family, 4/21                                       | Compliments to Kathy Beaumont re: finding<br>their lost dogs.                   |
| *15 | Fred Perrine, Hgwy. Dept., 4/22                                  | Request to attend NYS Highway School June 1-<br>4, 2003, Ithaca NY              |
| *16 | Benton & Sarah Hart, 4/22  | Architecture of Wal Mart (ugly, uninspired,<br>negative impact etc.)            |

\* Board has copies

Re: No. 15 Councilperson Wheat made a motion to allow Fred Perrine to go to the Highway School. Councilperson Windus-Cook seconded the motion. All voted in favor. Carried.

Re: No. 5 The Village of Brockport has given \$1000 to support the orchestra. The orchestra is currently using our facility and the use fee has been waived. Councilperson Carges made a motion to donate \$500 to the orchestra. Councilperson Windus-Cook seconded the motion. All voted in favor of the motion. Carried.

Re: No. Councilperson Windus-Cook will do a letter to Kathy Beaumont from the Board.

#### DEPARTMENTAL REPORTS

Alan Bader was excused from the meeting.

Highway Superintendent Fred Perrine reported that an Insurance consultant went through the highway garage. He gave the facility a good rating. The gentleman recommended some safety seminars and training which the company will do. (It should be noted that the report should be cc to St. Paul and not Marsh.) Mr. Perrine said that Lakeview Cemetery is now open for operations. Some burials have taken place. More burials are scheduled for May. The Monroe County Water Authority will be installing a new water main along Rte. 31. There generally is a \$2000 maintenance bond required, but Fred felt it wasn't necessary this time. Councilperson Carges moved to waive the maintenance bond from the Monroe County Water Authority. Councilperson Windus-Cook seconded the motion. All voted in favor of the motion. Carried.

Mention was made at this time that the Fire Marshal was not notified about the fire that occurred on White Road. The dispatchers need to be reminded to call him each time. Apparently this is not the first time this has happened.

## REPORTS

Councilperson Carges reported that Roadrunner internet rates for all the buildings being served would be going up. He indicated that there is a two-year or a three-year reduced rate available. Councilman Carges made a motion that was seconded by Councilperson Windus-Cook to sign a contract for the three-year reduced rate. All voted in favor of the motion. Carried. Jim Oberst from MRB is ready with the information for the Gallup Rd. Water District. An informational meeting for the Gallup Road Water District will be on Thursday May 29, 2003. Notices will be sent out.

Attorney James Bell arrived at 8:00

Councilperson Connors is organizing a Pre-Disaster Mitigation Plan Committee that will meet Wednesday April 30 at the Village Offices. This will be a joint project with the Village of Brockport. The plan should be ready in July as there is an August deadline.

Councilperson Wheat attended a Good Neighbor meeting at SUNY Brockport. With new direction there will be a change in the focus of the committee.

Councilperson Windus-Cook reported that the work session on April 29<sup>th</sup> will be at Royal Gardens Way. At that time they will discuss what will be happening with the road reconstruction at the Community Center. There will be a Park meeting on April 28th at 7:30 PM. Russell Church will be there regarding the BMX track.

Jim Bell reported that he attended a meeting with TruRide, the skate park people, Board members, insurance agents. TruRide has constructed a skate park in the city of Hornell. Mr. Bell has concerns about the company and is investigating. He should have a report in the next two weeks.

Supervisor Lester reported that he attended the Planning Board Public Hearing on the environmental scoping for Wal-Mart. He reported that most of the same previously expressed concerns were given.

## RESOLUTIONS

RESOLUTION NO. 54

Budget Modifications

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is hereby authorized to make the following modifications to the 2003 Town Budget:

\$11,395 from A1420.4 Attorney (Cont. Exp) to  
A1440.4 Engineer (Cont. Exp.)

\$ 8,344 from A1680.4 Central Data Processing (Cont. Exp) to  
 A1680.2 Central Data Processing (Equip)  
 335 from A7020.4 Comm Ctr Adminis (Cont. Exp.) to  
 A7020.2 Comm Ctr Adminis (Equip)  
 20,000 from A7310.4 Comm Ctr Youth Serv (Cont Exp.) to  
 A7140.4 Comm Ctr (Cont. Exp.)

17,000 from HP1310.4 Financial Serv (Cont. Exp) to  
 HP1440.4 Engineer (Cont. Exp)  
 3,000 from HP1420.4 Legal Serv (Cont. Exp.) to  
 HP1440.4 Engineering (Cont. Exp.)  
 30,000 from HP7140.4 Playground (Cont Exp) to  
 HP1440.4 Engineering (Cont. Exp.)  
 97,110 from HP7110.4 Park (Cont. Exp) to  
 HP9901.9 Trans to Oth Funds

## Increase following appropriations

SW8310.4	\$1,060
SW8340.1	\$2,570
SW8340.4	200
SW9030.8	175
SW9035.8	50

## Increase following revenues

SW2650	\$4,055
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Sec. 2 That this resolution shall take effect immediately.

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

## Discussion:

## VOTE BY ROLL CALL AND RECORD:

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

Submitted – April 22, 2003

Adopted

RESOLUTION NO. 55

Final Resolution Regarding the Creation of  
 The East Avenue Number 2 Water District,  
Town of Sweden, Monroe Co., NY

WHEREAS: a petition for the creation of the East Avenue Number 2 Water district of the Town of Sweden, Monroe County, New York, said petition being dated January 23, 2001, was duly presented to this Board together with the necessary map and plan attached thereto; and

WHEREAS: an order was duly adopted by the Town Board on the 9<sup>th</sup> day of October 2001, reciting the filing of said petition for the proposed district and the estimated expense thereof, and specifying November 13, 2001, at 7:00 PM, as the time, and the Town Hall, 18 State Street, Brockport, New York, as the place, where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS: such order was duly posted and published and served as required by law; and

WHEREAS: a hearing in the matter was duly held by the town board on the 13<sup>th</sup> day of November, 2001, commencing at 7:00 PM, in the Town Hall, 3710 Lake Road in said Town, and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

WHEREAS: it is proposed that the cost of said district in an amount not to exceed ninety seven thousand five hundred fifty dollars (\$97,550.00) to pay for the following improvements: three thousand eight hundred (3,800) feet of eight inch water main, two gate valves, three fire hydrants and all incidental equipment, including the necessary access to lands and the right-of-way therefore in accordance with plans prepared by FREEL Engineering, P.C. and which were part of the petition filed on January 23, 2001; and

WHEREAS: the method for financing the construction of the water district is by the issuance of serial bonds to be issued by the Town of Clarkson in an amount not to exceed ninety seven thousand five hundred fifty dollars (\$97,500.00) for a maturity not to exceed forty years in accordance with the provisions of the Local Finance Law of the State of New York; and

WHEREAS: pursuant to agreement between the Town of Sweden and the Town of Clarkson said serial bonds shall be issued by and be obligations of the Town of Clarkson and not the Town of Sweden; and

WHEREAS: the Town of Clarkson, the lead agency under SEQRA has determined that this action will not have a significant impact on the environment and has issued a negative declaration for this project.

NOW: upon the evidence given at such hearing, and upon review of the minutes, correspondence and records relating to the formation of this water district

THEREFORE BE IT RESOLVED:

Sec. 1. That the petition aforesaid is signed and acknowledged or proved as required by law, in due compliance with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed extension as herein approved, and it is otherwise sufficient;

Sec. 2. All the property and property owners within the proposed extension are benefited thereby;

Sec. 3. All the property and property owners benefited are included within the limits of the proposed district;

Sec. 4. It is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED

Sec. 5. That the establishment of the district as proposed in said petition be approved; that the improvement therein mentioned be constructed upon the required funds being made available or provided for; and that such district shall be designated and known as the East Avenue Number 2 Water District of the Town of Sweden, and shall be bounded and described as follows:

SEE ATTACHED SCHEDULE A

SCHEDULE A  
Town of Sweden

Beginning at a point, said point being the intersection of the northerly projection of the westerly boundary line of land now or formerly owned by Betty Jane Knab, tax account number 069.02-02-1, and the centerline of East Avenue, said point also being on the southerly boundary line of the Wedgewood/East Avenue Water District; thence

1. easterly along the centerline of East Avenue a distance of  $\pm 2,658$  feet to a point, said point being the intersection of the centerline of East Avenue and the easterly boundary line and northerly projection thereof of lands now or formerly owned by Bruce & Sandra Porter, tax account number 069.02-02-10; thence
2. southerly along the easterly boundary line of lands now or formerly owned by Bruce & Sandra Porter, tax account number 069.02-02-10, a distance of  $\pm 233$  feet to the southeasterly corner of the aforesaid lands; thence
3. westerly along the southerly boundary line of lands owned by Bruce & Sandra Porter, a distance of  $\pm 135$  feet to the southwesterly corner of the aforesaid lands; thence
4. southerly along the easterly boundary line of lands now or formerly owned by Kenneth & Emogene Danzig, tax account number 069.02-02-9, a distance of  $\pm 200$  feet to the southeasterly corner of the aforesaid land; thence
5. westerly along the southerly boundary line of lands now or formerly owned by Kenneth & Emogene Danzig, and through lands now or formerly owned by Carol Sodoma, tax account number 069.02-02-11, a distance of  $\pm 573$  feet to a point on the westerly boundary line of lands owned by Carol Sodoma; thence
6. southerly along the westerly boundary line of lands now or formerly owned by Carol Sodoma a distance of  $\pm 76$  feet to a point; thence
7. westerly through lands now or formerly owned by Sodoma Farms, Inc., tax account number 069.02-02-5.111, continuing along the southerly boundary line of lands now or formerly owned by John & Lois Henion, tax account number 069.02-02-4, and through lands now or formerly owned by Sodoma Farms, Inc., tax account number 069.02-02-3.1, a distance of  $\pm$

2,000 feet to a point on the easterly boundary line of lands now or formerly owned by Time Warner Entertainment; thence

8. southerly along the easterly boundary line of lands now or formerly owned by Time Warner Entertainment, tax account number 069.02-02-3.2, a distance of  $\pm 73$  feet to the southeasterly corner of the aforesaid land; thence
9. westerly along the southerly boundary line of lands now or formerly owned by Time Warner Entertainment a distance of  $\pm 300$  feet to the southwesterly corner of the aforesaid lands; thence
10. northerly along the westerly boundary line of lands now or formerly owned by Time Warner Entertainment a distance of  $\pm 348$  feet to the southeasterly corner of lands now or formerly owned by Robert & Jean Iveson, thence;
11. westerly along the southerly boundary of lands now or formerly owned by:
  - a. Robert & Jean Iveson, tax account number 069.02-02-2
  - b. Betty Jane Knab, tax account number 069.02-0201A distance of  $\pm 200$  feet to the southwesterly corner of lands now or formerly owned by Betty Jane Knab, thence;
12. northerly along the westerly boundary of lands now or formerly owned by Betty Jane Knab, tax account number 069.02-02-1 a distance of  $\pm 235$  feet to a point on the centerline of East Avenue, said point being the point of beginning.

All lands and territory above described are situate within the Town of Sweden and outside of any incorporated village or city; and it is further

#### RESOLVED

- Sec. 6. That a Water District be established in said Town of Sweden, Monroe County, New York, the description and boundaries of which shall be as above described.
- Sec. 7. That this district and a district in the Town of Clarkson on the north side of East Avenue be managed in accordance with an intermunicipal agreement entered into between the municipalities with a district formed by the Town of Clarkson, Monroe County, New York, pursuant to an order of the Town Board of the Town of Clarkson.
- Sec. 8. That to the extent that this resolution is inconsistent with a resolution previously adopted by this board on November 13, 2001, the provisions of this resolution shall control.
- Sec. 9. That the Town Clerk of this Town shall, within ten (10) days after the adoption of this resolution, cause a certified copy thereof to be recorded in the office of the Clerk of the County of Monroe and cause a certified copy thereof to be filed in the office of the State Department of Audit and Control at Albany, New York.
- Sec. 10. That this resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – April 22, 2003

Adopted

RESOLUTION NO. 56

Authorizing Lateral Restrictions in  
Agricultural Districts in Proposed Sweden  
Walker Road Water District Extension

WHEREAS: The Town Board of the Town of Sweden proposes to create the Sweden Walker Road Water District extension for the purpose of providing public water supply to residents along a portion of Sweden Walker Road from a point just north of the Canal to East Ave. (town line).

WHEREAS: The land area within the Water District extension is also within the Monroe County Northwestern Agricultural District; and

WHEREAS: MRB Group PC has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within the Monroe County Northwestern Agricultural District; and

WHEREAS: The New York State Department of Agriculture and Markets has expressed concern about the potential adverse impact that the public water supply is likely to have on agriculture within the Agricultural District.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board in recognition of the concerns that have been raised, hereby resolves to limit connections to the public water supply only to existing non-farm uses and to farm related uses within that portion of the proposed Sweden Walker Road Water District extension which is also within the limits of Monroe County Northwestern Agricultural District.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>

Councilperson Wheat	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – April 22, 2003

Adopted

RESOLUTION NO. 57

Appoint Laborer Seasonal – Herzog

WHEREAS: The Highway Department uses laborers for seasonal work; and

WHEREAS: The Highway Superintendent is ready to hire for this position.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Philip Herzog as a laborer seasonal commencing April 28, 2003 at a rate of pay to be \$9.00 per hour.

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

MOTION for adoption of this resolution by Councilperson Windus-Cook  
Seconded by Councilperson Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – April 22, 2003

Adopted

RESOLUTION NO. 58

Authorizing Litigation in the Matter of  
Property Located at 4805 Redman Road

WHEREAS: It has come to the attention of the Sweden Town Board that a commercial operation is continuing to be conducted in a residential zone, to wit: 4805 Redman Road in the Town of Sweden; and

WHEREAS: The Sweden Town Board is desirous of taking whatever legal action is necessary to enforce the Town Code to prevent the business or commercial operation at 4805 Redman Road in the Town of Sweden.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes Thomas D. Calandra as Attorney to take whatever legal action is necessary against the appropriate landowners, businesses and/or individuals to enforce the Town Code

to prevent the business or commercial operations at 4805 Redman Road, at a rate not to exceed \$150.00 per hour.

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

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

Discussion: Town Attorney James Bell said that this is a Justice Court matter. Justice Cody will preside. There is an injunction from the Monroe County Supreme Court that is being dishonored. The local court will be a monetary fine.

VOTE BY ROLL CALL AND RECORD:

Councilman Carges	<u>Aye</u>
Councilwoman Connors	<u>Aye</u>
Councilman Wheat	<u>Aye</u>
Councilwoman Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted: April 22, 2003

Adopted

APPROVAL OF PAYMENT OF BILLS

All the Board members present reviewed the invoice audit journal. Councilperson Carges made a motion that was seconded by Councilperson Connors authorizing payment of the bills in Abstract 4 dated April 22, 2003. All voted in favor of the motion. Carried.

General Fund: In the amount of \$86,274.01 as set forth in Abstract 4 dated April 22, 2003.

Highway Fund: In the amount of \$13,056.83 as set forth in Abstract 4 dated April 22, 2003.

Special Districts: In the amount of \$156.27 as set forth in Abstract 4 dated April 22, 2003.

Capital Fund: In the amount of \$1010.00 as set forth in Abstract 4 dated April 22, 2003.

DISCUSSION AND ANNOUNCEMENTS

Alan Bader, Jim Bell, Pat Connors and Carl Wheat are serving on the property maintenance committee.

James Bell said that the Fire Department contract was approved by the Village Attorney and should have been voted on at the Village Board meeting on Monday night.

At 8:25 PM Councilperson Connors made a motion to go into executive session to discuss the litigations of Battisti, Paul, and Peters. Also a particular personnel issue needed to be discussed. Councilperson Wheat seconded the motion. All Board members voted in favor. Motion carried.

At 9:50 PM Councilperson Carges made a motion to go out of executive session. Councilperson Wheat seconded the motion. All Board members voted in favor of the motion. Carried.

I, Gail A. DeToy, Town Clerk of the Town of Sweden do hereby certify that the Town Board in executive session discussed the items reflected in the foregoing motion, and that no formal action was taken.

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#### ADJOURNMENT

As there was no further business to come before the Board, Councilperson Wheat moved to adjourn the April 22, 2003 meeting of the Sweden Town Board at 10:00 PM. Councilperson Connors seconded the motion. All voted in favor of the motion. Carried

Respectfully submitted,

Gail A. DeToy  
Town Clerk