

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 26, 2005.

Town Board Members present were Supervisor Buddy Lester, Councilperson Rob Carges, Councilperson Patricia Connors, and Councilperson Danielle Windus-Cook. Councilperson Tom Ferris arrived later. Also present were Director of Finance Leisa Strabel, Town Clerk Karen Sweeting, and Building Inspector Bill Weber. Visitors present were Jim Hamlin from 50 Park Avenue, Julie Lapinski from 4016 Sweden Walker Road, and Jim Coates from 4700 County Line Road.

Supervisor Lester called the meeting to order at 7:30 p.m. and asked everyone present to say the Pledge to the Flag. Supervisor Lester then acknowledged the presence of the visitors and asked if there was anyone that would like to speak. At this time Karen, Megan, and Matt Lester, Joan Lester, Nancy and Woody Vandenburg, Recreation Director David Scott, and Jill Wisnowski entered the meeting. Visitor Tim Bates from 69 Royal Garden Way arrived.

Recreation Director David Scott presented Supervisor Lester with the 2005 New York State Recreation and Parks Society Public Service Award. He was nominated for the award due to his influence and dedication to the recreation program. Mr. Lester served on the Joint Recreation Commission for many years and is an active coach for youth sports. He was instrumental in the transfer of undeveloped land from the state to the Town for development of the Sweden Town Park. Mr. Lester negotiated a donation of a \$3 million facility to the Town for the Community Center as well as two other significant monetary donations. His family named the Town of Sweden as recipient of memorial donations upon his father's death. These donations have funded many things for the basketball programs. He continues to seek out grants and donations for several recreation amenities and is assisting in the establishment of the Sweden Community Foundation. The staff of the Sweden Clarkson Community Center nominated Supervisor Lester for this award. He was chosen out of fifty (50) nominations as this year's recipient.

Supervisor Lester responded graciously to the presentation of the award. All that he has accomplished has been done out of fondness for youth and the community as a whole. Mr. Lester is proud of the accomplishments of the Recreation Department. They have developed programs for all ages and those programs have proved to be successful. Mr. Lester extended a thank you to the Board members for also "putting their necks on the line". The facility has come a long way with the road dedication, securing of grants, and expansion of program offerings. The Community Center and Town Park have benefited the community as a whole.

Councilperson Ferris arrived at 7:45 pm.

#### APPROVAL OF MINUTES

Councilperson Connors made a motion that was seconded by Councilperson Ferris to accept the minutes of the Regular Town Board Meeting held April 12, 2005. All voted in favor of the motion. Supervisor Lester voted in favor only from the point of his arrival at the meeting of April 12<sup>th</sup>. Motion adopted.

#### SUPERVISOR'S CORRESPONDENCE

2005 Received From:

1. George Maziarz, Senator
2. Maggie Brooks, Monroe County Executive

Comments:

Receipt of Letter Requesting Funding  
Community Development Block Grant –  
Inclusion of the Town Park ADA Walkway and  
Parking Project to the draft plan

- |     |  |  |
|-----|--|--|
| *3. | Tony Eaffaldano, Town Assessor   | Request to attend training – Intro to Farm Appraisal and Fundamentals of Exemption Administration. |
| *4. | Alma Schultz, President, Sweden Senior Association, Inc.                     | Request Approval – Landscaping Project   |
| *5. | Kathleen Roberts, Tax Receiver   | Request to attend NYS Tax Receivers and Collectors Association conference                          |
| 6.  | Leslie Ann Morelli, Village Clerk, Village of Brockport                      | Agreement to Town of Sweden as Lead Agency – Comprehensive Plan Update 2002                        |
| 7.  | Randy A. Daniels, Department of State  | Solicitation of Grant Applications for Local Waterfront Revitalization Program                     |
| 8.  | Brian Wirth, VP Government and Public Affairs – Time Warner Cable            | Acquisition of Adelphia Communications Corporation   |
| *9. | Karen Sweeting, Town Clerk   | Polling Site Accessibility Audit   |
| 10. | John Terninko, Program Director – Center for Environmental Information, Inc. | Invitation to attend the “Saving New York’s North Coast – The Lake Ontario Coastal Initiative”     |
| 11. | Jerry Ludwig and Peter Siegrist, Landmark Society of WNY                     | Invitation to attend in informal gathering to meet area Boards                                     |

\*Board has copies

RE: #4 – The landscaper will be submitting project plans to present to the members of the Board.

RE: #3 – Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to grant permission to Tony Eaffaldano to attend training. All voted in favor of the motion. Motion adopted.

RE: #5 – Councilperson Connors made a motion that was seconded by Councilperson Carges to grant permission to Kathleen Roberts to attend the conference. All voted in favor of the motion. Motion adopted.

RE: #1 – Julie Lapinski asked Supervisor Lester for an explanation. Supervisor Lester explained that Senator Maziarz would keep the Town of Sweden in mind for funding from the State.

## REPORTS

Building Inspector Bill Weber reported that he received notice that the Town of Sweden was awarded the Community Development Block Grant. (Referenced in correspondence #2) Supervisor Lester thanked Mr. Weber for working on the grant.

Councilperson Carges reported that he would be meeting with someone that may be interested in running the concession stand at the Town Park. Councilperson Windus-Cook said she is also meeting with someone that may be interested. They will coordinate and report back to the other board members.

Councilperson Connors reported that the Comprehensive Plan Review Committee held a Public Hearing on the proposed updates. They made minor modifications to the area relative to Redman Road. The proposed updates were made final and will be submitted to the Town Board. There will be a joint hearing with the Village of Brockport on May 3<sup>rd</sup>. Mrs. Connors also attended Fred Perrine’s project, Stormwater Stewardship, with several other board members. They spent the day cleaning trash from roadside ditches.

Councilperson Ferris reported that he attended a RPAC meeting. They discussed where to focus their efforts with the establishment of the not-for-profit organization. Mr. Ferris also attended the Comprehensive Plan Review Committee Public Hearing. He was impressed with the meeting. The committee took the comments of the public seriously and took them into consideration in the adoption of the proposed amendments.

Councilperson Windus-Cook complimented the Comprehensive Plan Review Committee. She met with Don Grentzinger regarding the cemetery house and will be meeting with several members of the community to discuss a possible formation of a committee relative to the cemetery house/museum.

Supervisor Lester reported that he has had meetings with Recreation Director David Scott, the High Street Cemetery trustees and several residents from Redman Road. He attended the WHAM Sportswoman of the Year banquet with his daughter. A Brockport teacher, Kathleen Boughton, won the award this year. Mr. Lester also attended a meeting at the Ogden Town Hall regarding Workers' Compensation. A program in Monroe County for workers' compensation began last July of 2004 and the Town of Sweden joined in January of 2005. This program should save the Town money in workers' compensation premiums.

RESOLUTIONS

RESOLUTION NO. 55

Authorizing Supervisor to Enter into  
Agreement with SUNY Brockport

WHEREAS, the Town of Sweden requires the use of certain facilities located on the SUNY Brockport campus; and

WHEREAS, SUNY Brockport has such facilities available; and

WHEREAS, the parties desire to enter into an agreement whereby SUNY Brockport will make such facilities available to the Town of Sweden; and

WHEREAS, SUNY Brockport will grant a revocable permit to the Town of Sweden, subject to the terms and conditions provided, to use the facilities and services designated by the agreement on the date(s) and at the times specified.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the Supervisor to enter into an agreement with SUNY Brockport for the use of on-campus facilities.

Sec. 2. That this agreement will be for a period starting July 1, 2005 and ending June 30, 2006.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – April 26, 2005

Adopted

RESOLUTION NO. 56

Authorize Supervisor to Sign Service Agreement With MP&SM, Inc.

WHEREAS, the Town of Sweden owns the building at 4927 Lake Road South for use as a community center; and

WHEREAS, new heating and cooling equipment, hot water heaters, and exhaust fans have been installed in this building, and

WHEREAS, Monroe Piping & Sheet Metal, Inc. has proposed to provide all service material and equipment necessary for planned maintenance on the equipment for a period of one year commencing on April 1, 2005 and ending March 31, 2006.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board hereby authorizes the Supervisor to sign the service agreement with Monroe Piping & Sheet Metal, Inc. for the one year period at a total price of \$3,190.00 to be billed quarterly.

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

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

Discussion: Councilperson Carges mentioned that he had looked into other options, but MP&SM, Inc. required sixty (60) days notice of the intent to change. He will search out other bids for next year and noted that the bids he did get this year were in the same range as MP & SM, Inc.

VOTE BY ROLL CALL AND RECORD:

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

Submitted – April 26, 2005

Adopted

RESOLUTION NO. 57

Authorizing Capital Project Budget

WHEREAS, the Town Board of the Town of Sweden has determined it is in the best interest of Town residents on Colby Street and Sweden Walker Road to extend public water service to their properties, and

WHEREAS, the Town has secured a Bond Anticipation Note in the amount of \$190,000 towards this project, and

WHEREAS, the Town of Sweden Reclamation Fund will finance up to \$375,000 of this project as permitted by the agreement between the Town and Iroquois Rock Products.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board authorizes the following budget for said project:

SW9 510 Estimated Revenues	\$565,000
5731 BANS Redeemed from Appropriations	\$190,000

5031 Due from other Fund	\$375,000
SW9 960 Appropriations	\$565,000
SW9 1310.4 Finance Services	\$ 24,000
SW9 1440.4 Engineering	\$ 65,000
SW9 5110.4 Construction Contractual	\$476,000

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 Aye
- Councilperson Connors Aye
- Councilperson Ferris Aye
- Councilperson Windus-Cook Aye
- Supervisor Lester Aye

Submitted –April 26, 2005

Adopted

RESOLUTION NO. 58 Authorize Supervisor to Enter Into Agreement With  
General Code Publishers

WHEREAS, it has been determined that the Code for the Town of Sweden needs to be revised.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Sweden Town Board hereby authorizes the Supervisor to enter into an agreement with General Code Publishers to recodify the Sweden Town Code.
- Sec. 2. 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 Aye
- Councilperson Connors Aye
- Councilperson Ferris Aye
- Councilperson Windus-Cook Aye
- Supervisor Lester Aye

Submitted –April 26, 2005

Adopted

RESOLUTION NO. 59 Appoint Seasonal Laborer – J. Wade

WHEREAS, the Superintendent of Highways has requested additional assistance in the Highway Department during the spring/summer seasons.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Jonathan L. Wade as a Seasonal Laborer.
- Sec. 2. That the rate of pay will be \$8.00 per hour and the start date is April 23, 2005.
- Sec. 3. 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	Aye
Councilperson Connors	Aye
Councilperson Ferris	Aye
Councilperson Windus-Cook	Aye
Supervisor Lester	Aye

Submitted – April 26, 2005

Adopted

RESOLUTION NO. 60 Authorize Supervisor to Sign and Execute Documents Pertaining to Sewer Easements – Fourth Section Road Sewer Project

WHEREAS, the Town of Sweden, as part of its park borrowing, has participated in the extension of the sewer transmission main to the Sweden Town Park on Redman Road; and

WHEREAS, the sewer transmission main crosses parcels of various properties owned by individuals and/or entities other than the Town of Sweden; and

WHEREAS, a permanent easement is required to install the sewer transmission line across privately owned lands; and

WHEREAS, the Town of Sweden desires to receive permanent easements from aforesaid parcels; and

WHEREAS, the documents to obtain the permanent easements need to be executed and recorded in the Monroe County Clerk’s Office in a timely matter so that the project can move forward without delay.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Sweden Town Board hereby authorizes the Supervisor to execute all necessary legal documents to obtain permanent easements from the following parcel owners: Paul & Karen Ainsworth 6984 Fourth Section Road, Robert Ellis 6 Hartshorn Place, Raymond L. Catlin 4933 Redman Road, the State of New York State University College at Brockport, Wegmans Food Markets, Inc., and any other property owners in which easements are necessary, all as set forth on survey maps prepared by Schultz Associates.
- Sec. 2. That the Town Attorney is authorized to record the necessary documents in the Monroe County Clerk’s Office.
- Sec. 3. 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>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted –April 26, 2005

Adopted

RESOLUTION NO. 61

Granting to the Town of Sweden an Easement for Sanitary Sewer Lines from 4933 Redman Road

WHEREAS, this indenture made this 3rd day of September, 2004, between Raymond L. Catlin, residing at 4933 Redman Road, Brockport, New York 14420, hereinafter referred to as, party of the first part; and

WHEREAS, the Town of Sweden, a New York Municipal Corporation, with offices located at 18 State Street, Brockport, New York 14420, hereinafter referred to as, party of the second part; and

WHEREAS, it is witnesseth, that the parties hereto, in consideration of one and no more dollars (\$1.00) paid to each other, the receipt whereof is hereby acknowledged, and upon the terms and conditions hereinafter expressed, does hereby give and grant unto the Town of Sweden and the successors and assigns of the Town of Sweden, the right, privilege and easement for the operation and maintenance of sanitary sewer lines, hereinafter referred to as the “sewer lines,” on the parcel of land hereinafter described:

LEGAL DESCRIPTION

All that tract or parcel of land situated in part of Town Lot 3, Township 3, Section 8, Triangular Tract, Town of Sweden, County of Monroe, State of New York, and more particularly described as follows:

Commencing at a point at the centerline of Redman Road, said point being 216.00 +/- feet north of the centerline of the intersection of Redman Road with the centerline of Fourth Section Road (also known as State Route 33), thence;

Westerly on a bearing of S 89°-56’-55”W, a distance of 24.05 feet to a point, said point being on the west right-of-way of Redman Road, said point also being the true point and place of beginning, thence;

Westerly along the south property line of lands now and/or formerly of Raymond L. Catlin on a bearing of S 89°-56’-55”W, a distance of 208.93 feet to a point, said point being at the southwest property corner of the lands now and/or formerly of Raymond L. Catlin at 4933 Redman Road, thence;

Northerly along the west property line of Raymond L. Catlin on a bearing of N 00°-03’-05”W, a distance of 37.54 feet to a point, thence;

Easterly on a bearing of S 86°-28'-14"E, a distance of 209.32 feet to a point, said point being on the west right-of-way of Redman Road, thence;

Southerly along the west right-of-way of Redman Road, on a bearing of S 00°-05'-55"E, a distance of 24.47 feet to a point, said point being the true point and place of beginning.

WHEREAS, intending to describe a sanitary sewer easement west and adjacent to the west right-of-way of Redman Road through the lands now and/or formerly of Raymond L. Catlin, as shown on a map entitled "Sweden Town Park, Sanitary Sewer Easement Reference Map" prepared by Schultz Associates, P.C. Subject to all easements and restrictions of record.

WHEREAS, the Town of Sweden Town Board previously made a SEQR determination in connection with the development of Northrup Property Rezoning and the associated sewer transmission main to serve the site, said determination being declared in 2002 a negative declaration for purposes of SEQR.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. First party grants to second party, and its successors and assigns, a perpetual right of way, easement and privilege to enter upon that portion of the lands and premises of the party of the first part situate in the Town of Sweden, County of Monroe and State of New York, to construct, place, lay and maintain thereon sewer pipes of such size as may from time to time be found necessary in connection with a sewer extension to be constructed and know as SWEDEN TOWN PARK, SANITARY SEWER EXTENSION.

Sec. 2. The easement granted hereby shall be permanent, irrevocable and continuous right and easement to party of second part, its successors and/or assigns, to build, lay, construct, maintain, inspect, operate and repair the sanitary sewer line in and under the surface of, and through a strip of land 30 feet wide as described including in connection therewith, but not by way of limitation thereof, the following rights, permits, privileges, interests, and easements over, in and on the strip of land described, that is:

- A. To excavate in and under the surface of the strip of land described, and to place and lay, or allow to be placed and laid, the sanitary sewer pipes therein together with the appliances and equipment necessarily appurtenant thereto and to fill in and over said pipes and the excavations made in connection with their laying and construction, and to maintain, operate, inspect, repair, rebuild and reconstruct the same. It being understood that upon the completion of the excavation operation, the party of the second part or its contractors or agents shall fill in the excavated areas to the same level as that which previously existed, or such higher level as may reasonably allow for the settling of said fill.
- B. To enter upon the lands of the party of the first part to make such surveys as may be reasonably desired for the purpose of determining the exact location of said strip and the pipes to be placed therein.
- C. To transport men, machines, materials and equipment over the strip of land for the aforesaid purposes and to store, maintain and keep, on the said strip, during such operations, the material necessarily excavated and the machines, material, and equipment engaged in such operations.



- D. To dig one or more exploratory holes and pits in said strip if it be deemed necessary by the party of the second par’s engineer to determine sub-surface conditions prior to the laying of the sewer, it being understood that such holes will be of temporary nature and will be filled upon completion of the soil survey.
- E. The party of the first part covenants and agrees that the aforesaid right, privileges and easements shall run with the land and be binding upon the party of the first part, its distributes and assigns, and shall enure to and exist for the benefit of the party of the second part, its successors, agents and assigns.
- F. This grant is hereby made upon the express condition that the party of the first part shall have the right to tap into any such sewer main, provided party of the first part meets all municipality rules, regulations and laws in connection therewith.

Sec. 3. The party of the first part and the party of the second part have executed said easement agreement.

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

Submitted – April 26, 2005

Adopted

RESOLUTION NO. 62

Granting to the Town of Sweden an  
Easement for Sanitary Sewer Lines from  
Fourth Section Road and Hartshorn Place.

WHEREAS, this indenture made this 13th day of September, 2004, between Robert A. Ellis, residing at 6 Hartshorn Place, Brockport, New York 14420, hereinafter referred to as, party of the first part; and

WHEREAS, the Town of Sweden, a New York Municipal Corporation, with offices located at 18 State Street, Brockport, New York 14420, hereinafter referred to as, party of the second part; and

WHEREAS, it is witnesseth, that the parties hereto, in consideration of one and no more dollars (\$1.00) paid to each other, the receipt whereof is hereby acknowledged, and upon the terms and conditions hereinafter expressed, does hereby give and grant unto the Town of Sweden and the successors and assigns of the Town of Sweden, the right, privilege and easement for the operation and maintenance of sanitary sewer lines, hereinafter referred to as the “sewer lines,” on the parcel of land hereinafter described:

**LEGAL DESCRIPTION – Parcel 1**

All that tract or parcel of land situated in part of Town Lot 6, Township 3, Section 8, Triangular Tract, Town of Sweden, County of Monroe, State of New York, and more particularly described as follows:

Commencing at a point at the centerline of Fourth Section Road, said point being 3,339.03 +/- feet east of the centerline of the intersection of Fourth Section Road (also known as State Route 31) with the centerline of Redman Road, thence;

Northerly on a bearing of N 00°-17'-47"W, a distance of 33.00 feet to a point, said point being at the intersection of the north right-of-way of Fourth Section Road and the west right-of-way of Hartshorn Place, said point also being the true point and place of beginning, thence;

Westerly along the north right-of-way of Fourth Section Road, on a bearing of S 89°-29'-08"W, a distance of 660.00 feet to a point, said point being on the west lines of the lands now and/or formerly of Robert A. Ellis, thence;

Northerly along the west lines of the lands now and/or formerly of Robert A. Ellis, on a bearing of N 00°-30'-52"W, a distance of 30.00 feet to a point, thence;

Easterly on a bearing of N 89°-29'-08"E, a distance of 660.11 feet to a point, said point being on the west right-of-way of Hartshorn Place, thence;

Southerly along the west right-of-way of Hartshorn Place, on a bearing of S 00°-17'-47"E, a distance of 30.00 feet to a point, said point being the true point and place of beginning.

**LEGAL DESCRIPTION – Parcel 2**

All that tract or parcel of land situated in part of Town Lot 6, Township 3, Section 8, Triangular Tract, Town of Sweden, County of Monroe, State of New York, and more particularly described as follows:

Beginning at a point at the intersection of the north right-of-way of Fourth Section Road with the east right-of-way of Hartshorn Place, thence;

Northerly along the east right-of-way of Hartshorn Place, on a bearing of N 00°-17'-47"W, a distance of 30.00 feet to a point, thence;

Easterly on a bearing of N 89°-29'-08"E, a distance of 200.00 feet to a point, said point being on the east line of the lands now and/or formerly of Robert A. Ellis at 4 Hartshorn Place, thence;

Southerly on a bearing of S 00°-17'-47"E, a distance of 30.00 feet to a point, said point being on the north right-of-way of Fourth Section Road, thence;

Westerly along the north right-of-way of Fourth Section Road, on a bearing of S 89°-29'-08"W, a distance of 200.00 feet to a point, said point being the true point and place of beginning.

WHEREAS, intending to describe a 30-foot wide sanitary sewer easement north and adjacent to the right-of-way of Fourth Section Road through the lands now and/or formerly of Robert A. Ellis, as shown on a map entitled "Sweden Town Park, Sanitary Sewer Easement Reference Map" prepared by Schultz Associates, P.C. Subject to all easements and restrictions of record.

WHEREAS, the Town of Sweden Town Board previously made a SEQR determination in connection with the development of Northrup Property Rezoning and the

associated sewer transmission main to serve the site, said determination being declared in 2002 a negative declaration for purposes of SEQR.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. First party grants to second party, and its successors and assigns, a perpetual right of way, easement and privilege to enter upon that portion of the lands and premises of the party of the first part situate in the Town of Sweden, County of Monroe and State of New York, to construct, place, lay and maintain thereon sewer pipes of such size as may from time to time be found necessary in connection with a sewer extension to be constructed and know as SWEDEN TOWN PARK, SANITARY SEWER EXTENSION.

Sec. 2. The easement granted hereby shall be permanent, irrevocable and continuous right and easement to party of second part, its successors and/or assigns, to build, lay, construct, maintain, inspect, operate and repair the sanitary sewer line in and under the surface of, and through a strip of land 30 feet wide as described including in connection therewith, but not by way of limitation thereof, the following rights, permits, privileges, interests, and easements over, in and on the strip of land described, that is:

- A. To excavate in and under the surface of the strip of land described, and to place and lay, or allow to be placed and laid, the sanitary sewer pipes therein together with the appliances and equipment necessarily appurtenant thereto and to fill in and over said pipes and the excavations made in connection with their laying and construction, and to maintain, operate, inspect, repair, rebuild and reconstruct the same. It being understood that upon the completion of the excavation operation, the party of the second part or its contractors or agents shall fill in the excavated areas to the same level as that which previously existed, or such higher level as may reasonably allow for the settling of said fill.
- B. To enter upon the lands of the party of the first part to make such surveys as may be reasonably desired for the purpose of determining the exact location of said strip and the pipes to be placed therein.
- C. To transport men, machines, materials and equipment over the strip of land for the aforesaid purposes and to store, maintain and keep, on the said strip, during such operations, the material necessarily excavated and the machines, material, and equipment engaged in such operations.
- D. To dig one or more exploratory holes and pits in said strip if it be deemed necessary by the party of the second part's engineer to determine sub-surface conditions prior to the laying of the sewer, it being understood that such holes will be of temporary nature and will be filled upon completion of the soil survey.
- E. The party of the first part covenants and agrees that the aforesaid right, privileges and easements shall run with the land and be binding upon the party of the first part, its distributes and assigns, and shall enure to and exist for the benefit of the party of the second part, its successors, agents and assigns.
- F. This grant is hereby made upon the express condition that the party of the first part shall have the right to tap into any such sewer main, provided party of the first part meets all municipality rules, regulations and laws in connection therewith.

Sec. 3. The party of the first part and the party of the second part have executed said easement agreement.

Sec. 4. That this resolution shall take effect immediately

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – April 26, 2005

Adopted

RESOLUTION NO. 63

Granting to the Town of Sweden an  
Easement for Sanitary Sewer Lines from  
6984 Fourth Section Road.

WHEREAS, this indenture made this 11<sup>th</sup> day of August, 2004, between Paul Ainsworth and Karen Ainsworth, each residing at 6984 Fourth Section Road, Brockport, New York 14420, hereinafter referred to as, party of the first part; and

WHEREAS, the Town of Sweden, a New York Municipal Corporation, with offices located at 18 State Street, Brockport, New York 14420, hereinafter referred to as, party of the second part; and

WHEREAS, it is witnesseth, that the parties hereto, in consideration of one and no more dollars (\$1.00) paid to each other, the receipt whereof is hereby acknowledged, and upon the terms and conditions hereinafter expressed, does hereby give and grant unto the Town of Sweden and the successors and assigns of the Town of Sweden, the right, privilege and easement for the operation and maintenance of sanitary sewer lines, hereinafter referred to as the “sewer lines,” on the parcel of land hereinafter described:

LEGAL DESCRIPTION

All that tract or parcel of land situated in part of Town Lot 3, Township 3, Section 8, Triangular Tract, Town of Sweden, County of Monroe, State of New York, and more particularly described as follows:

Commencing at a point at the centerline of Fourth Section Road, said point being 464.0 +/- feet east of the centerline of the intersection of Fourth Section Road (also known as State Route 31) with the centerline of Redman Road, said point also being the southwest corner of the lands now/or formerly of Paul and Karen Ainsworth at 6984 Fourth Section Road, thence;

Northerly on a bearing of N 00°-30’-52”W, and along the westerly line of the lands now/or formerly of Paul and Karen Ainsworth a distance of 231.91 feet to a point, said point being the true point and place of beginning, thence;

Continuing northerly on a bearing of N 00°-30'-52"W, a distance of 30.00 feet to a point, thence;

Easterly on a bearing of S 89°-28'-35"E, a distance of 191.03 feet to a point, said point being on the east property line of the lands now and/or formerly of Paul and Karen Ainsworth, thence;

Southerly on a bearing of S 00°-30'-52"E, a distance of 30.00 feet to a point, thence;

Westerly on a bearing of N 89°-28'-35"W, a distance of 191.03 feet to a point, said point being the true point and place of beginning.

WHEREAS, intending to describe a 30-foot wide sanitary sewer easement over the lands of Paul and Karen Ainsworth, as shown on a map entitled "Sweden Town Park, Sanitary Sewer Easement Reference Map" prepared by Schultz Associates, P.C. Subject to all easements and restrictions of record.

WHEREAS, the Town of Sweden Town Board previously made a SEQR determination in connection with the development of Northrup Property Rezoning and the associated sewer transmission main to serve the site, said determination being declared in 2002 a negative declaration for purposes of SEQR.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. First party grants to second party, and its successors and assigns, a perpetual right of way, easement and privilege to enter upon that portion of the lands and premises of the party of the first part situate in the Town of Sweden, County of Monroe and State of New York, to construct, place, lay and maintain thereon sewer pipes of such size as may from time to time be found necessary in connection with a sewer extension to be constructed and know as SWEDEN TOWN PARK, SANITARY SEWER EXTENSION.

Sec. 2. The easement granted hereby shall be permanent, irrevocable and continuous right and easement to party of second part, its successors and/or assigns, to build, lay, construct, maintain, inspect, operate and repair the sanitary sewer line in and under the surface of, and through a strip of land 30 feet wide as described including in connection therewith, but not by way of limitation thereof, the following rights, permits, privileges, interests, and easements over, in and on the strip of land described, that is:

- A. To excavate in and under the surface of the strip of land described, and to place and lay, or allow to be placed and laid, the sanitary sewer pipes therein together with the appliances and equipment necessarily appurtenant thereto and to fill in and over said pipes and the excavations made in connection with their laying and construction, and to maintain, operate, inspect, repair, rebuild and reconstruct the same. It being understood that upon the completion of the excavation operation, the party of the second part or its contractors or agents shall fill in the excavated areas to the same level as that which previously existed, or such higher level as may reasonably allow for the settling of said fill.
- B. To enter upon the lands of the party of the first part to make such surveys as may be reasonably desired for the purpose of determining the exact location of said strip and the pipes to be placed therein.
- C. To transport men, machines, materials and equipment over the strip of land for the aforesaid purposes and to store, maintain and keep, on the said strip,

during such operations, the material necessarily excavated and the machines, material, and equipment engaged in such operations.

- D. To dig one or more exploratory holes and pits in said strip if it be deemed necessary by the party of the second part's engineer to determine sub-surface conditions prior to the laying of the sewer, it being understood that such holes will be of temporary nature and will be filled upon completion of the soil survey.
- E. The party of the first part covenants and agrees that the aforesaid right, privileges and easements shall run with the land and be binding upon the party of the first part, its distributees and assigns, and shall enure to and exist for the benefit of the party of the second part, its successors, agents and assigns.
- F. This grant is hereby made upon the express condition that the party of the first part shall have the right to tap into any such sewer main, provided party of the first part meets all municipality rules, regulations and laws in connection therewith.
- G. Party of the second part shall restore the strip of land and any adjoining property owned by the party of the first part to the extent of any damage caused by the exercise of the rights granted hereunder.
- H. Party of the second part shall indemnify, defend and hold harmless the party of the first part to the extent of any injury to persons or damage to property caused as a result of the exercise of the rights granted hereunder.
- I. Party of the second part shall make every effort to allow the safe ingress and egress from Fourth Section Road for the benefit of the residents of the party of the first part and that all driveway cuts shall be repaired to the original condition.

Sec. 3. The party of the first part and the party of the second part have executed said easement agreement.

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

Submitted – April 26, 2005

Adopted

RESOLUTION NO. 64 Granting to the Town of Sweden an Easement for Sanitary Sewer Lines from the State of New York, State University College at Brockport

WHEREAS, this indenture made this 26th day of April, 2005, between the People of the State of New York, acting by the Commissioner of General Services, having its office and place of business at Mayor Erastus Corning 2<sup>nd</sup> Tower, The Governor Nelson

A. Rockefeller Empire State Plaza, Albany, New York 12242, hereinafter referred to as the "Grantor," and the Town of Sweden, a municipal corporation of the State of New York, having an office and place of business at 18 State Street, Brockport, New York 14420, hereinafter referred to as the "Grantee"; and

WHEREAS, it is witnesseth, that the Grantor, pursuant to Section 3, Subdivision 2 of the Public Lands Law and Findings of the Commissioner dated April 26, 2005, and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America paid by the Grantee, and upon the terms and conditions hereinafter expressed, does hereby give and grant unto the Grantee and the successors and assigns of the Grantee, the right, privilege and easement for the operation and maintenance of sanitary sewer lines, hereinafter referred to as the "sewer lines," on the parcels of land hereinafter described:

Easement for sanitary sewer lines over lands of the People of the State of New York, State University College at Brockport, situate in Town Lots 3 and 4, Township 3, Section 8, Triangular Tract, Town of Sweden, County of Monroe, State of New York, bounded and described as follows:

Parcel #1

Commencing at a point at the centerline of Redman Road, 212.00 feet +/- north of the centerline intersection of Redman Road and Fourth Section Road (also known as State Route 31);

Thence, N 89°-56'-55" E, a distance of 24.75 feet to a point on the east right-of-way line of Redman Road, the point and place of beginning;

Thence, from said point of beginning, N 00°-03'-05" W, along the east right-of-way line of Redman Road, a distance of 30.00 feet to a point on the south bounds of the lands now or formerly of Judy A. Tower;

Thence, N 89°-56'-55" E, along the south bounds of said lands of Tower, a distance of 233.25 feet to a point at the southeast corner of said lands of Tower;

Thence, N 00°-03'-05" W, along the east bounds of said lands of Tower, a distance of 23.09 feet to a point;

Thence, N 89°-29'-08" E, through lands of the People of the State of New York, a distance of 144.14 feet to a point;

Thence, S 89°-28'-35" E, continuing through said lands of the People of the State of New York, a distance of 59.74 feet to a point on the west bounds of the lands now or formerly of Paul and Karen Ainsworth;

Thence, S 00°-30'-52" E, along the West bounds of said lands of Ainsworth, a distance of 30.00 feet to a point;

Thence, N 89°-28'-35" W, through lands of the People of the State of New York, a distance of 60.01 feet to a point at the northeast corner of the lands now or formerly of Gerald Dowd;

Thence, S 89°-29'-08" W, along the north bounds of said lands of Dowd, a distance of 125.00 feet to a point;

Thence, S 00°-24'-53" E, along the west bounds of said lands of Dowd, a distance of 23.25 feet to a point at the northwest corner of said lands of Dowd;

Thence, S 89°-56'-55" W, through lands of the People of the State of New York, a distance of 252.51 feet to the point and place of beginning.

## Parcel #2

Commencing at a point at the centerline of Fourth Section Road, also known as State Route 31, being 2,309.16 feet +/- East of the centerline intersection of Fourth Section Road and Redman Road;

Thence, N 00°-30'-52" W, a distance of 33.00 feet to a point on the north right-of-way line of Fourth Section Road, the point and place of beginning;

Thence, from said point of beginning, S 89°-29'-08" W, along the north right-of-way line of Fourth Section Road, a distance of 980.26 feet to a point at the southeast corner of lands now or formerly of James M. and Danielle R. Schwab;

Thence, N 00°-30'-52" W, along the east bounds of said lands of Schwab, a distance of 200.00 feet to a point at the northeast corner of said lands of Schwab;

Thence, S 89°-29'-08" W, along the north bounds of said lands of Schwab, to and along the north bounds of lands now or formerly of Charles P. and Thelma Marshall, and through lands of the People of the State of New York, a distance of 601.26 feet to a point;

Thence, S 85°-54'-13" W, continuing through lands of the People of the State of New York, a distance of 72.78 feet to a point on the east bounds of lands now or formerly of Paul and Karen Ainsworth;

Thence, N 00°-30'-52" W, along the east bounds of said lands of Ainsworth, a distance of 30.06 feet to a point;

Thence, through lands of the People of the State of New York the following five courses and distances:

N 85°-54'-13" E, a distance of 71.84 feet to a point;

N 89°-29'-08" E, a distance of 632.20 feet to a point;

S 00°-30'-52" E, a distance of 200.00 feet to a point;

N 89°-29'-08" E, a distance of 950.26 feet to a point, and;

S 00°-30'-52" E, a distance of 30.00 feet to the point and place of beginning.

## Parcel #3

Commencing at a point at the centerline of Fourth Section Road, also known as State Route 31, being 2,679.16 feet +/- east of the centerline intersection of Fourth Section Road and Redman Road;

Thence, N 00°-30'-52" W, a distance of 33.00 feet to a point on the north right-of-way line of Fourth Section Road, the point and place of beginning;

Thence, from said point of beginning, S 89°-29'-08" W, along the north right-of-way line of Fourth Section Road, a distance of 370.00 feet to a point;

Thence, N 00°-30'-52" W, through lands of the People of the State of New York, a distance of 40.00 feet to a point;

Thence, N 89°-29'-08" E, continuing through lands of the People of the State of New York, a distance of 370.00 feet to a point on the west bounds of lands now or formerly of Robert A. Ellis;

Thence, S 00°-30'-52" E, along the west bounds of said lands of Ellis, a distance of 40.00 feet to the point and place of beginning.



WHEREAS, all as shown on a map entitled "Sweden Town Park, Sanitary Sewer Extension Easement for State University of New York at Brockport, situate in Town Lot 3 and 4, Section 8, Township 3, Triangular Tract, Town of Sweden, County of Monroe, State of New York," dated May 10, 2004, prepared by Schultz Associates, P.C. and filed in the New York State Office of General Services in Albany, New York as O.G.S. Map No. 2012.

Intending to convey sanitary sewer easements through the lands of the People of the State of New York, the State University College at Brockport, as shown on Appropriation Maps entitled, "State University of New York College at Brockport, County of Monroe; Map No. 87, Parcel P, Niagara Mohawk Power Corporation, reputed owner; Map No. 85, Parcel P, Jeremiah A. Yantz & Helen T. Yantz, reputed owners; Map No. 92, Webster A. Chapman, reputed owner; and Map No. 93, Parcels 1, 2, 3, 4, & 5, Bruce V. Dill, reputed owner."

WHEREAS, the Town of Sweden Town Board previously made a SEQR determination in connection with the development of Northrup Property Rezoning and the associated sewer transmission main to serve the site, said determination being declared in 2002 a negative declaration for purposes of SEQR.

NOW, THEREFORE BE IT RESOLVED:

Subject to any covenants, conditions, restrictions, easements and right-of-ways, if any, contained in instruments of record affecting said premises so far as the same may now be in force and effect.

This grant of easement is for perpetuity from the date hereof unless sooner terminated as hereinafter provided, and is made and accepted subject to the following covenants, terms and conditions:

Sec. 1. In using the easement area, Grantee shall not interfere with or disturb any presently existing underground or aboveground services or facilities located upon said land. Upon any termination of this easement as hereinafter provided, the Grantee agrees at the expense of the Grantee and at no expense to the Grantor to remove at once all of the said sewer lines from the land of the Grantor hereby affected and otherwise to leave said land in as nearly the same condition as possible as it was prior to the construction and reconstruction of said sewer lines.

Sec. 2. The easement hereby granted is granted only with respect to the construction, reconstruction, installation, repair, maintenance, and operation of the sewer lines. If the sewer lines shall not have been maintained and used for a period of two years, the easement shall cease and terminate without action to such effect being taken by the Grantor and all the rights of the Grantee shall then terminate and, furthermore, in such event, the provisions for removal of said sewer lines above set forth shall apply in the same manner and to the same effect as so set forth.

Sec. 3. Grantee assumes all risk in the construction, reconstruction, installation, repair, maintenance, operation and/or removal of the sewer lines referred to in this Indenture, and shall be solely responsible and answerable in damages for any and all accidents and injuries to person or property (including death), and hereby covenants and agrees to indemnify and hold harmless the Grantor and the State University of New York from any violation by Grantee, its agents, employees, or contractors, of any law, ordinance, rule or regulation affecting or relating to the construction, reconstruction, installation, repair, maintenance, operation and/or removal of said sewer lines, and from any and all claims, suits, losses, damages or

injuries to person or property (including death) of every kind and nature whether direct or indirect, arising out of the construction, reconstruction, installation, repair, maintenance, operation and/or removal thereof, or the carelessness, negligence or improper conduct of the Grantee or any contractor, servant, agent or employee thereof and to pay for and on behalf of the Grantor and State University of New York any and all charges, fees, expenses, costs or judgments arising therefrom. The Grantee agrees, upon being requested so to do, to assume the defense and to defend, at its own cost and expense, any action brought at any time against the Grantor or the State University of New York in connection with any such claim, suits, losses or liens as aforesaid.

Sec. 4. The easement hereby granted shall not be assigned or transferred without the written consent of the Commissioner of General Services.

Sec. 5. The easement hereby granted is intended to affect only the right, title and interest of the Grantor in the aforescribed parcels of land.

Sec. 6. Grantee agrees that during the term of this easement that the sewer lines shall conform and comply with all applicable city, State or federal laws, ordinances, rules and regulations.

Sec. 7. The word "Grantee" shall be construed as if read "Grantees" whenever the sense of this Indenture so requires. The use of the neuter pronoun in any reference to "Grantee" shall be construed to include any individual "Grantee," and the work "successors" shall be construed as if read "heirs" whenever the sense of this Indenture so requires.

Sec. 8. All the covenants, terms and conditions in this Indenture shall inure to the benefit of and be binding upon the executors, administrators, successors and assigns of the respective parties hereto, the same as if they were in every case named and expressed.

Sec. 9. In witness whereof, the Grantor has caused this instrument to be signed by its duly authorized representative on the day and year first above written.

Sec. 10. That the Sweden Town Board hereby authorizes the Supervisor to negotiate, sign and execute any and all documents required by the State of New York in connection with the proposed sewer easement.

Sec. 11. 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>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted –April 26, 2005

Adopted

RESOLUTION NO. 65 Granting to the Town of Sweden an Easement for Sanitary Sewer Lines from Wegmans Food Markets, Inc.

WHEREAS, this indenture made this 11<sup>th</sup> day of April, 2003, between Wegmans Food Market, Inc., a New York Corporation with its principal place of business located at 1500 Brooks Avenue, Rochester, New York 14692, hereinafter referred to as, party of the first part; and

WHEREAS, the Town of Sweden, a New York Municipal Corporation, with offices located at 18 State Street, Brockport, New York 14420, hereinafter referred to as, party of the second part; and

WHEREAS, it is witnesseth, that the parties hereto, in consideration of one and no more dollars (\$1.00) paid to each other, the receipt whereof is hereby acknowledged, and upon the terms and conditions hereinafter expressed, does hereby give and grant unto the Town of Sweden and the successors and assigns of the Town of Sweden, the right, privilege and easement for the operation and maintenance of sanitary sewer lines, hereinafter referred to as the "sewer lines," on the parcel of land hereinafter described:

#### LEGAL DESCRIPTION

All that tract or parcel of land situated in part of Town Lot 6, Township 3, Section 8, Triangular Tract, Town of Sweden, County of Monroe, State of New York, and more particularly described as follows:

Beginning at a point 325.00 feet east of the intersection of the east right-of-way of Hartshorn Place with the north right-of-way of Fourth Section Road, thence;

Northerly along the west line of the lands now and/or formerly of Wegmans Food Markets, Inc., on a bearing of N 00°-17'-47"W, a distance of 30.00 feet to a point, thence;

Easterly on a bearing of N 89°-29'-08"E, a distance of 418.30 feet to a point, thence;

Continuing easterly on a bearing of N 87°-19'-32"E, a distance of 230.91 feet to a point, said point being at the west right-of-way of Viking Way (private drive), thence;

Southerly along the west right-of-way of Viking Way, on a bearing of S 00°-30'-52"E, a distance of 38.70 feet to a point, said point being on the north right-of-way of Fourth Section Road, thence;

Westerly along the north right-of-way of Fourth Section Road, on a bearing of S 89°-29'-08"W, a distance of 649.16 feet to a point, said point being the true point and place of beginning.

WHEREAS, intending to describe a sanitary sewer easement varying from 30 feet to 38.70 feet wide that lies north and adjacent to the north right-of-way of Fourth Section Road, through the lands now and/or formerly of Wegmans Food Markets, Inc., all as shown on a map entitled "Sweden Town Park, Sanitary Sewer Easement Reference Map" prepared by Schultz Associates, P.C. Subject to all easements and restrictions of record.

WHEREAS, the Town of Sweden Town Board previously made a SEQR determination in connection with the development of Northrup Property Rezoning and the associated sewer transmission main to serve the site, said determination being declared in 2002 a negative declaration for purposes of SEQR.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. First party grants to second party, and its successors and assigns, a perpetual right of way, easement and privilege to enter upon that portion of the lands and premises of the party of the first part situate in the Town of Sweden, County of Monroe and State of New York, to construct, place, lay and maintain thereon sewer pipes of such size as may from time to time be found necessary in connection with a sewer extension to be constructed and know as SWEDEN TOWN PARK, SANITARY SEWER EXTENSION.

Sec. 2. The easement granted hereby shall be permanent, irrevocable and continuous right and easement to party of second part, its successors and/or assigns, to build, lay, construct, maintain, inspect, operate and repair the sanitary sewer line in and under the surface of, and through strips of land ranging from 30 feet wide to 38.75 feet wide as described including in connection therewith, but not by way of limitation thereof, the following rights, permits, privileges, interests, and easements over, in and on the strip of land described, that is:

- A. To excavate in and under the surface of the strip of land described, and to place and lay, or allow to be placed and laid, the sanitary sewer pipes therein together with the appliances and equipment necessarily appurtenant thereto and to fill in and over said pipes and the excavations made in connection with their laying and construction, and to maintain, operate, inspect, repair, rebuild and reconstruct the same. It being understood that upon the completion of the excavation operation, the party of the second part or its contractors or agents shall fill in the excavated areas to the same level as that which previously existed, or such higher level as may reasonably allow for the settling of said fill.
- B. To enter upon the lands of the party of the first part to make such surveys as may be reasonably desired for the purpose of determining the exact location of said strip and the pipes to be placed therein.
- C. To transport men, machines, materials and equipment over the strip of land for the aforesaid purposes and to store, maintain and keep, on the said strip, during such operations, the material necessarily excavated and the machines, material, and equipment engaged in such operations.
- D. To dig one or more exploratory holes and pits in said strip if it be deemed necessary by the party of the second part's engineer to determine sub-surface conditions prior to the laying of the sewer, it being understood that such holes will be of temporary nature and will be filled upon completion of the soil survey.
- E. The party of the first part covenants and agrees that the aforesaid right, privileges and easements shall run with the land and be binding upon the party of the first part, its distributees and assigns, and shall inure to and exist for the benefit of the party of the second part, its successors, agents and assigns.
- F. This grant is hereby made upon the express condition that the party of the first part shall have the right to tap into any such sewer main, provided party of the first part meets all municipality rules, regulations and laws in connection therewith.
- G. Party of the second part shall restore the strip of land and any adjoining property owned by the party of the first part to the extent of any damage caused by the exercise of the rights granted hereunder.

H. Party of the second part shall indemnify, defend and hold harmless the party of the first part to the extent of any injury to persons or damage to property caused as a result of the exercise of the rights granted hereunder.

Sec. 3. The party of the first part and the party of the second part have executed said easement agreement.

Sec. 4. 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 Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – April 26, 2005

Adopted

RESOLUTION NO. 66 Declaration of Lead Agency Status for SEQR  
Compliance for the Action to Adopt Amendments  
to the Town of Sweden Village of Brockport  
Comprehensive Plan Update 2002

WHEREAS, the Town Board of the Town of Sweden, has given public notice to the Village Board of the Village of Brockport, of its declared intent to be the Lead Agency for the Coordination Review and Determination of Significance under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has not received any written objection from the Village Board within the time period specified.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Sweden Town Board does hereby designate itself as the Lead Agency for the Coordinated Review and Determination of Significance, under the SEQR Regulations, for the above referenced action.

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

Submitted – April 26, 2005

Adopted

RESOLUTION NO. 67

Amend Dental/Optical Employee Benefit Plan

WHEREAS, the Town Board periodically reviews of the Employee Handbooks and all policies included in it; and

WHEREAS, it has been recommended to change the Dental/Optical Plan to include other types of medical expenses.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby make the following changes to the Dental/Optical Employee Benefit Plan:

That the plan be renamed Dental/Optical/Medical Benefit Plan

That paragraph three of the plan be changed to read “*Dental/Optical/Medical Services*” shall mean all services performed in relation to physical and mental health.

That paragraph eight of the plan shall be changed to read “To receive reimbursement for dental/optical/*medical* services, “

Sec. 2. That the Town Clerk is hereby directed to make the changes and distribute the policy as required.

Sec. 3. 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>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted –April 26, 2005

Adopted

Town Attorney Jim Bell arrived at 8:05 pm.

RESOLUTION NO. 68

Accepting transfer to the Town of Sweden the Brockport Cemetery Association Premises and Assets

WHEREAS, the Brockport Cemetery Association maintains a public cemetery in the Town of Sweden commonly known and referred to as Brockport High Street Cemetery; and

WHEREAS, said Association has under its care certain funds for perpetual care, permanent maintenance, and other funds deposited in the following banks, Fleet Bank and JP Morgan Chase Bank; and

WHEREAS, said Association has been and still is unable to procure sufficient income from above investments, the members of the association and from the representatives of the deceased persons interred in the cemetery; and

WHEREAS, said Association has requested that the Town of Sweden accept the conveyance of the cemetery premises and the transfer of all assets relating to the Brockport Cemetery Association pursuant to Not-for-Profit Corporation Law§ 1506 (j)

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. The Town of Sweden accepts the conveyance of the cemetery premises and the transfer of the assets from the Brockport Cemetery Association.

Sec. 2. The conveyance hereinabove contemplated is conditioned upon the passage and receipt of an appropriate resolution concerning same from Brockport Cemetery Association along with the necessary deed documents.

Sec. 3. The conveyance as hereinabove described is also subject to all agreements as to lots sold and all trusts, restrictions and conditions upon the title or use of the real property or assets.

Sec. 4. This Resolution shall take effect immediately upon satisfaction of the conditions set forth hereinabove.

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

Discussion: Supervisor Lester stated that an application should be made to the Vandalism Fund to improve lighting and repair the fence. Councilperson Windus-Cook wanted to make clear that the Town of Sweden by law is required to take over the cemetery once deemed abandoned. Supervisor Lester stated that this was happening in other Towns as well. Mr. Lester would like to get the Highway Department in the cemetery before Memorial Day to assess its condition. He also stated that the cemetery holds a lot of history.

VOTE BY ROLL CALL AND RECORD:

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

Submitted – April 26, 2005

Adopted

RESOLUTION NO. 69

Authorizing Grant Application  
Justice Court Assistance Program

WHEREAS, Governor Pataki has signed into law a measure establishing the Justice Court Assistance program; and

WHEREAS, this measure will enable the town to apply to the Chief Administrative Judge for a grant of state funds to assist in the operation of their Justice Courts; and

WHEREAS, the Town of Sweden Justice Court is in need of computers, fax machine, and an upgrade to the audio and recording system in the court room.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the Town of Sweden Justice Court to apply for funds through the Justice Court Assistance Program.

Sec. 2. 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>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – April 26, 2005

Adopted

RESOLUTION NO. 70 Granting to the Town of Sweden a Utility & Sidewalk Easement for Property Located at 6345 Brockport-Spencerport Road – Spurr Parking Expansion Easement

WHEREAS, CAR MUL NY, LLC 8270 Greensboro Drive, Suite 950, McLean, Virginia 22102 (hereinafter referred to as Grantor) is desirous of granting to the Town of Sweden, a Municipal Corporation with offices at 18 State Street, Brockport, New York 14420 (hereinafter referred to as Grantee) a permanent utility & sidewalk easement at the property located at 6345 Brockport-Spencerport Road in the Town of Sweden, County of Monroe, State of New York.

WHEREAS, it is witnesseth, that the Grantor for and in consideration of One Dollar (\$1.00) lawful money paid by the Grantee to the Grantor, hereby sells, grants and conveys, and by these presents, they have sold, granted and conveyed to the Grantee, their successors, assigns or special districts forever, a perpetual nonexclusive Easement and privilege to enter onto that portion of lands of the Grantor more particularly described:

Utilitiy & Sidewalk Easement

CAR MUL NY, LLC to the Town of Sweden

All that tract or parcel of land, situated in part of Town Lot 14, Section 7, Township 3, Triangular Tract of the Morris Reserve, Town of Sweden, County of Monroe, State of New York, and more particularly described as follows:

Beginning at a point on the south right-of-way of Brockport-Spencerport Road, said point being 849.19 feet west of the west right-of-way of Transit Way, thence;

Southerly on a line bearing S 00°-27'-18"W, a distance of 35.00 feet to a point, thence;



Easterly on a line bearing N 89°-59'-52"E, a distance of 143.46 feet to a point, thence;

Northerly on a line bearing N 00°-01'-28"E, a distance of 15.00 feet to a point, thence;

Easterly on a line bearing N 89°-58'-32"E, a distance of 16.67 feet to a point, thence;

Northerly on a line bearing N 00°-27'-18"E, a distance of 20.00 feet to a point, said point being on the south right-of-way of Brockport-Spencerport Road, thence;

Westerly along the south right-of-way of Brockport-Spencerport Road, on a line bearing S 89°-58'-32"W, a distance of 160.00 feet to a point, said point being the true point and place of beginning.

Intending to describe a variable width easement, for laying and maintaining public utilities and a sidewalk.

WHEREAS, the Town of Sweden is desirous of obtaining a permanent utility & sidewalk easement from the owner of the subject property; and

WHEREAS, the owner is amenable to granting such utility & sidewalk easement with the understanding that the owner shall retain the right to otherwise use the lands in which the permanent easement is granted and to exercise rights of ingress and egress over same, among other things listed and described in the utility & sidewalk easement agreement; and

WHEREAS, the owner and the Town of Sweden are desirous of executing the attached utility & sidewalk easement for the purposes set forth hereinafter.

WHEREAS, the Town of Sweden Planning Board previously made a SEQR determination in connection with the Spurr Parking Lot Expansion, said determination being declared on August 9, 2004 a negative declaration for purposes of SEQR.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Sweden Town Supervisor is hereby authorized to execute the attached easement and accompanying TP-584 form in the appropriate locations on behalf of the Town of Sweden.

Sec. 2. That after execution, the Sweden Town Attorney is authorized to attend to the recording of same in the Monroe County Clerk's Office.

Sec. 3. 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>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>

Supervisor Lester  
Submitted – April 26, 2005

Aye

Adopted

RESOLUTION NO. 71

Granting to the Town of Sweden a Drainage Easement for Property Located at 6345 Brockport-Spencerport Road – Spurr Parking Expansion Easement

WHEREAS, CAR MUL NY, LLC 8270 Greensboro Drive, Suite 950, McLean, Virginia 22102 (hereinafter referred to as Grantor) is desirous of granting to the Town of Sweden, a Municipal Corporation with offices at 18 State Street, Brockport, New York 14420 (hereinafter referred to as Grantee) a permanent drainage easement at the property located at 6345 Brockport-Spencerport Road in the Town of Sweden, County of Monroe, State of New York.

WHEREAS, it is witnesseth, that the Grantor for and in consideration of One Dollar (\$1.00) lawful money paid by the Grantee to the Grantor, hereby sells, grants and conveys, and by these presents, they have sold, granted and conveyed to the Grantee, their successors, assigns or special districts forever, a perpetual nonexclusive Easement and privilege to enter onto that portion of lands of the Grantor more particularly described:

Drainage Easement

CAR MUL NY, LLC to the Town of Sweden

All that tract or parcel of land, situated in part of Town Lot 14, Section 7, Township 3, Triangular Tract of the Morris Reserve, Town of Sweden, County of Monroe, State of New York, and more particularly described as follows:

Commencing at a point on the south right-of-way of Brockport-Spencerport Road, said point being 849.19 feet west of the west right-of-way of Transit Way, thence;

Southerly on a line bearing S 00°-27'-18"W, a distance of 416.86 feet to a point, said point being the true place of beginning, thence;

Continuing southerly on the same bearing, a distance of 114.74 feet to a point, thence;

Easterly on a line bearing N 89°-59'-52"E, a distance of 160.00 feet to a point, thence;

Northerly on a line bearing N 00°-27'-18"E, a distance of 114.74 feet to a point, thence;

Westerly on a line bearing N 89°-59'-52"E, a distance of 160.00 feet to a point, said point being the true point and place of beginning.

Intending to describe an easement over the southerly portion of the grantors premises for maintaining a storm water detention facility; and

WHEREAS, the Town of Sweden is desirous of obtaining a permanent drainage easement from the owner of the subject property; and

WHEREAS, the owner is amenable to granting such drainage easement with the understanding that the owner shall retain the right to otherwise use the lands in which the permanent easement is granted and to exercise rights of ingress and egress over same, among other things listed and described in the drainage easement agreement; and

WHEREAS, the owner and the Town of Sweden are desirous of executing the attached drainage easement for the purposes set forth hereinafter.

WHEREAS, the Town of Sweden Planning Board previously made a SEQR determination in connection with the Spurr Parking Lot Expansion, said determination being declared on August 9, 2004 a negative declaration for purposes of SEQR.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Sweden Town Supervisor is hereby authorized to execute the attached easement and accompanying TP-584 form in the appropriate locations on behalf of the Town of Sweden.
- Sec. 2. That after execution, the Sweden Town Attorney is authorized to attend to the recording of same in the Monroe County Clerk’s Office.
- 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>Aye</u>	
Councilperson Connors	<u>Aye</u>	
Councilperson Ferris	<u>Aye</u>	
Councilperson Windus-Cook	<u>Aye</u>	
Supervisor Lester	<u>Aye</u>	
Submitted – April 26, 2005		Adopted

RESOLUTION NO. 72 Ordering a Public Hearing Regarding the Adoption of Local Law No. 4 of 2005 – Proposed Amendments to Chapter 175-15 Permit Requirements of the Sweden Town Code

WHEREAS, certain recommendations and proposals have been made to change various portions of the Sweden Town Code concerning the subject of permit requirements; and

WHEREAS, the Sweden Town Board is desirous of proceeding forward with said recommendations and proposals to change by Local Law.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. The Sweden Town Board of the Town of Sweden shall hold a public hearing at the Town Hall, 18 State Street, Brockport, New York on the 10<sup>th</sup> day of May, 2005 at 7:45 pm to hear all interested persons for or against the adoption of Local Law No. 4 of 2005 – proposed amendments to Chapter 175-15 Permit Requirements of the Sweden Town Code.
- Sec. 2. The proposed amendments include the deletion of Permit I-2, Temporary Sign Permits, in its entirety and the deletion of Permit J, Posters, in its entirety in the

Sweden Town Code. The complete amendments are fully described and on file in the Town Clerk's office.

Sec. 3. The Town Clerk is authorized and directed to cause a notice of the public hearing to be published in the Town's official newspapers, as required by law.

Sec.4. 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 Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – April 26, 2005

Adopted

APPROVAL OF PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Connors made a motion that was seconded by Councilperson Ferris authorizing payment of the bills in Abstract 4 dated April 27, 2005 in the amount of \$107,089.33. All voted in favor of the motion. Motion adopted.

General Fund: In the amount of \$86,678.83 as set forth in Abstract 4 dated April 27, 2005.

Highway Fund: In the amount of \$20,410.50 as set forth in Abstract 4 dated April 27, 2005

DISCUSSION AND ANNOUNCEMENTS

There were none.

EXECUTIVE SESSION

Councilperson Carges made a motion that was seconded by Councilperson Connors to move into executive session at 8:25 pm to discuss a personnel issue at the Highway Department and a legal matter. All voted in favor of the motion. Motion adopted.

No action taken. Councilperson Carges made a motion that was seconded by Councilperson Connors to leave executive session at 8:45 pm. All voted in favor of the motion. Motion adopted.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the April 26, 2005 meeting of the Sweden Town Board at 8:47 p.m. Councilperson Connors seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
Town Clerk