

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, May 13, 2003.

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

Also present were Director of Finance Elaine Jones, Assessor Alan Bader, and Town Attorney James Bell. Highway Superintendent Fred Perrine was excused.

Visitors present were Lauren McCracken, 650 White Rd., John A. Shields, 14 Talamora Trail, Jim Hamlin, 50 Park Ave., Frank & Julie Lapinski, 4016 Sweden Walker Rd., Laurie Putnam, 13 Talamora Trail, and Robbie Hess, Suburban News.

Supervisor Lester called the meeting to order at 7:30 PM. and asked everyone present to say the Pledge to the Flag. The meeting started in the Court Room for the presentation by the Engineering Design Development Group. The group gave their monthly update on the skate park. There have been two meetings with TruRide. There is a new layout due to budget constraints. The group had been given two videos and sample building materials by TruRide. The specs will be drawn up for going out to bid. There were questions and statements of praise for the group from the audience.

At 8:00 PM meeting then moved back to the conference room and Supervisor Lester called on John Shields who was representing STAND, a group of residents opposed to the new Wal Mart location. They are requesting a moratorium on certain large projects. He spoke of a memo from the Planning Board to the Town Board regarding putting a moratorium on large projects after what is already before the Planning Board. The Supervisor related that this is an issue that needs to be reviewed with the Town Attorney.

Supervisor Lester asked for comments from anyone else in the audience. There were none.

#### APPROVAL OF MINUTES

Councilperson Wheat made a motion to accept the minutes of the Regular Town Board meeting held on April 22, 2003. Councilperson Connors seconded the motion. All voted in favor of the motion. Carried.

Councilperson Connors made a motion to accept the minutes of the Special Town Board meeting held on May 6, 2003. Councilperson Wheat seconded the motion. All voted in favor of the motion. Carried.

#### SUPERVISOR'S CORRESPONDENCE

2003	Received From:	Comments:
1	Genesee/Finger Lakes Regional Planning Council, 4/24	Regional Roundtable on Agriculture and Farmland Protection 5/29/03, 9AM – noon
2	Anne Brumm, Senior Center	Monroe Co. Cooperative Extension Regarding her position and Civil Service test

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| 3   | Receptionist/Typist 4/28<br>HRH Insurance, 4/29                              | results.<br>Community Center Building<br>Repairs/adjustments recommended                                 |
| *4  | Paul C. Wilkens, RG&E 4/28   | Thank you for cooperation in efforts to restore power to residents after ice storm 4/3 – 5, 2003         |
| *5  | Nathan L. Rudgers, NYS<br>Commissioner of Ag & Markets,<br>4/29              | Completed review of Final Notice of Intent re: water mains in Monroe Co. Ag District #5                  |
| *6  | Janet L. Smith, bpd Finance, 4/29  | Sale (6/2) and Closing (618) dates for \$650,000 bond  |
| *7  | Gerald J. Mecca, Monroe Co. Dept.<br>of Finance, 4/29                        | Sales Tax Distribution for 1 <sup>st</sup> quarter 2003,<br>\$61,683.14                                  |
| *8  | Skip Fromm, St. Paul Ins., 5/5   | Need for Prior Written Notice Law requirement for Insurance coverage                                     |
| *9  | David Scott, Youth Program<br>Development Coordinator, 5/6                   | Request use of Senior Center to hold a banquet on 5/20.  |
| 10  | Nat O. Lester III, Supervisor, 5/6   | Letter to Village Attorney with questions about Town assuming responsibility for Village parking tickets |
| 11  | Eric Mower, Chair Erie Canal<br>National Heritage Corridor<br>Commission 5/6 | Erie Canal Convocation June 8 – 10, Utica NY,<br>Radisson Hotel  |
| *12 | Kimberly Merchant, NYS DEC, 5/6  | Re: Sweden Walker Rd. Water Main Water Supply Permit   |
| *13 | James Oberst, MRB 05/06  | Proposal for Services Champion Moving & Storage, 100 Owens Rd.   |
| *14 | Lynette Lemcke, Court Clerk, 5/12  | Request for time to attend NYSMCCA Executive Board Mtg. 5/16/03  |
| *15 | Shirley Mercer, Tax Receiver, 5/12   | Request for she and Kathy Alvito to attend NYS Tax Receivers & Collectors Assoc. mtg. 6/10 in Auburn NY  |
| *16 | Muffy Meisenzahl, Office of<br>Emergency Preparedness, 5/13                  | Federal Disaster Declaration   |
| *17 | David G. Sprague, Monroe Co.<br>Water Auth., 5/13<br>* Board has Copies      | Sweden Town Park Sewer Extension   |

Re: No. 14 Councilperson Carges made a motion to allow Lynette Lemcke to go to the Executive Board meeting and count it a regular workday. Councilperson Wheat seconded the motion. All voted in favor of the motion. Carried.

Re: No. 15 Councilperson Carges made a motion to allow Shirley Mercer and Kathy Alvito to attend the NYS Tax Receivers & Collectors Assoc. meeting on June 10, 2003. Councilperson Wheat seconded the motion. All voted in favor. Carried.

Re: No. 9 Councilperson Connors made a motion, which Councilperson Carges seconded to approve the use of the Senior Center for the Youth Assets' banquet on May 20, 2003.

Re: No. 10 There was a meeting today with the Village Clerk and Mayor and the Sweden Court Clerks. The Town is responsible for hearing the cases. Village Attorney will prosecute. The software serves as a means of collection.

At this time Charlie Hage appeared before the Board. He had run a basketball clinic. He wanted to donate his payment for these services back to the Town to be used for recreational purposes. The Board accepted it and thanked him for his generosity.

Mr. James Nealon, Recreation Director at the Community Center was present to report on the Winter/Spring programs. First he told the Board that BCS is requesting to use, at a future date, an area near the Community Center for a program called Project Adventure. They are looking at the Community Center property, the adjacent Duryea property or the Town Park. Mr. Nealon will keep the Board informed. Next he reported on the Community Survey. The survey is needed for a recreation Master Plan. The best way to do it is through the Suburban News. Their charge is \$202.50 to stuff and send the survey to every other resident (3000). Paper products have been donated. A return mail permit at \$250.00 is required. The Town of Clarkson would split this cost with Sweden. There is the matter of payment of the postage for the returns. They hope to have this done over the summer. Regarding Civil Service, Mr. Nealon proposes that the list be canvassed for Matt Beeman's position. For Jill's position he suggested getting a residency list from Civil Service. On July 3<sup>rd</sup> there will be a Fourth of July celebration with fireworks. He presented the Board with a break down of expenses and projected revenues. Finally he reviewed the numbers for the Winter/Spring programs that took place from January 1<sup>st</sup> to April 23<sup>rd</sup>. He reviewed and asked for questions and comments. The numbers looked good. He introduced Matt Beeman who told about some of the things that he does in his position. August 8<sup>th</sup> is Swing for the Hill golf tournament Councilperson Carges reported that the security system is almost completed at the Community Center.

The following Departmental Reports for the month of April were submitted and reviewed: Supervisor, Building, Dog Control, Fire Marshal, Justice Court, Tax Receiver, and Town Clerk

The Highway Dept., Assessor and Board reports were waived.

## RESOLUTIONS

RESOLUTION NO. 62 Appoint Recreation Assistants for Summer 2003

WHEREAS, the recreation department will be running a day camp this summer of 2003; and

WHEREAS, Recreation Director Jim Nealon has recommended hiring staff for this program.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint the following people to the positions of Recreation Assistant, seasonal, noncompetitive, for the time period of June 24, 2003, to August 15, 2003, at the rate of pay following their names:

Nancy Datro

\$10.00/hour

Brandon Frew	10.00/hour
David Scott	7.50/hour
Sarah Beers	7.50/hour
Tricia Jones	7.50/hour
Frank Olivieri	7.50/hour
Susan Westcott	7.50/hour
Jennifer Sime	5.50/hour
Kaitlyn Sayers	5.50/hour
Jamie Pricola	5.50/hour
Meagan Villa	5.50/hour
Deanna Pulice	5.50/hour
Stephanie Rockow	5.50/hour
Shana Nesbitt	5.50/hour
Rebecca Day	5.50/hour
Jesse Cervini	5.50/hour
Cary Ellen Stevens	5.50/hour
Sara Webster	5.50/hour
Amy D'Agostino	5.50/hour
Traci O'Sullivan	5.50/hour
Kelly Ferraro	5.50/hour
Meaghan Dwyer-McNally	5.50/hour
Kathryn Lester	5.50/hour
Brett Machovec	5.50/hour
Colleen Quinn	5.50/hour
Daniel Yanklowski	5.50/hour
Brittany Jones	5.50/hour
Tim Beairsto	5.50/hour
Javon Frater	5.25/hour
Daniel Ange	5.25/hour
Jennifer Gerling	5.25/hour

Sect. 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 – May 13, 2003

Adopted

RESOLUTION NO. 63

Approving Proposal for Engineering  
Services – Owens Rd.

WHEREAS: There are proposed plans for a site expansion to the existing Champion facility at 100 Owens Rd.; and

WHEREAS: While this facility is located in the Village of Brockport, access is gained to this site off a Town road; and

WHEREAS: Additionally, drainage leaving this site eventually travels northeasterly towards an area on Canal Road that has historically been subject to seasonal flooding; and

WHEREAS: James Oberst of MRB group proposes to review these issues on the Town’s behalf, focusing on traffic and drainage.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes James Oberst of MRB group to commence an engineering review for a cost not to exceed \$650.00

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 – May 13, 2003

Adopted

RESOLUTION NO. 64

Calling Public Hearing Regarding  
Adoption of Local Law No. 1, 2003 –  
Notice of Highway Defects

WHEREAS: the Town Board of the Town of Sweden desires to enact by Local Law a Prior Written Notice Law.

NOW, THEREFORE BE IT RESOLVED:

Sec.1. That the Town Board of the Town of Sweden shall hold a public hearing at the Town Hall, 18 State Street, Brockport, New York, on the 10th day of June, 2003 at 7:15 PM to hear all persons for or against the adoption of Local Law No. 1, 2003 – Notice of Highway Defects.

Sec. 2. That the Town Clerk is authorized and directed to cause a notice of this hearing to be published in the official newspaper of the town, in accordance with Section 265 of Town Law.

Sec. 3. 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:

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 – May 13, 2003

RESOLUTION NO. 65

Adopted

Authorize Summer Hours June,  
July, and August 2003

WHEREAS: the Town Board desires to establish summer hours for the Town Hall employees.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board hereby establishes the following summer work hours for  
Town Hall employees during the months of June, July and August:

8:30 AM to 4:30 PM

Sec. 2. The Town Clerk is directed to publish a notice of the change in the official  
newspaper.

Sec. 3. 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 – May 13, 2003

RESOLUTION NO. 66

Adopted

SEQR Determination AT&T Co-location  
Telecommunications Tower 411 Sweden/  
Ogden Town Line Road

WHEREAS: AT&T Wireless proposes to co-locate on an existing telecommunications tower located at 411 Sweden/Ogden Town Line Road in the Town of Sweden; and

WHEREAS: To aid the Town, the application and project has been reviewed by the Monroe County Planning & Development Board, the Town Planning Board, the Town Environmental Conservation Board, and the Town's engineer; and

WHEREAS: The Town Board has duly reviewed the EAF and other related documents with respect to the above-referenced action and duly considered the impacts which may be expected to result from such action with the criteria set forth in Article 8 of the State Environmental Quality Review Act and applicable regulations promulgated there under (SEQRA).

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. Based upon the review by the Town Board of the Full Environmental Assessment Form and other necessary criteria, the Board hereby finds that the object of the above referenced action therefore (a) will result in no major impacts, and therefore is not one which "may have a significant effect on the environment", (b) will not have a "significant effect on the environment" and (c) no "environmental impact statement" need be prepared, as such quoted terms are used in SEQRA
- Sec. 2. The proposed project constitutes a Type I Unlisted Action as quoted terms are defined in the regulations of the Department of Environmental Conservation of the State of New York.
- Sec. 3. Reasons for supporting this determination are set forth on the Full Environmental Assessment Form attached hereto and hereby made part of this resolution for the purposes of SEQR. This determination constitutes a negative declaration for the purposes of SEQR.
- Sec. 4. A copy of this resolution, together with the notice of negative declaration, shall be placed on file in the office of the Clerk of the Town where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such newspaper as shall be necessary to conform to the requirements of SEQR.
- Sec. 5. 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 – May 13, 2003

Adopted

RESOLUTION NO. 67

Authorizing Settlement of Litigation  
In the Matter of Property Located at  
2730 Colby Street, Town of Sweden  
v. Clarkson Electrical, Inc., Monroe  
County Supreme Court, Index  
Number 12032-02

WHEREAS: The Town of Sweden has undertaken the commencement and pursuance of litigation as hereinabove described against the defendants CRISTOFORO FAGGIANO, MARIA AMADEO BATTISTI, MARY A. BATTISTI, and CLARKSON ELECTRICAL CONTRACTORS, INC.; and

WHEREAS: The Sweden Town Board is desirous of settling all aspects of said litigation by entering into a Stipulated Consent Order describing the settlement terms of same and that same would be submitted to the Court for approval and signature.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. The Sweden Town Board hereby authorizes the settlement of the before mentioned pending litigation entitled The Town of Sweden v. Cristoforo Faggiano, Maria Faggiano, Amadeo Battisti, Mary A. Battisti, and Clarkson Electrical Contractors, Inc., Monroe County Supreme Court, Index Number 12032-02 pursuant to the terms and conditions of the above described Stipulation Consent Order.
- Sec. 2. The Sweden Town board hereby authorizes Sweden Town Supervisor Nat O. Lester III to execute the Stipulated Consent Order.
- Sec. 3. The Sweden Town Board hereby authorizes the Sweden Town Attorney to take whatever legal action is necessary and appropriate to finalize the settlement of this matter.
- Sec. 4. 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 – May 13, 2003

Adopted

RESOLUTION NO. 68

Authorizing Settlement of Litigation  
In the Matter of Property Located at  
282 Capen Road, Town of Sweden v.  
Paul et al, Monroe County Supreme  
Court, Index Number 2002/12055

WHEREAS: The Town of Sweden has undertaken the commencement and pursuance of litigation as hereinabove described against the defendants DAVID W. PAUL, M.K.D. TRUCKING, INC., and M.K. FUELS, INC.; and

WHEREAS: The Sweden Town Board is desirous of settling all aspects of said litigation by entering into a Stipulation describing the settlement terms of same with the understanding that said Stipulation would be incorporated but not merged into a Final Order and Judgment to be submitted to the Court for approval and signature.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. The Sweden Town Board hereby authorizes the settlement of the before mentioned pending litigation entitled The Town of Sweden v. David W. Paul, M.K.D. Trucking, Inc. and M.K. Fuels, Inc., Monroe County Supreme Court, Index Number 2002/12055 pursuant to the terms and conditions of the above described Stipulation and the proposed Final Order and Judgment.
- Sec. 2. The Sweden Town Board hereby authorizes Sweden Town Supervisor Nat O. Lester III to execute the Stipulation.
- Sec. 3. The Sweden Town Board hereby authorizes the Sweden Town Attorney to take whatever legal action is necessary and appropriate to finalize the settlement of this matter.
- 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 Wheat	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – May 13, 2003

Adopted

RESOLUTION NO. 69

Appoint Recreation Leader - Rhodes

WHEREAS, according to Civil Service Law, Jason Rhodes was appointed provisionally to the title of Recreation Leader; and

WHEREAS, examination number OC62353, Recreation Leader, has been given and an eligible list was established on May 5, 2003; and

WHEREAS, Jason Rhodes passed the examination and is presently reachable.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Jason Rhodes as Recreation Leader, permanently, effective May 5, 2003.

Sec. 2. That the hours and salary remain the same as before the permanent appointment.

Sec. 3. 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 – May 13, 2003

Adopted

At 9:22 PM Councilperson Wheat made a motion to go into executive session to discuss a personnel matter. Councilperson Connors seconded the motion. All voted in favor of the motion. Carried

At 10:00 PM Councilperson Wheat made a motion that was seconded by Councilperson Windus-Cook to go out of executive session. All 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 item reflected in the foregoing motion, and that no formal action was taken.

\_\_\_\_\_  
Gail A. DeToy

Councilperson Carges made a motion to engage Attorney Jerry Goldman as counsel to the Planning Board for the Wal Mart application. Councilperson Wheat seconded the motion.

All voted in favor of the motion. Carried. The Planning Board and Town Board should have separate counsel in this instance.

#### DISCUSSION AND ANNOUNCEMENTS

On Tuesday, May 20, 2003 the Town Board will hold a work meeting at 7:00 PM. The Board members would also like to briefly attend the youth banquet.

#### ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges made a motion to adjourn the May 13, 2003 meeting of the Sweden Town Board at 10:05 PM. Councilperson Connors seconded the motion. All voted in favor of the motion. Carried.

Respectfully submitted,

Gail A. DeToy  
Town Clerk