

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 23, 2006.

Town Board Members present were Supervisor Buddy Lester, Councilperson Rob Carges, Councilperson Pat Connors, Councilperson Tom Ferris, and Councilperson Danielle Windus-Cook. Also present were Director of Finance Leisa Strabel, Town Attorney Jim Bell, and Town Clerk Karen M. Sweeting.

Visitors present were resident Jim Hamlin and Kris Schultz from Schultz Associates. Also present were Jennifer (unable to read last name), Jennifer Lawson, Rachael Hettel, Heather Pickett students from a Participation in Government class.

Supervisor Lester called the meeting to order at 7:30 p.m. and asked everyone present to say the Pledge to the Flag led by Jennifer Lawson. Supervisor Lester then acknowledged the presence of the visitors and asked if anyone would like to speak. There was no one.

#### APPROVAL OF MINUTES

Councilperson Connors made a motion that was seconded by Councilperson Ferris to accept the minutes of the regular meeting held on May 9, 2006. All voted in favor of the motion. Motion adopted.

#### SUPERVISOR'S CORRESPONDENCE

2006 Received From:	Comments:
*1. Marleen Cain, Deputy Town Clerk	Payroll – Student Helpers – List of students not returning for 2006
*2. Tony Eaffaldano, Assessor	Request to attend IAO class and exam in July
*3. Breanne Spade, Recreation Assistant	Employee
4. Matthew Minor, Seymour Library Board President	Thank you for attending the budget meeting
5. David Scott, Recreation Director	Request to fill summer camp position
6. Fred Perrine, Superintendent of Highways	Request to attend training in Ithaca
7 Nancy Duff, Senior Center	Recommendation to hire roofing contractor

\*Board has copies

RE: #1 Councilperson Carges made a motion that was seconded by Councilperson Connors to remove the students from payroll and notify civil service. All voted in favor of the motion. Motion adopted.

RE: #2 Councilperson Connors made a motion that was seconded by Councilperson Ferris to grant the request of Tony Eaffaldano to attend the IAO class and exam in July. All voted in favor of the motion. Motion adopted.

RE: #3 Councilperson Connors made a motion that was seconded by Councilperson Carges to accept the termination of a recreation department employee. All voted in favor of the motion. Motion adopted.

RE: #6 Councilperson Windus-Cook made a motion that was seconded by Councilperson Ferris to grant the request of Fred Perrine to attend training in Ithaca. All voted in favor of the motion. Motion adopted.

RE: #7 Councilperson Ferris made a motion that was seconded by Councilperson Carges to accept the lowest estimate from Repair N Remodel for repair to the roof on the Senior Center building. Estimates were received from Repair N Remodel and HBC Construction.

## REPORTS

Town Attorney Jim Bell reported that the County of Monroe has served the Town of Sweden with an Order to Show Cause. This is an action against all local municipalities in Monroe County relating to the Medicaid sales tax intercept option.

Supervisor Lester made a motion that was seconded by Councilperson Carges authorizing Town Attorney, James Bell, to take all steps necessary, including engaging outside counsel, to assist in the Town's preparation of its responding papers and oral arguments, if necessary. All voted in favor of the motion. Motion adopted. The Town's initial response is not to oppose the County in its efforts in seeking declaratory judgment interpreting various laws relating to the subject of sales tax.

Councilperson Carges reported that the concession stand at the Town Park is running well and the sign for the Sweden Clarkson Community Center is moving along. The sign should be in place by May 31.

Councilperson Connors reported that she attended a Genesee Finger Lakes Planning Council conference on wind farms.

Councilperson Ferris reported that he had met with Nancy Duff from the Senior Center to discuss two job postings for cleaning and maintenance. He also met with Jack Milner and D.D. Flannery to discuss marketing concepts to "kick-off" the Sweden Community Foundation and tap corporate sponsorship. The foundation is proposing an annual event in July where Connors & Ferris will challenge other corporate sponsors to meet their donation.

Councilperson Windus-Cook reported that the landscaping at the entrance to the Town Park is under way. This should keep vehicles out of the park after hours.

Supervisor Lester reported that he attended a Sweden Community Foundation meeting. Mr. Lester visited the Wal-Mart site and construction is progressing, although slow due to the recent rain. Mr. Lester also attended the Seymour Library Board meeting to discuss the budget. Councilperson Carges added that the library board appears to be looking ahead. Currently the library does not have an official director. The Seymour Library Board discussed several capital projects that they felt needed to be addressed such as the roof and air conditioning units. Both Supervisor Lester and Councilperson Carges stated that the meeting was informative.

Supervisor Lester continued to report that he had met with Jack Hassall and Kris Schultz to discuss a proposed housing development behind the new Wal-Mart. Mr. Schultz will be holding a public information meeting to present this idea to the residents. Mr. Lester met with Dave Scott to discuss bus transportation for the summer programs.

Mr. Lester reported that he met with John Brugger a resident of the Village of Brockport to discuss Mr. Brugger's comments for co-terminus status for the Village of Brockport. Mr. Lester pointed out to Mr. Brugger several Town services that Village residents receive for minimal taxes. Court system that includes several components, a Senior Center, dog control, refuse/recycling center, the Sweden Clarkson Community Center, Town Park, and Town Clerk's office for the issuance of licenses and permits that the village clerks cannot provide. Mr. Lester also explained that State law requires towns (not villages) to prepare assessment rolls for use by county and school districts and to provide a tax receiver for the collection of county and school taxes. State law also requires towns (not villages) to take care of abandoned cemeteries. Mr. Lester stated an example for a \$100,000 house in the Village. The owner pays \$2,428 in school taxes, \$998 in village taxes, \$969 in county taxes, and only \$235 in town taxes. Mr. Lester explained that if the village had to provide all of the above services to its residents, it would have to take the total cost and divide it by a much smaller tax base causing taxpayers considerably more money for the same services.

## RESOLUTIONS

RESOLUTION NO. 77

Accepting Draft Environmental Impact Statement as Complete for Public Comment – Heritage Square

WHEREAS, the project sponsor, McLean Development, LLC, has applied for a change of zone, for purposes of a mixed-use project to be known as HERITAGE SQUARE, of four parcels located on the west side of Redman Road north of the Town Park directly across from the intersection of Redman Road and New Campus Drive, bearing tax lot numbers 068.03-1-13.111; 068.03-1-14.1; 068.03-1-18; and 068.03-1-19; and

WHEREAS, this Board, the Lead Agency, issued a Positive Declaration on or about September 26, 2005, pursuant to the State Environmental Quality Review Act (SEQRA), and required an Environmental Impact Statement; and

WHEREAS, this Board adopted a Final Scoping Outline by Resolution No. 199, dated December 29, 2005; and

WHEREAS, the project sponsor, McLean Development, LLC, by its consultant, Schultz Associates Engineering & Land Surveyors, P.C., submitted a Draft Environmental Impact Statement (DEIS) on April 24, 2006; and

WHEREAS, upon review of the DEIS, the Town Board is ready to accept the DEIS as complete and ready for public review and comment.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. This Board, as Lead Agency under SEQRA, hereby accepts the DEIS for purposes of commencing public review and comment.

Sec. 2. Public comment will be accepted up to the forty-fifth (45th) day after the filing and circulation of the Notice of Completion, per 6 NYCRR §617.9(a)(3)

Sec. 3. This Resolution shall be effective 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>Abstain</u>

Submitted – May 23, 2006

Adopted

RESOLUTION NO. 78

Award Material Bid for Shumway Road/Sweden Walker Road Water Main Improvement Project

WHEREAS, the Town Clerk advertised for bids pursuant to law for water main materials for the Shumway Road/Sweden Walker Road Water Main Improvement Project and the following bids were received and opened on May 19, 2006 at 10:00 AM:

Blair Supply Corporation 785 Beahan Road Rochester, New York 14624	Total Bid Price \$190,473.44
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Vellano Bros., Inc. 795 Beahan Road Rochester, New York 14624	Total Bid Price \$192,481.35
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M.J. Pipe & Supply Corporation 609 Buffalo Road Rochester, New York 14611	Total Bid Price \$197,087.40
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RAMSCO 1220 Brighton Henrietta TL Road Rochester, New York 14623	Total Bid Price \$191,703.50
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WHEREAS, after review by MRB/Group, Engineering, Architecture, Surveying, P.C and the Highway Superintendent, they have recommended awarding the bid for the water main materials to Blair Supply Corporation, 785 Beahan Road, Rochester, New York 14624.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board, upon recommendation of MRB/Group, Engineering, Architecture, Surveying, P.C. and the Highway Superintendent, awards the bid for the water main materials for the Shumway Road/Sweden Walker Road Water Main Improvement Project to Blair Supply Corporation, 785 Beahan Road, Rochester, New York 14624 for the bid price of \$190,473.44.

Sec. 2. That the Supervisor is authorized to pay the invoices from the Shumway Road Water Project Capital Fund for the Shumway Road/Sweden Walker Road Water Main Improvement Project.

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 – May 23, 2006

Adopted

RESOLUTION NO. 79

Award Bid for Blasting Shumway Road/Sweden Walker Road Watermain Improvement Project

WHEREAS, the Town Clerk of the Town of Sweden advertised for the submission of sealed bids in accordance with Section 103 of Article 5-A of the General Municipal Law for line drilling and blasting of rock along the proposed Shumway Road/Sweden Walker Road Watermain Extension and the following bid was received and opened on May 19, 2006 at 10:00 AM:

Nothnagle Enterprises, Inc.	\$16.95/LF
1821 Scottsville Mumford Road	
Scottsville, New York 14546	

WHEREAS, after review by MRB/Group, Engineering, Architecture, Surveying, P.C. and the Highway Superintendent, they have recommended awarding the bid for blasting to Nothnagle Enterprises, Inc., 1821 Scottsville Mumford Road, Scottsville, NY 14546.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board, upon recommendation of MRB/Group and the Highway Superintendent, awards the bid for line drilling and blasting of rock along the proposed Shumway Road/Sweden Walker Road Watermain Extension to Nothnagle Enterprises, Inc., 1821 Scottsville Road, Scottsville, NY 14546 for the bid price of \$16.95/LF.
- Sec. 2. That the Supervisor is authorized to pay the invoices from the Shumway Road Water Project Capital Fund for the Shumway Road/Sweden Walker Road Watermain Improvement Project.
- Sec. 3. 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 – May 23, 2006

Adopted

RESOLUTION NO. 80

Authorizing Supervisor to Enter into Agreement with SUNY Brockport - 2006

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, 2006 and ending June 30, 2007.
- 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 – May 23, 2006

Adopted

RESOLUTION NO. 81 Appoint Student Helper – Januale

WHEREAS, the Recreation Director, David Scott, has recommended the appointment of a Student Helper to fill a summer Pre-School Camp position.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby appoints Krystle Januale to the position of Student Helper at the Sweden Clarkson Community Center.
- Sec. 2. That the rate of pay be \$6.75 per hour with a starting date of June 23, 2006.
- Sec. 3. That this resolution shall take effect immediately

MOTION for adoption of this resolution by Councilperson Connors  
Seconded by Supervisor Lester

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  
Supervisor Lester  
Submitted – May 23, 2006

Aye  
Aye

Adopted

#### DISCUSSION AND ANNOUNCEMENTS

An amended Letter of Credit was received from Wal-Mart in the amount of \$150,000 for Route 31 improvements. Councilperson Ferris made a motion that was seconded by Councilperson Windus-Cook to accept the amended Letter of Credit. All voted in favor of the motion. Motion adopted.

An amended Letter of Credit was received from Wal-Mart in the amount of \$497,801.65 for construction. Councilperson Ferris made a motion that was seconded by Councilperson Windus-Cook to accept the amended Letter of Credit. All voted in favor of the motion. Motion adopted.

A request was received to release \$143,785.90 from the Northrup Subdivision, Phase 1 Letter of Credit. Councilperson Carges made a motion that was seconded by Councilperson Connors to release the \$143,785.90 from the Letter of Credit. All voted in favor of the motion. Supervisor Lester abstained. Motion adopted.

Supervisor Lester presented the Members of the Board with a Summer Workshop Schedule. No scheduled workshops for June 6 and 20, July 4 and 18, August 1 and 15. (Subject to change.) Mr. Lester announced a meeting with Senator Maziarz to discuss the “hour glass” between Lowe’s and Wal-Mart.

Workshop scheduled for May 30, 2006.

#### APPROVAL FOR PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Carges added a bill to pay for the cooler hook-up at the Town Park. Councilperson Carges made a motion that was seconded by Councilperson Ferris authorizing payment of the bills in Abstract 5 dated May 24, 2006 in the amount of \$121,888.75. All voted in favor of the motion. Motion adopted.

General Fund: In the amount of \$100,838.23 as set forth in Abstract 5 dated May 24, 2006.

Highway Fund: In the amount of \$5,194.64 as set forth in Abstract 5 dated May 24, 2006.

Special Districts: In the amount of \$15,855.88 as set forth in Abstract 5 dated May 24, 2006.

#### ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the May 23, 2006 meeting of the Sweden Town Board at 8:20 p.m. Councilperson Ferris seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
Town Clerk