

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, June 27, 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 Clerk Karen M. Sweeting, Superintendent of Highways Fred Perrine, Town Engineer James Oberst, and Attorney Reuben Ortenberg from Fix, Spindelman, Brovitz & Goldman.

Visitors present were resident Timothy Bates, Attorneys Kelly Pronti and Jennifer Wright from Harter, Secrest & Emery, and Adam Fishel from APD Engineering.

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 Attorney Kelly Pronti. Supervisor Lester then acknowledged the presence of the visitors and asked if anyone would like to speak. Resident Timothy Bates wanted to make sure that the board received his letter commending Assessor Tony Eaffaldano for his professionalism assisting Mr. Bates with his assessment concerns. Mr. Bates again reiterated that he appreciated the professional manner of the meeting.

APPROVAL OF MINUTES

Councilperson Ferris made a motion that was seconded by Councilperson Connors to accept the minutes of the regular meeting held on June 13, 2006. All voted in favor of the motion. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

2006	Received From:	Comments:
1.	Fred Perrine, Superintendent of Highways	Discharge of an employee
*2.	Robert Muesebeck, President of Brockport Area Veterans Club	Thank you for participation in Memorial Day Remembrance
*3.	Joan Markis, Resident	Thank you to highway crew for work well done
*4.	Fred Perrine, Superintendent of Highways	Recommendation to hire automotive mechanic
5.	Morton Wexler, Mayor of the Village of Brockport	Village of Brockport to cease as an assessing unit
*6.	Tim Bates, Resident	Commending Tony Eaffaldano for professional manner
*7.	Keith Taif, Automotive Mechanic for the Town of Sweden	Notification of retirement
*8.	Eleanor White, Resident	Water assessment concerns
*Board has copies		

RE: #1 Councilperson Carges made a motion that was seconded by Councilperson Ferris to remove the employee from payroll. All voted in favor of the motion. Motion adopted.

RE: #7 Councilperson Carges made a motion that was seconded by Councilperson Ferris to accept the resignation/retirement of Keith Taif with regrets after eighteen (18) years of good service with the Town. All voted in favor of the motion. Motion adopted.

RESOLUTIONS

RESOLUTION NO. 96

SEQRA Determination – Addition of
Incentive Zoning in the Sweden Town
Code – Local Law 2 of 2006

WHEREAS, the Town Board of the Town of Sweden, Monroe County, New York, desires to add “Incentive Zoning” pursuant to Section 261-b of the Town Law of the State of New York to the Sweden Town Code; and

WHEREAS, pursuant to requirements of the Town Law and to aid the Town Board in determining whether such Project and other actions of the Town in connection therewith (the “action”) may have a significant effect on the environment, the Board has caused to be prepared a long form environmental assessment form (“EAF”), a copy of which is attached hereto; and

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

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. Based upon the review by the Town Board of the EAF and other necessary criteria, the Board hereby finds that the adoption of an Incentive Zoning Local Law (a) will result in no potentially large impacts and, therefore, is not one which “may have a significant effect on the environment,” and (b) no environmental impact statement need be prepared. The proposed Project constitutes a “Type I Action”. Reasons supporting this determination are set forth on the notice of negative declaration of the Board attached hereto and hereby made a part of this resolution for the purposes of SEQRA. This determination constitutes a negative declaration for purposes of SEQRA.

Sec. 2. A copy of this resolution, together with the notice of negative declaration, shall be placed on file in the office of the Clerk of the Town where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such newspapers as shall be necessary to conform to the requirements of SEQRA.

MOTION for adoption of this resolution by Councilperson 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 – June 27, 2006

Adopted

Reuben Ortenberg from Fix, Spindelman, Brovitz & Goldman stated that Town Law authorizes the Town to adopt zoning laws that involve incentives to the applicants in return for amenities. There are no potential impacts to the environment from adopting the law. The long form environmental assessment form identified no impacts. There must be an environmental inquiry for each project when there is something specific to review; a normal SEQR process will be required. Detailed discussion took place relative to the application process.

The Board reviewed the Negative Declaration. Mr. Ortenberg explained that this document is the formal document that gets published. It sets forth the reasons why a Draft Environmental Impact Statement will not be prepared at this time. Councilperson Carges made a motion that was seconded by Councilperson Connors to approve the Negative Declaration – Incentive Zoning Local Law 2 of 2006. All voted in favor of the motion. Motion adopted.

RESOLUTION NO. 97 Adopt Local Law No. 2 of 2006 – Addition of Incentive Zoning to the Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden would like to add “Incentive Zoning” to the Sweden Town Code; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board pursuant to the provisions of Section 265 of Town Law, at the Town Hall, 18 State Street, Brockport, New York, on June 27, 2006, at 7:15 PM., to hear all persons interested in the adoption of Local Law No. 2 of 2006 – Addition of Incentive Zoning to the Sweden Town Code; and

WHEREAS, all persons desiring to be heard were heard, and due deliberation having been had.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby adopts Local Law No. 2 of 2006 – Addition of Incentive Zoning to the Sweden Town Code.

Sec. 2. That the complete text of Local Law No. 2 of 2006 is attached as Exhibit A.

Sec. 3. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. 2 of 2006 with the Secretary of State, as required by law.

Sec. 4. 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 – June 13, 2006

Adopted

RESOLUTION NO. 98

Approval of Stormwater Sewer Easement and Maintenance Agreement and Stormwater Detention Pond Easement and Access Agreement – Wal-Mart Supercenter

WHEREAS, Wal-Mart Stores East, LP (“Wal-Mart”) is the owner of certain real property identified as tax parcel identification numbers 084.01-1-35, 084.01-1-14.12, 084.01-1-14.112, 084.01-1-14.2, and portions of 084.01-1-1.119 and 084.01-1-12 (the “Wal-Mart Tract”); and

WHEREAS, Wal-Mart Real Estate Business Trust submitted an application for subdivision approval and a final subdivision plan (the “Subdivision Plan”) to the Town of Sweden Planning Board (the “Planning Board”) evidencing its proposed subdivision of the Wal-Mart Tract; and

WHEREAS, Wal-Mart Real Estate Business Trust submitted an application and final site plan (the “Site Plan”) to the Planning Board in connection with construction of a Wal-Mart Supercenter on the Wal-Mart Tract; and

WHEREAS, the Planning Board, acting as State Environmental Quality Review Act (“SEQRA”) Lead Agency, engaged in a lengthy review process which culminated in the issuance of a SEQRA findings statement adopted by the Lead Agency, and later amended by the Board; and

WHEREAS, the Planning Board granted Wal-Mart final site plan and subdivision approval; and

WHEREAS, a stormwater sewer system (the “Stormwater Sewer System”) and stormwater detention ponds (the “Stormwater Detention Ponds”) are to be located on portions of the Wal-Mart Tract; and

WHEREAS, the Town of Sweden has agreed to maintain the Stormwater Sewer System, a description of which is attached to this Resolution, on behalf of the New York State Department of Transportation (the “NYSDOT”); and

WHEREAS, Wal-Mart wishes to provide the Town of Sweden with a “Stormwater Detention Pond Easement and Access Agreement” and a “Stormwater Sewer Easement and Maintenance Agreement.” Copies of both agreements are attached hereto; and

WHEREAS, the Town Board of the Town of Sweden, after due review and consideration, further deems it appropriate to maintain the stormwater sewer system on behalf of NYSDOT and to enter into a Stormwater Detention Pond Easement and Access Agreement and a Stormwater Sewer Easement and Maintenance Agreement with Wal-Mart.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby agrees to maintain the Stormwater Sewer System on behalf of the NYSDOT.

Sec. 2. That the Town Board of the Town of Sweden hereby accepts the above-referenced easements and agreements, descriptions and maps all of which are

attached hereto and further authorizes Nat O. Lester, III, Town Supervisor to sign such easements and agreements on behalf of the Town of Sweden.

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 – June 27, 2006

Adopted

Attorney Kelly Pronti from Harter, Secrest & Emery explained that the agreements are a product of a request from New York State Department of Transportation. The NYSDOT requires the Town of Sweden to maintain the stormwater sewer billing the cost back to Wal-Mart. Wal-Mart is responsible for the detention ponds. In the unlikely event that Wal-Mart does not maintain the ponds, the Town of Sweden would maintain the detention ponds billing the cost back to Wal-Mart. The agreements set forth the details. Superintendent of Highways Fred Perrine is willing to accept the terms of both agreements.

Attorney Kelly Pronti presented to the Town Board a draft of the Maintenance Bond from Wal-Mart Stores East in the amount of \$49,780.17. Councilperson Carges made a motion that was seconded by Councilperson Connors to accept the Maintenance Bond pending receipt of the formal bond. All voted in favor of the motion. Motion adopted.

RESOLUTION NO. 99 Appoint Automotive Mechanic - Devos

WHEREAS, Keith Taif has announced his intent to retire as the Automotive Mechanic for the Sweden Highway Department; and

WHEREAS, this position was duly advertised as required by law; and

WHEREAS, several applications were received and applicants interviewed; and

WHEREAS, the Superintendent of Highways has recommended the appointment of Christoper Devos to the position of Automotive Mechanic at the Sweden Highway Department.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Christoper Devos to the position of Automotive Mechanic at the Sweden Highway Department.

Sec. 2. That the rate of pay will be \$20 per hour with a start date of July 5, 2006.

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

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

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 – June 27, 2006

Adopted

RESOLUTION NO. 100 Changes to the Student Helper List for 2006

WHEREAS, the Recreation Director, David Scott, has submitted changes to the Student Helper List for 2006.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby removes the following from the list of appointments to the position of Student Helper at the Sweden Clarkson Community Center and from payroll.

Krystle Januale
Stephanie Ingraham

Sec. 2. That the Town Board of the Town of Sweden hereby appoints Erick Perrine to the position of Student Helper at the Sweden Clarkson Community Center at a rate of pay of \$6.75 per hour with a start 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 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 – June 27, 2006

Adopted

APPROVAL FOR PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Ferris made a motion that was seconded by Councilperson Windus-Cook authorizing payment of the bills in Abstract 6 dated June 28, 2006 in the amount of \$396,243.90. All voted in favor of the motion. Motion adopted.

General Fund: In the amount of \$124,096.93 as set forth in Abstract 6 dated June 28, 2006.

Highway Fund: In the amount of \$64,270.12 as set forth in Abstract 6 dated June 28, 2006.

Special Districts: In the amount of \$207,876.85 as set forth in Abstract 6 dated June 28, 2006.

REPORTS

Councilperson Carges had no report.

Councilperson Connors had no report.

Councilperson Ferris reported that he attended the Bienvenida celebration. He mentioned that the celebration was well attended and very organized.

Councilperson Windus-Cook had no report.

Supervisor Lester had no report.

Superintendent of Highways Fred Perrine had no report. Mr. Perrine requested an executive session to discuss a particular person.

DISCUSSION AND ANNOUNCEMENTS

No discussion or announcements.

EXECUTIVE SESSION

Councilperson Carges made a motion that was seconded by Councilperson Connors to enter into executive session at 8:10 pm to discuss a particular person. 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 8:24 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 June 27, 2006 meeting of the Sweden Town Board at 8:25 p.m. Councilperson Connors seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk