

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, July 11, 2006.

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

Visitors present were residents Jim Hamlin and Tim Bates.

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 anyone would like to speak. No one spoke.

APPROVAL OF MINUTES

Councilperson Connors made a motion that was seconded by Councilperson Carges to accept the minutes of the Public Hearing – Local Law 2 of 2006 Incentive Zoning held on June 27, 2006. All voted in favor of the motion. Motion adopted.

Councilperson Connors made a motion that was seconded by Councilperson Ferris to accept the minutes of the Regular Town Board Meeting held on June 27, 2006. All voted in favor of the motion. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

2006	Received From:	Comments:
*1.	Kevin O'Buckley, Acting Regional Director of NYSDOT	Traffic Signal – Route 19 & Route 31
*2.	Joshua Gaffke, Recreation Supervisor, SCCC	Request to attend training to become Certified Youth Sports Administrator in November 2006
3.	Carrie Graham, Recreation Department Employee	Resignation

*Board has copies

RE: #1 NYSDOT increased the signal time to allow for safer pedestrian crossing.

RE: #2 Councilperson Windus-Cook made a motion that was seconded by Councilperson Ferris to grant the request of Joshua Gaffke to attend training to become a Certified Youth Sports Administrator. All voted in favor of the motion. Motion adopted.

RE: #3 Councilperson Connors made a motion that was seconded by Councilperson Carges to accept with regrets the resignation of Carrie Graham from the Recreation Department. All voted in favor of the motion. Motion adopted.

DEPARTMENTAL REPORTS

June 2006 departmental reports were received and reviewed by the Town Board from the following: Finance Director, Leisa Strabel; Building Inspector, James Butler; Justice Court, Lynette Lemcke; and Town Clerk, Karen Sweeting.

REPORTS

Superintendent of Highways Fred Perrine reported that County work is continuing on White Road, Beadle Road and West Sweden Road. The Highway Department assisted the Town of Ogden on Colby Street. Mr. Perrine stated that paving is complete on Transit Way, Tracy Terrace and a section of Highview Circle. Blasting is near completion for the Shumway

Road/Sweden Walker Road water project; Sweden Walker Road to just north of Eisenhower Drive and more blasting may be necessary on Shumway Road. The sewer project has been started on Hartshorn Drive with help from Ogden and Clarkson crews. Mr. Perrine also reported that the Disc Golf Course is completed at the Town Park and the installation of the irrigation systems on the third and fourth fields will be done within the next week or two. Mr. Perrine mentioned to the Board that the NIMS training is offered online and recommends the Board take it. The County has offered to hold a course in the Town of Sweden and Mr. Perrine will look into that option. This training is necessary for the Town to qualify for FEMA reimbursement.

Councilperson Carges reported that the SCCC sign was on hold until the Town received permits/inspections from National Grid for the electrical hookup. Mr. Carges asked the Board if the sign should be unveiled before the Brockport soccer tournament this coming weekend. They agreed to the unveiling, the sign would be unveiled.

Councilperson Connors reported that she attended the SCCC Fourth of July celebration.

Councilperson Ferris reported that he spoke with a representative from a public relations firm regarding the Cooperate Challenge annual event for the Sweden Community Foundation. The event has changed to August 16th so that Maggie Brooks would be available to speak. Mr. Ferris anticipates a nice kickoff to this event. Mr. Ferris also reported that the grand opening of the Disc Golf Course is set for July 22nd. Mr. Ferris along with other members of the Board met with several members of the Senior Center staff. He felt it was a valuable meeting and hopes that the Board as well as the Senior Center staff appreciate and understand the need for County assistance and the need to support programs without going to the taxpayers. Mr. Ferris stated that there would be a follow-up meeting to review the Senior Center's business plan.

Councilperson Windus-Cook had no report.

Supervisor Lester had no report.

RESOLUTIONS

RESOLUTION NO. 101

Accept Local Government Records Management Improvement Fund Grant of \$30,435 for 2006-2007 Basement Renovations for Records Storage Permanent/Inactive Records Storage

WHEREAS, the Records Advisory Board of the Town of Sweden consisting of members Town Clerk Karen Sweeting, Deputy Town Clerk Marleen Cain, Councilperson Danielle Windus-Cook, Town Attorney James Bell, Jill Wisnowski from the Recreation Department, past Town Clerk Gail DeToy, Town Historian Kathleen Goetz and resident Charlotte Wright applied for a LGRMIF grant through the New York State Archives in December 2005; and

WHEREAS, the Town of Sweden has been awarded the Local Government Records Management Improvement Fund Grant (LGRMIF) in the amount of \$30,435 to renovate two areas in the basement of the Town Hall for storage of permanent and inactive records; and

WHEREAS, the Town Board wishes to accept this award and have the necessary contract documents signed by the Supervisor on behalf of the Town of Sweden.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby accepts the Local Government Records Management Improvement Fund Grant (LGRMIF) in the amount of \$30,435 from New York State Archives.
- Sec. 2. That the Supervisor is authorized to act on behalf of the Town of Sweden and sign the necessary contract documents.
- Sec. 3. That this resolution shall take effect immediately.

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

Discussion: Town Clerk Karen Sweeting explained that the permanent records storage area will be enlarged and a second area will be remodeled to house the inactive records more suitably. Climate control units will be installed in both areas.

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 – July 11, 2006

Adopted

RESOLUTION NO. 102 Granting Renewal of Excavation
Permit to Iroquois Rock Products

WHEREAS, the Town Board of the Town of Sweden on March 28, 1984, duly enacted and adopted by resolution "Regulations for Issuance of Excavation Permit" (hereinafter referred to as the "Regulations") which regulations include procedures for the issuance of a renewal of the permit; and

WHEREAS, Iroquois Rock Products, Ind. has filed an application for renewal of its permit, originally granted June 24, 1997 for a term of three years, alleging in its application that there are no changes from the permit granted as aforesaid; and

WHEREAS, pursuant to the regulations the Town Board circulated a notice of the application to the Town of Sweden Planning Board, the Town Environmental Conservation Board, the Town Engineer, Monroe County Planning & Development; and

WHEREAS, by Resolution No. 92, the Town Board on June 13, 2006 declared the application to be complete for the purposes of holding a public hearing and the a Town Board upon due notice as required by aw published a notice calling a public hearing on the 11th day of July, 2006 at 7:15 PM at the Town Hall, 18 State street, Brockport, New York, in said Town, for the purpose of hearing all persons interested in the application; and

WHEREAS, the Town Board met at the Town Hall, 18 State Street, Brockport, New York on July 11, 2006 at 7:15 PM to consider granting the renewal of the excavation permit, as requested, and at said time and place heard all persons interested in the subject thereof; and

WHEREAS, following the public hearing the Town Board met to review and consider the application for renewal, their investigation and knowledge thereof, the evidence submitted and the public comments made at the hearing; and

WHEREAS, the Town Board after review of the application and all previous environmental submissions and proceedings by the applicant and the Town Board determined that the action will not have a significant environmental effect and the Town Board did prepare a negative declaration and posted, filed and circulated the same; and

WHEREAS, the Town Board now desires to grant a renewal of the excavation permit to Iroquois Rock Products, Inc. affixing conditions, safeguards and time limitations thereto that it deems appropriate.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the approval and granting of the excavation permit renewal as requested in the Application would be in harmony with the intent and purpose of the Regulations for Excavation Permit and the Town's Zoning Ordinance, that the proposed use conforms to the standards prescribed therefore in said Regulations; that it is reasonably necessary for the public health, interest and welfare; that it is appropriately located; that neighborhood character and surrounding property values are reasonably safeguarded; that there is fulfillment of any other conditions or standards specified in the regulations.

Sec. 2. That having given due consideration to all of the evidence referred to and recited in this Resolution and after having reviewed the Zoning Ordinance of the Town of Sweden and the Regulations for Issuance of Excavation Permit, the Town Board of the Town of Sweden hereby determines that Iroquois Rock Products, Inc.'s application is complete and the same is permitted.

Sec. 3. That having given due consideration to all of the evidence referred to and recited in this Resolution, the Town Board of the Town of Sweden hereby grants to Iroquois Rock Products, Inc. an Excavation Permit for a term of three (3) years from June 24, 2006 to June 24, 2008.

Sec. 4. That the excavation as described in the Application for which this excavation permit is granted shall be carried out in compliance with the Town of Sweden Regulations for Issuance of Excavation Permit and with the general conditions contained in the "Application for Excavation Permit of Iroquois Rock Products, Inc." dated May 30, 2006 and such excavation permit is granted with the provisions that the following additional conditions shall apply throughout the term of the excavation permit.

PERMIT CONDITIONS

1. The filing fee shall be \$150.00.
2. The Applicant shall submit a report and maps that detail the anticipated excavation and reclamation to be completed during each year of the permit term.
3. Hours of operation: Excavation as defined in the Regulations for Issuance of Excavation Permit adopted March 28, 1984 shall be conducted only between the hours of 6:30 AM and 7:00 PM. No excavation shall be conducted after 1:00 PM on Saturday or at any time on Sunday.

4. Blast Warning:
 - (a) At least one hour prior to the detonation of any blast, portable signs of sufficient size to be visible and legible to traffic moving at the legal speed limit of the area shall be placed along public thoroughfares at a distance of one quarter (1/4) mile from the blasting site. Such signs shall be removed within one hour of completion of blasting.
 - (b) All immediately adjacent neighbors of the quarry, indicating in writing a desire to be telephoned prior to a blast, will be telephoned the workday prior to such blasting or if such immediately adjacent neighbor cannot be reached by telephone Iroquois Rock Products, Inc. agrees to deliver a card to the residence one day prior to the blast.
 - (c) One long note will be sounded on the air horns at five (5) minutes prior to the blast.
5. Housekeeping:
 - (a) Obsolete equipment or buildings no longer required will be removed from the areas visible from public roads.
 - (b) All replacement equipment will be sited no closer than 2,000 feet or farther than 4,000 feet from Sweden Walker Road or closer than 400 feet to Swamp Road or Colby Street.
 - (c) The portable crusher will not be relocated closer than 1,000 feet from any existing residence not owned by Iroquois Rock Products, Inc.
6. Iroquois Rock Products, Inc. shall provide to the Town, within sixty (60) days of the issuance of the permit, a base topographic map with a minimum scale of 1" equals 200' and 5 foot contour intervals. Iroquois Rock Products, Inc. shall annually provide a vertical aerial photograph as set forth in the Regulations of Issuance of Excavation Permit.
7. The permit fee shall be an annual fee of \$3,000.00
8. Reclamation Plan:

Iroquois Rock Products, Inc. shall submit to the Town prior to the issuance of an excavation permit, a reclamation plan for the term of the excavation permit renewal term. The reclamation plan shall include a reclamation schedule and a map showing the anticipated areas to be excavated and a time table of their removal. The plan shall coincide with the final reclamation plan map MLF #8043-21-0042 on file with the New York State Department of Environmental Conservation for this site. Excavation and reclamation progress shall be reviewed annually. Updated excavation/reclamation progress maps shall be filed annually with the Town.
9. The Town Board of the Town of Sweden deems that the Bond posted with the New York State Department of Environmental Conservation is to insure the basic site reclamation as required by the New York State Department of Environmental Conservation and as detailed in the final reclamation plan and maps MLF #8043-21-0042 for the site. The Applicant shall provide a certification that the Bond is currently in full force and effect and Iroquois Rock Products, Inc. shall also notify the Town of any increase or decrease in the penal sum of the Bond. A letter of credit may be posted instead of a Bond.

Sec. 5. A fund is hereby established to insure the implementation of the reclamation plan with enhancements to the basic reclamation plan set forth in the "Application for Excavation Permit of Iroquois Rock Products, Inc." dated June 1, 1991. As a condition of the continuation of the excavation permit herein granted for the duration of its term the Applicant shall make timely payments to the Town for deposit in the reclamation fund in accord with the following payment schedule.

The permit holder shall pay to the Town for deposit in the reclamation fund a sum equal to one (1%) per centum of the then current posted sheet price per ton of crusher run #2 stone multiplied by; the total tons of all stone removed from the site in the preceding one year period from January 1st to December 31st. In any event the minimum payment to the reclamation fund in any year or part thereof shall be \$25,000 less the credit provided in Resolution No. 57 of April 11, 2006. The minimum payment will be made within sixty (60) days of the year end with the balance being paid within 120 days of the year end. The balance payment shall be accompanied by the signed statement of a Certified Public Accountant that he has inspected the records of the permit holder and reviewed the calculation of the payment therein made and certifying to the Town the accuracy of the payment and compliance with this payment provision. Any interest earned on the funds deposited shall accrue to the benefit of the reclamation fund and shall be under the sole control and discretion of the Town Board.

At any time, at the sole discretion of the Sweden Town Board or upon petition of the Applicant and with approval of the Town Board, the Board may authorize expenditures from the reclamation fund for site and perimeter improvements as shown on the permit holders application for excavation permit. These improvements include, but are not limited to public water, sanitary sewer, storm and drainage systems within or beside the public right-of-way adjacent to the permit holders site, such improvements, if appropriate, shall be dedicated to the Town upon completion.

Payment to the reclamation fund does not waive nor lessen the permit holder's responsibility to complete the reclamation of the site in compliance with the plan set forth in the application for excavation permit.

In the event the payments called for herein are not made in a timely fashion the excavation permit herein granted is automatically suspended and no further excavation work, except reclamation, shall be conducted on the site.

Sec. 6. The Town Clerk shall cause copies of this Resolution to be posted on the Town Clerk's signboard and filed in the office of the Town Clerk and that an Affidavit of Posting shall be filed in the Office of the Town Clerk.

Sec. 7. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Connors

Seconded by Councilperson Ferris

Discussion: The Town of Sweden will continue to receive a 20% discount on stone purchases.

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 – July 11, 2006

Adopted

RESOLUTION NO. 103

Appoint Recreation Assistant - Coleman

WHEREAS, there is a need for a part-time Recreation Assistant at the Sweden Clarkson Community Center; and

WHEREAS, Recreation Director David Scott has recommended hiring Margaret Coleman.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Margaret Coleman as part-time Recreation Assistant at the Sweden Clarkson Community Center.
- Sec. 2. That the hourly rate of pay is \$6.75.
- Sec. 3. That the starting date is June 28, 2006.
- Sec. 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution 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 – July 11, 2006

Adopted

RESOLUTION NO. 104

Calling for a Public Hearing on the Possible Acquisition By Eminent Domain a Portion of SBL No. 084.01-1-19.2

WHEREAS, the Town Board is considering the acquisition of a portion of the property of Marilyn Dragani, located in Brockport, New York, as more fully described in the attached public notice; and

WHEREAS, the Town Board is considering said acquisition of said property to use for a sidewalk, turning lane, bike path, and associated drainage facilities; and

WHEREAS, the Town Board, pursuant to Eminent Domain Procedure Law Article 2, wishes to hold a public hearing in order to inform the public of the proposed acquisition and to review the public use to be served by the acquisition, and to receive comments from the public on the proposed acquisition.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden will hold a public hearing at the Town Hall, 18 State Street, Brockport, New York on August 8, 2006 at 7:15 PM to (a) to inform the public of the Town Board’s proposal to take, by eminent domain, a portion of the property of Marilyn Dragani, Brockport, New York, Tax Parcel No. 084.01-1-19.2 (the “subject property”) and (b) to review (i) the public use to be served by the proposed public project and (ii) the impact on the environment and residents of the locality where such project will be constructed.

Sec. 2. The Town Clerk is directed to publish the attached Public Notice in the Town’s Official Newspaper, which is a weekly paper, two successive issues, with the first publication no less than ten (10) nor more than thirty (30) days before the hearing; and in a daily paper of general circulation in the Town in five (5) successive issues, with the first publication no less than ten (10) nor more than (30) days before the hearing.

Sec. 3. The Town Clerk is to mail notice of the hearing, certified mail, return receipt requested, to the record owners of the subject property, no less than ten (10) nor more than thirty (30) days before the hearing.

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 – July 11, 2006

Adopted

RESOLUTION NO. 105 Appoint Nutrition Program Site Manager - Duff

WHEREAS, Civil Service notified the Town of Sweden that Nancy Duff’s employment was a provisional appointment and the test will be offered soon; and

WHEREAS, the test was offered and an eligible list for the title of Nutrition Program Site Manager was established; and

WHEREAS, Nancy Duff has successfully 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 Nancy Duff as Nutrition Program Site Manager, permanently, effective June 20, 2006.

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 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 – July 11, 2006

Adopted

RESOLUTION NO. 106

Award Bid for Sale of a 2002 Neighborhood
Electric Vehicle – Two Seater

WHEREAS, the Town Clerk advertised for bids pursuant to law for the sale of one (1) used 2002 Neighborhood Electric Vehicle – Two Seater, and the following bids were received and opened on July 11, 2006, at 10:00 a.m..

<u>Bidder</u>	<u>Amount of Bid</u>
David Paul 3823 Monroe Orleans County Line Road Brockport, NY 14420	\$2,199.99
Jim Lewis 8780 Prole Road Batavia, NY 14020	\$1,950.00
Robert D. Webster 39 State Street Brockport, NY 14420	\$2,412.34
Art Brennan 32 Bev Lane Brockport, NY 14420	\$2,351.00
Marvin Duryea MTD Enterprises, Inc. P.O. Box 256 Brockport, NY 14420	\$1,910.00

WHEREAS, after review by the Highway Superintendent, he recommends awarding the bid to Robert D. Webster for a bid price of \$2,412.34.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board, upon the recommendation of the Highway Superintendent, awards the bid for the sale of one (1) used 2002 Neighborhood Electric Vehicle – Two Seater to Robert D. Webster, 39 State Street, Brockport, New York for a bid price of \$2,412.34.

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

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

Discussion: Payment to be due by July 21, 2006 in the form of a certified bank check.

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 – July 11, 2006

Adopted

RESOLUTION NO. 107

Award Bid for Sale of a 2002 Neighborhood Electric Vehicle – Four Seater

WHEREAS, the Town Clerk advertised for bids pursuant to law for the sale of one (1) used 2002 Neighborhood Electric Vehicle – Four Seater, and the following bids were received and opened on July 11, 2006, at 10:00 a.m.

<u>Bidder</u>	<u>Amount of Bid</u>
David Paul 3823 Monroe Orleans County Line Road Brockport, NY 14420	\$2,999.99
Jim Lewis 8780 Prole Road Batavia, NY 14020	\$2,150.00
Robert D. Webster 39 State Street Brockport, NY 14420	\$2,512.34
Erwin Duryea ELD Motors 4026 Lake Road Brockport, NY 14420	\$2,051.00

WHEREAS, after review by the Highway Superintendent, he recommends awarding the bid to David Paul for a bid price of \$2,999.99.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board, upon the recommendation of the Highway Superintendent, awards the bid for the sale of one (1) used 2002 Neighborhood Electric Vehicle – Four Seater to David Paul, 3823 Monroe Orleans County Line Road, Brockport, New York for a bid price of \$2,999.99.

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

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

Discussion: Payment to be due by July 21, 2006 in the form of a certified bank check.

VOTE BY ROLL CALL AND RECORD:

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

Submitted – July 11, 2006

Adopted

DISCUSSION AND ANNOUNCEMENTS

Councilperson Carges made a motion that was seconded by Councilperson Connors to accept the Letter of Credit in the amount of \$31,110 for ABVI Goodwill Retail Store. All voted in favor of the motion. Motion adopted.

Councilperson Carges made a motion that was seconded by Councilperson Windus-Cook to accept with regrets the verbal resignation from Edward Webster as Laborer at the Sweden Senior Center. All voted in favor of the motion. Motion adopted.

There will be a workshop meeting scheduled for July 18, 2006 at 6:00 pm.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the July 11, 2006 meeting of the Sweden Town Board at 8:15 p.m. Councilperson Ferris seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk