

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 12, 2005.

Town Board Members present were Supervisor Buddy Lester, Councilperson Rob Carges, Councilperson Patricia Connors, and Councilperson Danielle Windus-Cook. Councilperson Tom Ferris arrived at 8:05 pm. Also present were Finance Director Leisa Strabel, Building Inspector Bill Weber, Highway Superintendent Fred Perrine, and Town Clerk Karen Sweeting.

Visitors present were Tim Bates from 69 Royal Garden Way, Julie Lapinski from 4016 Sweden Walker Road, Lauren McCracken from 650 White Road, and Frank and Filippa Tornatola from Shumway Road.

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 Councilperson Windus-Cook. Supervisor Lester then acknowledged the presence of the visitors and asked if there was anyone that would like to speak.

Frank Tornatola from Shumway Road asked how much it would cost for the water district formation on Shumway Road. Supervisor Lester answered that the figures stated in the engineer's report were two separate charges. The charge for parcels that do **not** hook up is estimated to be \$348. The parcels that do hook up, the annual consumption charge is estimated at \$225 for an estimated total of \$573 per year. Mr. Tornatola stated that he uses his own water and asked what the cost would be for him. Supervisor Lester answered that if he did not chose to hook up the cost would be an estimated \$348 per year.

Lauren McCracken from 650 White Road stated to the Board that his assessment on White Road was raised again. Supervisor Lester explained that the Town Board did not get involved with the assessments and do not tell the Board of Assessment Review how to handle the grievances. Mr. McCracken stated that this is a town of farmers and feels that the Town is running the farmers out. Supervisor Lester stated that land has been recently sold to farmers and the Town has agriculture exemptions to help the farmers. Mr. McCracken stated that his taxes would go up, he would file a grievance to reduce them and the next year they would go up again. Councilperson Carges stated that the number of grievances this year were way down from last year. Supervisor Lester added that an owner must go through the proper channels to grieve an assessment and that Mr. McCracken should make an appointment with Tony Eaffaldano the Town Assessor.

#### APPROVAL OF MINUTES

Councilperson Windus-Cook made a motion that was seconded by Councilperson Connors to accept the minutes of the Public Hearing – Relocation of Advantage Machine, LLC held on June 28, 2005. All voted in favor of the motion – four ayes. Motion adopted.

Councilperson Carges made a motion that was seconded by Councilperson Connors to accept the minutes of the Regular Town Board Meeting held on June 28, 2005. Councilperson Connors made a motion that was seconded by Councilperson Carges to amend the minutes of said meeting specifically page one (1), paragraph eight (8), sentence four (4) to read, "Once this stage is complete they will continue to build north *of the connector road*. All voted in favor of the motion to amend – four ayes. Motion adopted. All voted in favor of the motion to accept the amended minutes of the Regular Town Board Meeting held on June 28, 2005 – four ayes. Motion adopted.

#### SUPERVISOR'S CORRESPONDENCE

2005 Received From:	Comments:
1. Western Monroe Historical Society	Invitation to attend Victorian Garden Party on August 7, 2005
2. City of Rochester, Emergency Communications Department	Corrections to the 2004 Annual Report
3. Internal Revenue Service, Social Security Administration	Summer 2005 Reporter Newsletter for Employers
4. Youth Services Quality Council of Rochester & Monroe County	Invitation to attend the 12 <sup>th</sup> Annual Meeting on December 9, 2005
5. Monroe County Department of Human Services	Invitation to attend the Integrated County Planning Update hearing on August 4, 2005
6. James Vogel, Chair Rochester Genesee Area, Committee for Employer Support of the Guard and Reserve	Invitation to attend the Bosslift aircraft trip and tour August 17 to August 19, 2005

## REPORTS

Building Inspector Bill Weber reported that the house on Route 31 that was previously red tagged is being cleaned out. It is going through a foreclosure and going up for auction soon. The new Family Video store is moving along well and the fixtures should be going in next week. Mr. Weber is not sure of an opening date. The Golden Eagle Restaurant's Certificate of Occupancy has been approved. Mr. Weber also reported that there would be some type of remediation concerning the trees that were cut on Transit Way by the developers. Councilperson Carges noted that he did not see any housing permits for June and doesn't see the Town of Sweden growing that quickly.

Highway Superintendent Fred Perrine reported that the Colby Street/Sweden Walker Road Water Main Project has started. The Highway Department has assisted the County on a job in Chili and also assisted the Village of Brockport with Carolin Drive. The Senior Center parking lot will be paved on Thursday after a delay due to material availability caused by the State paving project of Route 19 and Route 31.

Town Clerk Karen Sweeting had no report.

Councilperson Carges reported that the security cameras have been installed around the concession stand at the Sweden Town Park. They have been able to get good clear shots of the skate park. The Town Park is ready for the big soccer event this coming weekend. Mr. Carges mentioned that the substance put down to control the dust on the driveway at the Town Park has formed almost like a pavement due to the traffic and the recent heat. Only one coat should be needed for next year.

Councilperson Connors had no report.

Councilperson Windus-Cook reported that the Town has received its first donation to the Farmers' Museum. The donation included an old pulley and bottle capper from Bud Gearhart that was part of the McCall Farm located in the Town of Sweden. Supervisor Lester commented that the Brockport Post and Suburban News had recently printed some nice articles on the Farmers' Museum.

Supervisor Lester reported that he met with Fred Perrine regarding the replacement of the bridge on Salmon Creek Road. The bridge was built in 1929 and typically lasts for approximately fifty (50) years. The County has received Federal Aid and will be doing the work. The replacement should take about four (4) months to complete. The emergency personnel and school district have been notified. Councilperson Carges commented that the July 4<sup>th</sup> celebration was a success except for the traffic. Supervisor Lester reported that he had sent a letter to the

Monroe County Sheriff expressing the Town’s disappointment. Mr. Lester stated that Recreation Director David Scott had requested the presence of the Sheriff for that event and was told they would not due to the traffic light at the intersection.

RESOLUTIONS

RESOLUTION NO. 113

Appoint Temporary Nutrition Aide - Liese

WHEREAS, due to an extended illness there is a need for additional assistance in the nutrition program at the Senior Center.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint temporarily to the position of Nutrition Aide Marilyn Liese.

Sec. 2. That the temporary appointment begins July 18, 2005, and continues as long as necessary but ends no later than September 30, 2005.

Sec. 3. That the rate of pay is \$6.50 per hour for a maximum of fifty-five (55) hours per pay period.

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

Submitted – July 12, 2005

Adopted

RESOLUTION NO. 114

Amend Office Employee Handbook  
Section 702 – Overtime

WHEREAS, the Town Board is committed to updating the Employee Handbooks and all policies included in them on a regular basis and whenever the need arises; and

WHEREAS, it has been recommended to change Section 702 Overtime in the Office Employee Handbook.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby make the following changes to Section 702 Overtime in the Office Employee Handbook:

Paragraph four will be changed to:

“An employee may accumulate up to fifty hours in compensatory time credits. In the event an employee accrues more than fifty compensatory time credits, the employee must use the excess compensatory leave credits within the pay-period in which it is earned. *An*

*employee must use all compensatory leave credits by the last day of the final payroll of the year or the compensatory leave credits will be forfeited. No cash payment will be made for compensatory leave credits.”*

Paragraph seven will be changed to:

“Termination from Employment – An employee whose employment with the Town is terminated, *will forfeit any unused compensatory leave credits. No cash payment will be made for compensatory leave credits.”*

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

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

Submitted – July 12, 2005

Adopted

RESOLUTION NO. 115 Appoint Recreation Assistant PT - Spade

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

WHEREAS, Recreation Director David Scott has made a recommendation to hire Breanne Spade.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Breanne Spade as PT Recreation Assistant at the Community Center not to exceed 24 hours per week.

Sec. 2. That the hourly rate of pay is \$8.00.

Sec. 3. That the starting date will be July 18, 2005.

Sec. 4. That this resolution shall take effect immediately.

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

Discussion: Councilperson Carges stated that Ms. Spade was taking the place of Katie Ellison who has resigned.

VOTE BY ROLL CALL AND RECORD:

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

Submitted – July 12, 2005

Adopted

RESOLUTION NO. 116

Appoint Student Helpers

WHEREAS, the Recreation Director, David Scott, has recommended the appointment of a student for the front desk and several students for the Croc Roc’s Program for 2005 as Student Helpers.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby appoints Katie Leyrer to the position of Student Helper at the front desk of the Sweden Clarkson Community Center.
- Sec. 2. That the rate of pay be \$6.00 per hour with a maximum of 15 hours per week and a starting date of August 1, 2005.
- Sec. 3. That the Town Board of the Town of Sweden hereby appoints the following to the position of Student Helper at the Sweden Clarkson Community Center.  
Chris Conway  
Chandra Smith  
Pete Terilli
- Sec. 4. That the rate of pay be \$6.00 per hour with a maximum of 15 hours per week and a starting date of August 1, 2005.
- Sec. 5. 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 Ferris	<u>Absent</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – July 12, 2005

Adopted

RESOLUTION NO. 117

Ordering a Public Hearing to Rezone Redman Road Parcels (4)

WHEREAS, McLean Development, LLC located at 720 Blue Point Road, Holtsville, New York 11742, acting as developing agent for the owners of the properties on the west side of Redman Road bordering the Sweden Town Park on the north side in the Town of Sweden, has submitted to the Town Board an application and proposal to re-zone the following parcels from R1-2 to B-1: 068.03-1-13.111, 068.03-1-14.1, 068.03-1-18, and 068.03-1-19; and

WHEREAS, a map of the property has been filed with the town, and the required fee paid.

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, in said Town on August 2, 2005 at 7:00 PM to hear all persons interested in the re-zoning of the property located on the west side of Redman Road bordering the Sweden Town Park to the north, from R1-2 to B-1 with the following conditions:

1. Commercial uses shall not exceed 30% of the total lot area of the Property. The permitted retail uses of the Property include restaurants, assisted living facilities, hotels, stores and shops conducting any legitimate retail business, personal service shops and banks. The balance of the Property shall be development in conformance with the uses permitted in the MR-1 District as set forth in the applicable sections of the Town Code.
2. The portion of the Property to be developed in conformance with the requirements of the MR-1 District shall yield no more than 1,100 units, with no less than 800 of such units restricted to persons 55 years of age or older, and the balance being non-age restricted.
3. No single tenant providing retail consumer goods shall occupy more than 20,000 square feet in a building.
4. The principal access to the Property shall be from Redman Road at a specific location to be determined by the Planning Board. Internal roads located on the property shall connect, at such locations and in such manner as approved by the Planning Board, to the Town of Sweden Park and the Northern subdivision. The applicant shall participate in a road improvement plan, if any, identified by the Town Engineer and the New York State Department of Transportation.
5. Thirty (30%) percent of the Property shall be maintained as open space. Open space shall include all areas of the Property not containing structures, parking areas, or other impervious surfaces. Notwithstanding the foregoing, open space may include gazebos, walking paths, bollards, kiosks and similar aesthetic enhancements to the enjoyment and use of the community.
6. All exterior lighting and illuminated signs of permitted retail uses shall be designed, located, installed and directed in a manner that prevents objectionable light and glare from affecting the use and enjoyment of the residential uses on the Property. The Planning Board will review the lighting plan for each phase of the project to ensure compliance with this condition. Additionally, a landscape plan for each phase shall be submitted to the Planning Board for review and approval.
7. Entryways into the development will be attractively designed with landscaped boulevards or park-like areas identifying all access points.
8. The development should include a hierarchy of roads, including collector roads, local roads and site access drives, with their geometry designed to accommodate the anticipated level of traffic.
9. The Property may be required by the Planning Board to be developed in phases. The phasing of the project shall accommodate the need for orderly development of the mix of permitted uses and the necessity for tenant leases to be consummated prior to the construction of retail structures. The details of the phasing of the Property shall be reviewed and approved by the Planning Board. Applications for approval of site plans for distinct phases shall be permitted.
10. These conditions shall control in the event of a conflict between the provisions of the Town Code and these conditions. Unless specifically addressed by these conditions, the development and use of the property shall be governed by the Town Code and applicable subdivision and site plan regulations.
11. Nothing in these conditions limits in any way the jurisdiction of the Zoning Board of Appeals to hear and grant applications for variances related to the development of the Property.

Sec. 2. That the area proposed to be re-zoned is 132.237 +/- acres, tax account numbers 068.03-1-13.111, 068.03-1-14.1, 068.03-1-18, and 068.03-1-19.

Sec.3. That the area proposed to be re-zoned is more particularly described as follows:

LEGAL DESCRIPTION

All that tract or parcel of land situate in part of Town Lots 7, 8, 9, 10, 11 and 12, Section 4, Township 3, Triangular Tract, Town of Sweden, County of Monroe, State of New York, and more particularly described as follows:

Commencing at a point on the west right-of-way of Redman Road, said point being the northeast corner of lands conveyed to Kevin M. and Charlotte A. Swartout in liber 8540 of deeds page 107 and also being the northeast corner of the Swartout subdivision as recorded in liber 281 of maps page 43, thence;

Westerly on a bearing of S 88° 10' 40" W a distance of 842.60 feet to a point, thence;

Southerly on a bearing of S 01° 49' 20" E a distance of 264.41 feet to a point, thence;

Westerly on a bearing of S 88° 16' 45" W a distance of 477.41 feet to a point, thence;

Continuing westerly on a bearing of S 88° 12' 14" W a distance of 1319.46 feet to a point, thence;

Northerly on a bearing of N 00° 03' 39" W a distance of 502.93 feet to a point, thence;

Westerly on a bearing of S 88° 01' 01" W a distance of 1328.58 feet to a point, thence;

Northerly on a bearing of N 00° 32' 53" E a distance of 466.03 feet to a point, thence;

Continuing northerly on a bearing of N 00° 18' 24" W a distance of 1016.39 feet to a point, thence;

Easterly along a curve to the left, having a radius of 5762.58 feet, an arc distance of 1437.28 feet to a point, thence;

Continuing easterly on a bearing of S 89° 07' 36" E a distance of 1843.02 feet to a point, thence;

Southerly on a bearing of S 00° 10' 52" E a distance of 100.02 feet to a point, thence;

Easterly on a bearing of S 89° 07' 37" E a distance of 370.30 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 22° 18' 06" E a distance of 516.15 feet to a point, thence;

Easterly along the west right-of-way of Redman Road on a bearing of N 69° 55' 09" E a distance of 17.00 feet to a point, thence;

Southerly along the west right-of-way of Redman Road on a bearing of S 22° 51' 53" E a distance of 131.38 feet to a point, thence;

Continuing southerly along the west right-of-way of Redman Road on a bearing of S 06° 30' 03" E a distance of 458.41 feet to a point, thence;

Easterly along the west right-of-way of Redman Road on a bearing of S 89° 59' 58" E a distance of 11.25 feet to a point, thence;

Southerly along the west right-of-way of Redman Road on a bearing of S 00° 01' 18" E a distance of 210.80 feet to a point, said point being the point and place of beginning,

Intending to describe a parcel of land containing 132.237 acres of land more or less all as shown on a boundary survey map of Heritage Square prepared by Schultz Associates, P.C. and dated June 27, 2005.

Sec. 4. That the Town Clerk is directed to cause a notice of this hearing to be posted and published as required by law.

Sec. 5. That this resolution shall take effect immediately.

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

Discussion: Supervisor Lester recused himself from any action relative to this resolution.

VOTE BY ROLL CALL AND RECORD:

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

Submitted – July 12, 2005

Adopted

DISCUSSION AND ANNOUNCEMENTS

Supervisor Lester reiterated the reasons from the June 28, 2005 meeting for recusing himself from any issues relative to the Redman Road rezoning. Mr. Lester stated that he had represented one of the property owners several years ago and by recusing himself it will squelch the rumors and prevent unfounded political attacks.

Supervisor Lester mentioned that Bill Andrews had met with the Board at a work session to report that the new Owens Road developers were agreeable with the bike path going through their property.

There will be a budget workshop meeting on Tuesday, July 19, 2005 at 7:30 pm.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the July 12, 2005 meeting of the Sweden Town Board at 8:15 pm. Councilperson Connors seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
Town Clerk