

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, August 9, 2005.

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 Finance Director Leisa Strabel, Building Inspector Bill Weber, Highway Superintendent Fred Perrine, Town Attorney James Bell, and Town Clerk Karen Sweeting.

Visitors present were Ken Schlecht from Brockport Spencerport Road, Tim Bates from 69 Royal Garden Way, Frank and Julie Lapinski from 4016 Sweden Walker Road, Joan Hamlin from 50 Park Avenue, Robbi Hess from the Suburban News, and three members from Boy Scout Troop 111, Mark Baker, Andrew Baker, and Richard Baker.

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 the three members of Boy Scout Troop 111. Supervisor Lester then acknowledged the presence of the visitors and asked if there was anyone that would like to speak.

Frank Lapinski from 4016 Sweden Walker Road referred back to early discussions of Sweden Walker Road. He questioned the Board, why is it inappropriate to use Town forces on one project and not another. Supervisor Lester answered that the Town can do the work on any project that they feel has a low risk of liability and the Town has some experience at performing the work necessary. Discussion relative to the question and answer took place.

APPROVAL OF MINUTES

Councilperson Carges made a motion that was seconded by Councilperson Connors to accept the minutes of the Public Hearing – Proposed Sale of Easement and Telecommunication Lease, 4927 Lake Road South held on July 26, 2005. 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 July 26, 2005. All voted in favor of the motion. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

2005 Received From:	Comments:
1. Maggie Brooks, County Executive	Notification of \$30,000 Community Development Block Grant for Town Park
2. Michelle Guerrieri, Hollybrook Road Resident	Thank you letter to the Town
*3. Michael Lesniak, Swamp Road Resident	Opinions regarding the Colby Street/Sweden Walker Road Water Extension Project
*4. Shannon Hiscock, Sweden Clarkson Community Center	Request to purchase Senior Fitness Instructor Training packet from the American Senior Fitness Association for certification
5. NYS Real Property Services	Certification of the Final State Equalization Rate for the 2005 Assessment Roll

*Board has copies.

REPORTS

Building Inspector Bill Weber reported that he also received notice that the Town had been awarded the Community Development Block Grant. The Family Video store will be opening this week. The builders followed through with the plans and made improvements to the building. Councilperson Ferris asked if any other services would be available at the Family Video location due to the size of the building. Mr. Weber answered no, just videos. It is a family owned corporation and this store is the first in New York State and is a nice addition.

Highway Superintendent Fred Perrine reported that his department has been concentrating on County work on Root Road and Reed Road – placing stone and oil on both. They are also placing stone and oil in areas on Redman Road, Swamp Road and Gallup Road. They may have more County work to do on Colby Street and Beadle Road, but will depend on County funding.

Councilperson Carges had no report.

Councilperson Connors had no report.

Councilperson Ferris reported that he attended a Brockport Community Museum meeting. Two new members were added and two others did not renew. The new members are David Wagenhauser and Norm Frisch. They discussed some rehabilitation projects and are working with the Town on the Farmers' Museum to help get the museum up and running. Mr. Ferris also reported that the satellite museum at the Hill school is coming along. The school district has allowed the museum to use the space and will be staffed by volunteers. The museum will also be used by the students and will add supplementary benefits to the curriculum.

Councilperson Windus-Cook had no report.

Supervisor Lester reported that he attended the ceremony honoring G. Spencer Terry for his donation to the Town. Mr. Lester stated that 100 plus people attended the ceremony. Many of the seniors that attended made references to their use of the community center and the Silver Sneakers Program paid for by Preferred Care. Mr. Lester stated that the Town was very grateful for the donation. Mr. Lester also reported that he met with an Orleans County resident regarding transportation between Sweden, Clarkson, and Hamlin. Mr. Lester also stated that he had received a verbal invitation to the fly-in breakfast to be held at Ledgesdale Airpark on August 14.

RESOLUTIONS

RESOLUTION NO. 125

Ordering Conveyance of Easement and Telecommunication Lease(s) 4927 Lake Road South in the Town of Sweden

WHEREAS, on May 27, 2005 a Letter of Intent was entered into by Unison Site Management, LLC, a Delaware limited liability company (“Unison”), to purchase, for a lump sum amount of \$110,000.00, the associated telecommunication lease(s) and easement on a portion of the property located at 4927 Lake Road South, Brockport, New York 14420, in the Town of Sweden, on which the Nextel telecommunications tower is presently situated; and

WHEREAS, Unison has provided, and the Town Board of the Town of Sweden (the “Town Board”) has reviewed, the Easement Agreement and Assignment Agreement, substantially in the form to be executed at the closing of the sale; and

WHEREAS, the Town Board held a Public Hearing at the Town Hall, 18 State Street, Brockport, New York on the 26th day of July, 2005 at 7:15 p.m., and considered said conveyance of the easement and telecommunication lease(s); and

WHEREAS, the Town Board finds that the conveyance, including the conveyance of an easement over town property:

- (i) will not interfere with any town purpose;
- (ii) will generate funds for the town;
- (iii) is for fair and adequate consideration; and

WHEREAS, pursuant to New York State Town Law Section 64.2 Town Boards have the ability to convey real property rights after adoption of a resolution authorizing same, which resolution is subject to permissive referendum; and

WHEREAS, the Town Board wishes to convey the easement and telecommunication lease(s).

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That, for the purpose of generating funds for the Town, the Town Board shall convey the easement and telecommunication lease(s) (as more specifically described in the Easement Agreement and Assignment Agreement) to Unison, its successors and or assigns, for a lump sum amount of \$110,000.00

Sec. 2. That the Town Clerk be authorized and directed to publish and post such notice of adoption of this resolution, subject to permissive referendum, as required by Town Law.

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

Sec. 4. That this resolution shall not be subject to rescission, withdrawal or repeal by the Town Board.

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

Discussion: Supervisor Lester made a motion that was seconded by Councilperson Carges to amend Section 4 to read, "That upon the Town of Sweden receiving the written opinion and consent of the Town Attorney to this transaction this resolution shall not be subject to rescission, withdrawal or repeal by the Town Board." All voted in favor of the motion. Motion adopted.

Councilperson Carges made a motion that was seconded by Councilperson Connors to adopt the resolution as amended. All voted as follows:

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 – August 9, 2005

Adopted

RESOLUTION NO. 126

Ordering Public Hearing on the Extension to Sweden Consolidated Sewer District – Fourth Section Road North Side

In the matter of the Petition for the Establishment of the Fourth Section Road North Side Extension to the Sweden Consolidated Sewer District in the Town of Sweden, Monroe County, New York

WHEREAS, a written petition, dated August 9, 2005 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Sweden, Monroe County, New York for the establishment of a sewer district extension in said town to be bounded and described as follows:

All that tract, or parcel of land, situate in the Town of Sweden, County of Monroe, State of New York, as shown on a map entitled "Sanitary Sewer District Extension A, District Map and Plan", designated as Parcel A, and prepared by MRB Group, P.C., dated March, 2005, and being more particularly bound and described as follows:

Beginning being at the intersection of the southerly extension of the existing common division line between Tax Map Parcel #083.02-20.112 and Tax Map Parcel #083.02-1-3 with the existing centerline of Fourth Section Road; thence,

1. Northerly, along the last mentioned common division line and its southerly extension a distance of 449'± to a point at its intersection with the existing common division line between Tax Map Parcel # 083.02-20.112 with Tax Map Parcel # 083.02-1-5; thence
2. Westerly, along the last mentioned common division line a distance of 642'± to an angle point; thence
3. Southerly, continuing along the existing common division line between Tax Map Parcel # 083.02-20.112 with Tax Map Parcel # 083.02-1-5 a distance of 409'± to a point at its intersection with the existing northerly highway boundary of Fourth Section Road; thence
4. Westerly, along the last mentioned existing northerly boundary a distance of 25'± to a point at its intersection with the existing westerly boundary of Tax Map Parcel # 083.02-1-5; thence
5. Northerly, along the last mentioned westerly boundary a distance of 565'± to a point at its intersection with the existing common division line between Tax Map Parcel # 083.02-1-2.52 with Tax Map Parcel # 083.02-1-2.2; thence
6. Westerly, along the last mentioned common division line and its westerly extension a distance of 360'± to a point at its intersection with the existing westerly highway boundary of Hartshorn Place; thence
7. Northerly, along the last mentioned existing westerly highway boundary a distance of 50'± to a point at its intersection with the existing common division line between Tax Map Parcel # 083.02-1-2.53 with Tax Map Parcel # 083.02-1-2.51; thence
8. Westerly, along the last mentioned common division line a distance of 657'± to a point at its intersection with the existing common division line between Tax Map Parcel # 083.02-1-2.51 with Tax Map Parcel # 083.01-2-2; thence
9. Southerly, along the last mentioned common division line a distance of 145'± to a point said point being 500' northerly of, as measured at right angles of, the existing centerline of Fourth Section Road; thence
10. Westerly, running parallel to and 500' northerly of, as measured at right angles of the existing centerline of Fourth Section Road a distance of 2644'± to a point at its intersection with the existing easterly highway boundary of Redman Road (C.R. 236); thence
11. Northerly, along the last mentioned existing easterly highway boundary a distance of 45'± to a point at its intersection with the existing common division line between Tax Map Parcel # 083.01-2-8 with Tax Map Parcel # 083.01-2-2; thence
12. Easterly, along the last mentioned common division line a distance of 203'± to an angle point; thence
13. Northerly, continuing along the last mentioned common division line between Tax Map Parcel # 083.01-2-8 with Tax Map Parcel # 083.01-2-2 a distance of 151'± to a point at its intersection with the existing common division line between Map Parcel # 083.01-2-9 with Tax Map Parcel # 083.01-2-2; thence
14. Easterly, along the last mentioned common division line a distance of 25'± to an angle point; thence

15. Northerly, continuing along the last mentioned common division line a distance of 150'± to and angle point; thence
16. Westerly, continuing along the last mentioned common division line between Tax Map Parcel # 083.01-2-9 with Tax Map Parcel # 083.01-2-2 a distance of 25'± to a point at its intersection with the existing common division line between Tax Map Parcel # 083.01-2-10 with Tax Map Parcel # 083.01-2-2; thence
17. Northerly, along the last mentioned common division line a distance of 94'± to an angle point; thence
18. Westerly, continuing along the last mentioned common division line between Tax Map Parcel # 083.01-2-10 with Tax Map Parcel # 083.01-2-2 a distance of 207'± to a point at its intersection with the abovementioned existing easterly highway boundary of Redman Road (C.R. 236); thence
19. Northerly, along the last mentioned existing easterly highway boundary a distance of 98'± to a point at its intersection with the easterly prolongation of the existing common division line between Tax Map Parcel # 083.01-1-09 with Tax Map Parcel # 083.01-1-08; thence
20. Westerly, along the last mentioned common division line and its easterly prolongation a distance of 316'± to an angle point; thence
21. Southerly, continuing along the last mentioned common division line and also along the existing common division line between Tax Map Parcel # 083.01-1-10 with Tax Map Parcel # 083.01-1-08 a distance of 250'± to an angle point; thence
22. Easterly, continuing along the last mentioned common division line between Tax Map Parcel # 083.01-1-10 with Tax Map Parcel # 083.01-1-08 a distance of 57'± to a point at its intersection with the existing common division line between Tax Map Parcel # 083.01-1-11 with Tax Map Parcel # 083.01-1-08; thence
23. Southerly, along the last mentioned common division line and also along the existing common division lines between Tax Map Parcel # 083.01-1-11, 083.01-1-12 with Tax Map Parcel # 083.01-1-08 a distance of 292'± to a point said point being 500' northerly of, as measured at right angles of, the existing centerline of Fourth Section Road; thence
24. Westerly, running parallel to and 500' northerly of, as measured at right angles of, the existing centerline of Fourth Section Road a distance of 2436'± to a point at its intersection with the existing common division line between Tax Map Parcel # 083.01-1-27 with Tax Map Parcel # 083.01-1-08; thence
25. Southerly, along the last mentioned common division line a distance of 192'± to a point at its intersection with the existing common division line between Tax Map Parcel # 083.01-1-26 with Tax Map Parcel # 083.01-1-27; thence
26. Westerly, along the last mentioned common division line a distance of 129'± to an angle point; thence
27. Southerly, continuing along the last mentioned common division line between Tax Map Parcel # 083.01-1-26 with Tax Map Parcel # 083.01-1-27 a distance of 271'± to a point at its intersection with the abovementioned northerly highway boundary of Fourth Section Road; thence
28. Westerly, along the last mentioned northerly highway a distance of 162'± to a point at its intersection with the existing common division line between Tax Map Parcel # 083.01-1-28 with Tax Map Parcel # 083.01-1-27; thence
29. Northerly, along the last mentioned common division line a distance of 197'± to an angle point; thence
30. Westerly, along the last mentioned common division line between Tax Map Parcel # 083.01-1-28 with Tax Map Parcel # 083.01-1-27 and also along the existing common division line between Tax Map Parcel # 083.01-1-29 with Tax Map Parcel # 083.01-27 a distance of 298'± to an angle point; thence
31. Southerly, along the last mentioned common division line between Tax Map Parcel # 083.01-1-29 with Tax Map Parcel # 083.01-1-27 a distance of 58'± to a point at its intersection with the existing common division line between Tax Map Parcel # 083.01-1-30 with Tax Map Parcel # 083.01-1-27; thence
32. Westerly, along the last mentioned common division line between Tax Map Parcel # 083.01-1-30 with Tax Map Parcel # 083.01-1-27 a distance of 174'± to an angle point; thence
33. Southerly, continuing along the last mentioned common division line between Tax Map Parcel # 083.01-1-30 with Tax Map Parcel # 083.01-1-27 a distance of 150'± to a point at its

- intersection with the abovementioned existing northerly highway boundary of Fourth Section Road; thence
34. Westerly, along the last mentioned existing northerly highway boundary a distance of 94'± to a point at its intersection with the existing common division line between Tax Map Parcel # 083.01-1-31 with Tax Map Parcel # 083.01-1-27; thence
 35. Northerly, along the last mentioned common division line a distance of 150'± to an angle point; thence
 36. Westerly, continuing along the last mentioned common division line between Tax Map Parcel # 083.01-1-31 with Tax Map Parcel # 083.01-27 and also along the existing common division line between Map Parcel # 083.01-1-32 , 083.01-1-33 and 083.01-1-34 with Tax Map Parcel # 083.1-27 a distance of 364'± to a point at its intersection with the existing common division line between Map Parcel # 083.01-1-35 with Tax Map Parcel # 083.01-1-27; thence
 37. Northerly, along the last mentioned common division line a distance of 100'± to an angle point; thence.
 38. Westerly, along the last mentioned common division line between Map Parcel # 083.01-1-35 with Tax Map Parcel # 083.01-27 a distance of 118'± to a point at its intersection with the existing common division line between Tax Map Parcel # 082.01-1-15 with Tax Map Parcel # 083.01-1-35; thence
 39. Southerly, along the last mentioned common division line a distance of 60'± to a point at its intersection with the existing common division line between Tax Map Parcel # 082.02-1-15 with Tax Map Parcel # 082.02-1-17; thence
 40. Westerly, along the last mentioned common division line a distance of 150'± to an angle point; thence
 41. Southerly, continuing along the last mentioned common division line between Tax Map Parcel # 082.02-1-15 with Tax Map Parcel # 082.02-1-17 and its southerly extension a distance of 226'± to a point at its intersection with the existing centerline of Fourth Section Road; thence
 42. Easterly, along the last mentioned centerline of Fourth Section Road a distance of 8520'± to the point and place of beginning.

WHEREAS, a map, plan and report prepared by MRB Group, competent engineers duly licensed by the state of New York showing the proposed boundaries of the proposed extension and a general plan of the sewer system to be installed is on file in the Town Clerk's office and is available for public inspection; and

WHEREAS, the improvements proposed for the extension of municipal sewer service include the extension of 8-inch sewer line on Harthshorn Place approximately 650 feet; and the extension of 8-inch sewer line on Redman Road approximately 1,000 feet and the extension of 8-inch sewer line on Fourth Section Road approximately 1,250 feet; and

WHEREAS, the maximum amount proposed to be expended for the said improvement, as stated in the said petition, is the sum of two hundred forty seven thousand six hundred thirty five dollars, \$247,635, which will be borne by the properties within the district on a benefits basis; and

WHEREAS, the annual cost for debt service is to be financed by a benefits charge to be levied to all existing parcels within the proposed district. The benefits charge will include vacant parcels, provided they do not have an agricultural exemption. The Town of Sweden Operation and Maintenance cost for the sewer district is estimated at \$15 per year and is levied to all properties within the Town's consolidated sewer district provided they do not have an agricultural exemption; and the estimated Annual Commodity Charge levied by Monroe County Pure

Waters on properties connected to the system is \$100. This commodity charge is based upon the adopted rates of Monroe County Pure Waters.

WHEREAS, the MCPW and the Town also charge an upfront one-time sewer connection fee. This fee is currently \$500 for residential properties and \$600 for commercial properties. In addition to this charge, the individual property owner will be responsible for hiring a contractor to install the sanitary lateral from the R.O.W. or easement line to the residence or place of business. Additional development occurring after the creation of the proposed district extension will be charged at whatever the current Water Authority connection fee is at that time; and

WHEREAS, the cost of the district extension to the typical property shall be as follows:

Annual debt service	\$427
Town of Sweden Operation & Maintenance Charge	\$ 15
MC Pure Waters Commodity charge	<u>\$100</u>
Total estimated annual charge per occupied parcel	\$542

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That a public hearing of the Town Board of the Town of Sweden shall be held at the Town Hall, 18 State Street, Brockport, New York on the 27th day of September, 2005, at 7:00 pm to consider the said petition and to hear all persons interested in the subject thereof concerning the same and for such other action on the vote of said Town Board with relation to the said petition as may be required by law or proper in the premises.
- Sec. 2. That the Town Clerk be authorized and directed to publish and post such notice of Public Hearing as required by Town Law.
- Sec. 3. That this resolution shall take effect immediately.

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

Discussion: Supervisor Lester emphasized that the State cap to the project was \$573 total annual charge per occupied parcel. The State determines the maximum amount that can be charged to each property owner; the amount cannot be just for debt service, but must also include the “soft costs” of operation and maintenance and the commodity charge. Mr. Lester stated that approximately 87% of the total assessed valuation signed the petition asking for this district. Mr. Lester also noted that only the parcel owners in the district would pay the annual fee. The owners may chose not to hook up to the service but are still responsible for the debt service portion.

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 – August 9, 2005

Adopted

WHEREAS, the Recreation Director, David Scott, has recommended the appointment of a student for the Croc Roc’s Program for 2005 as Student Helper.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby appoints Desiree Chambry to the position of Student Helper at 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 10, 2005.
- 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 Aye
- Councilperson Connors Aye
- Councilperson Ferris Aye
- Councilperson Windus-Cook Aye
- Supervisor Lester Aye

Submitted – August 9, 2005

Adopted

DISCUSSION AND ANNOUNCEMENTS

No discussions or announcements.

EXECUTIVE SESSION

At 8:15 p.m. Councilperson Carges made a motion that was seconded by Councilperson Ferris to move into executive session to discuss a legal issue following a 15-minute break. All voted in favor of the motion. Motion adopted.

Executive Session began at 8:30 p.m. No action taken.

Councilperson Ferris made a motion that was seconded by Councilperson Connors to leave executive session at 8:40 p.m. 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 August 9, 2005 meeting of the Sweden Town Board at 8:41 p.m. Councilperson Ferris seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk