

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, September 12, 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, Town Engineer Jim Oberst, Attorney Reuben Ortenberg, and Town Clerk Karen Sweeting.

Visitors present were Robbi Hess from the Suburban News, Court Stenographer, Michael McLean from McLean Development, and residents Jim Hamlin and Tim Bates.

Supervisor Lester called the meeting to order at 7:52 p.m. and asked everyone present to say the Pledge to the Flag.

Stenographer Judy A. Ging was present to record the discussion for Resolutions No. 135, 136, and 137 (numbers 7, 8 and 9 on the agenda of September 12, 2006). The minutes are attached as received by the Town of Sweden from the stenographer on September 26, 2006.

**Contact the Town Clerk for copies of the attachments:

Town of Sweden
Attn: Karen
18 State Street
Brockport, NY 14420

OR

(585) 637-2144
karens@townofsweden.org

RESOLUTIONS

RESOLUTION NO. 135

Issuing a Negative Declaration of
Environmental Significance for Acquisition
By Eminent Domain of Portion of Tax
Account No. 084-01-1.19.2

WHEREAS, the Town Board of the Town of Sweden has considered the proposed Acquisition By Eminent Domain of a Portion of SBL No. 084-01-1.19.2 in the Town of Sweden, New York and construction thereon of a turning lane, bike path and sidewalk, and associated drainage improvements, in the specific area of the intersection of Brockport-Spencerport Road and Owens Road (the "Project"); and

WHEREAS, the Project is an Unlisted Action, and the Town Board is conducting its review of the application pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board of the Town of Sweden has duly considered the Short Environmental Assessment Form, the proposed Project in its entirety, and the criteria for determining significance set forth in 6 N.Y.C.R.R. §617.7(c) of the SEQRA regulations, the comments made at the public hearing on September 12, 2006 public hearing, and such other information deemed appropriate; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination.

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Sweden as follows:

Sec. 1. The Town Board declares that the proposed Project will not result in any large and important impacts, and therefore, the approval of the Project does not include the potential for any significant adverse environmental impacts. Accordingly, the Town Board issues the attached negative declaration under SEQRA for the Project.

Sec. 2. The reasons for the decision are stated in the attached negative declaration.

Sec. 3. This resolution shall be effective immediately.

MOTION for adoption of this resolution by Councilperson Connors

Seconded by Councilperson Windus-Cook

Discussion: Recorded by stenographer see attached.

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 – September 12, 2006

Adopted

**NEGATIVE DECLARATION
Determination of Non-Significance**

Town of Sweden Town Board

Dated: September 12, 2006

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Sweden Town Board (the “Town Board”), as lead agency, has reviewed the proposed acquisition of property consisting of a portion of the property of Marilyn Dragani, Brockport, New York, Tax Parcel No. 084.01-1-19.2, and construction thereon of a turning lane, bike path and sidewalk, and associated drainage improvements, in the specific area of the intersection of Brockport-Spencerport Road and Owens Road, Town of Sweden, and has determined that the proposed acquisition and improvements will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Acquisition of property and construction thereon of a turning lane, bike path and sidewalk, and associated drainage improvements, in the specific area of the intersection of Brockport-Spencerport Road and Owens Road, Town of Sweden, New York.

Location of Action: Intersection of Brockport-Spencerport Road and Owens Road, Town of Sweden, New York.

SEQR Status: Unlisted Action.

Description of Action: The Town seeks to acquire a portion of the property of the property of Marilyn Dragani, Brockport, New York, Tax Parcel No. 084.01-1-19.2 for the placement of a turning lane, sidewalk, bike path and associated drainage improvements.

Reasons Supporting this Determination: There are no significant adverse impacts. The improvements will reduce congestion and improve traffic flow, as well as pedestrian and cyclist safety. The Town compared the proposal to the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the project will not have a significant adverse impact on the environment.

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

Traffic and related noise and air impacts should be reduced because traffic flow will be improved. Also, the Town does not expect a substantial increase in solid waste production, or a substantial increase in potential for erosion, flooding, leaching, or drainage problems will occur. In fact, drainage improvements related to the improvements will benefit the area. There will be short term minor air impacts from construction.

(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

The area is already developed.

(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;

No land within or adjacent to a *Critical Environmental Area* as designated under 6 NYCRR § 617.14(g) would be impaired.

(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

The Town has considered the upgrade of the property in this area to commercial, and this acquisition and these improvements are consistent with the Town plans.

(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

No impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources will occur.

(vi) a major change in the use of either the quantity or type of energy;

The change is not anticipated to create a major change in the quantity of electricity or natural gas to be used and will not affect the community's sources of fuel or energy supply.

(vii) the creation of a hazard to human health;

The Project not create a hazard to human health, and will improve public safety.

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

No such changes occur.

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

The improvements will not attract any persons and will ease congestion.

(x) the creation of a material demand for other actions that would result in one of the above consequences;

No such demand is created.

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

The project will not result in changes in two or more elements of the environment which, when considered together, would result in a substantial adverse impact on the environment.

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The project will not result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

For Further Information:

Contact Person: Nat O. Lester III
Town of Sweden Town Supervisor
Address: Town of Sweden
18 State Street
Brockport, New York 14420
Telephone Number: (585) 637-7588

Town Board Determination and Findings

WHEREAS, the Town of Sweden Town Board has considered the need for taking a portion of the property of Marilyn Dragani, Brockport, New York, Tax Parcel No. 084.01-1-19.2, as described in the attached Schedule A; and

WHEREAS, the Town Board previously called for, and upon proper notice, conducted a public hearing on September 12, 2006, at which all interested members of the public were given an opportunity to be heard; and

WHEREAS, the Town Board has considered the proposed improvement and the public hearing record.

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Sweden as follows:

Sec. 1. The Town Board hereby finds and determines that the proposed acquisition of a portion of the subject property is in the public interest and authorizes the acquisition pursuant to the Eminent Domain Procedure Law. The public use and benefit of this project is to improve the traffic flow in the Town, reduce congestion, increase pedestrian safety by installation of a sidewalk and bike path, and improve drainage by making drainage improvements in the specific area of the intersection of Brockport-Spencerport Road and Owens Road, thereby protecting public and private property from damage from poor drainage, and increasing public safety by improving traffic flow and providing safe pedestrian and cyclist pathways.

Sec. 2. The location of the proposed taking is described on the attached legal description, which is incorporated in this Determination.

Sec. 3. The Town has issued a negative declaration of environmental significance for the entire Lowe's Home Improvement Center project which included these improvements. There are no known adverse impacts beyond temporary construction related impacts of a minor nature. The proposed acquisition will not have any negative impacts on the residents near the project.

Sec. 4. This project was considered, for purposes of the State Environmental Quality Review Act, at the same time as the Lowe's Home Improvement Center, to avoid segmentation, but the Board states that the reason for the acquisition is solely for public purposes. The property in question will be acquired by the Town and will remain solely in public ownership of either the Town or the New York State Department of Transportation; no property will be transferred to or used exclusively by private parties. The proposed upgrade of the property in this area to commercial has been contemplated by the Town for some time, including within recent Town planning efforts, and these improvements flow from that upgrade. The need for the turning lane, sidewalk and bike path are generated by the public's use of this major intersection in the Town. The Lowe's facility could be physically built with or without these improvements. There will be limited or no negative impact on the use of the subject property, which is a vacant residential property. The taking will not in any manner limit the current or future use of the property as a residence. Any benefits to a private party are incidental to the taking and far outweighed by the benefits to public safety from the addition of the turning lane and continuation of the sidewalk and bike path.

Sec. 5. The Town Board finds that there are no alternatives to the proposed taking. The turn lane must, by definition, be in the relevant street, and the sidewalk and bike

path adjoining that street, and continuing the existing sidewalk and bike path. The drainage improvements are associated with these improvements and are needed for this area based on the engineering work performed by the Town Engineer.

Sec. 6. The Town Clerk shall publish a brief synopsis of this Determination and Findings in the two successive issues of the official publication of the Town.

Sec. 7. The Town Clerk, assisted by the Town Attorney, shall serve a notice of this determination by personal service or by certified mail, return receipt requested, on the assessment record billing owner (or his or her attorney of record) of the property to be acquired, which notice shall contain all information required by Eminent Domain Procedure Law §204(C).

Sec. 8. The Attorney for the Town is directed to extend an offer to purchase the subject property to the owner in an amount not lower than the highest appraised value obtained by the Town, and if the offer is not accepted, to proceed without further Board action to commence a judicial proceeding to acquire the property.

Sec. 9. This Resolution is effective immediately.

MOTION for adoption of this resolution by Councilperson Ferris

Seconded by Councilperson Connors

Discussion: Recorded by stenographer see attached.

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 – September 12, 2006

Adopted

RESOLUTION NO. 137

Authorizing Engagement Of Professional Services For Eminent Domain Proceeding Against Marilyn Dragani For Purpose Of Acquiring a Portion of the Property for Town Improvements

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

WHEREAS, the Town Board of the Town of Sweden has requested the assistance of a professional experienced in the field of Eminent Domain in the State of New York; and

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. The Town Board of the Town of Sweden does hereby authorize the engagement of professional services from the office of Hodgson Russ, LLP for the eminent domain proceeding against Marilyn Dragani for the purpose of acquiring a portion of the property for Town improvements.

Sec. 2. All costs incurred by the Town of Sweden in the proceeding will be billed to Brockport Land Associates, LLC and Brockport Land Associates II, LLC and at no cost to the taxpayers' of the Town of Sweden.

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

MOTION for adoption of this resolution by Councilperson Connors

Seconded by Councilperson Carges

Discussion: Supervisor Lester made a motion that was seconded by Councilperson Carges to add:

Sec. 4. That the retainer agreement be reviewed by the Town Attorney.

All voted in favor of the motion. Motion adopted.

VOTE BY ROLL CALL AND RECORD AS AMENDED:

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 – September 12, 2006

Adopted

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 – Codification of the Sweden Town Code, Local Law 3 of 2006 held on August 22, 2006. All voted in favor of the motion. Motion adopted.

Councilperson Carges made a motion that was seconded by Councilperson Ferris to accept the minutes of the Regular Town Board Meeting held on August 22, 2006. All voted in favor of the motion. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

2006	Received From:	Comments:
1.	Kathy Meicht, Resident	Suggestion for fundraiser for senior shuttle service
2.	Thomas Reynolds, Congressman	Reynolds secures \$500,000 for Brockport (Lakeside) Hospital
3.	Fred Perrine, Superintendent of Highways	Resignation of Seasonal Laborer Fiala
*4.	Jeff Waas, Health Care Director, U.S. Foodservice	Cost saving idea for Senior Center

*Board has copies

RE: #1 Supervisor Lester handed copies to the Board and stated this would be discussed further at a work session.

RE: #2 Supervisor Lester stated the money would be used for surgical unit renovations.

RE: #3 Councilperson Windus-Cook made a motion that was seconded by Councilperson Carges to accept the resignation of Seasonal Laborer Fiala from the Highway Department. All voted in favor of the motion. Motion adopted.

RE: #4 Letter was reviewed by the Board. U.S. Foodservice is asking to present a cost savings opportunity to the Senior Center for the nutrition program.

Councilperson Carges added correspondence. Jessica Brooks from the Sweden Senior Center is requesting some improvements to the center's web site. Councilperson Carges made a motion that was seconded by Councilperson Ferris to approve the request to create a new web site and enter into an annual maintenance agreement with ScenicView Web Company. All voted in favor of the motion. Motion adopted.

DEPARTMENTAL REPORTS

August 2006 departmental reports were received and reviewed by the Town Board from the following: Receiver of Taxes, Kathleen Roberts; Finance Director, Leisa Strabel; Building Inspector, James Butler; Justice Court, Lynette Lemcke; Dog Control, Kathy Beaumont; and Town Clerk, Karen Sweeting.

REPORTS

Councilperson Carges reported that the Sweden Clarkson Community Center sign was up and running.

Councilperson Connors had no report.

Councilperson Ferris had no report.

Councilperson Windus-Cook had no report.

Supervisor Lester had no report.

RESOLUTIONS

RESOLUTION NO. 138

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

WHEREAS, the project sponsor, MacLean 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, this Board adopted a Resolution on May 23, 2006, accepting the Draft Environmental Impact Statement (DEIS) as complete and ready for public comment, and filed and distributed same pursuant to SEQRA regulations; and

WHEREAS, this Board, after determining that adequate preparation of the FEIS required more time, adopted a Resolution on August 8, 2006, extending the time within which to complete the FEIS to September 26, 2006; and

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

NOW, THEREFORE, BE IT RESOLVED THAT:

Sec. 1. This Board, as Lead Agency under SEQRA, hereby accepts the FEIS as complete;

Sec. 2. The Town Clerk of the Town of Sweden is hereby directed to prepare a Notice of Completion of FEIS, and to file and circulate same in accordance with SEQRA regulations;

Sec. 3. Public comment will be accepted up to the 10th calendar day after the filing and circulation of the Notice of Completion of FEIS, per 6 NYCRR §617.11(a);

Sec. 4. This Resolution shall be effective immediately.

MOTION for the 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>Abstain</u>

Submitted – September 12, 2006

Adopted

RESOLUTION NO. 139 Appoint Student Helpers – Willis and Flaherty

WHEREAS, the Recreation Director, David Scott, has recommended the appointment of two students for the Croc Roc’s Program for 2006 as Student Helpers.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Chris Willis and Colleen Flaherty 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 maximum of 15 hours per week and a starting date of September 5, 2006.

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
Submitted – September 12, 2006

Aye

Adopted

RESOLUTION NO. 140

Appoint Seasonal Laborer – Montrallo

WHEREAS, there is a vacancy in the position of Seasonal Laborer at the Sweden Highway Department in the Town of Sweden; and

WHEREAS, Ryan Montrallo has been recommended for the position by the Superintendent of Highways.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Ryan Montrallo as a Seasonal Laborer.

Sec. 2. That the rate of pay will be \$8.00 per hour and the start date is September 7, 2006.

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 – September 12, 2006

Adopted

RESOLUTION NO. 141

SEQRA Determination – Local Law 3 of 2006 –
Codification of the Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden, Monroe County, New York, has made several amendments and updates to the Sweden Town Code and desires to codify the Code book; and

WHEREAS, 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 an environmental assessment form or similar information (“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 object of the above-referenced action (a) will result in no major impacts and, therefore, is not one which “may have a significant effect on the environment,” (b) will not have a “significant effect on the environment,” and (c) no “environmental impact statement” need be prepared, as such quoted terms are used in SEQRA. The proposed Project does not constitute a “Type I Action” as such quoted term is defined in the regulations of the Department of Environmental Conservation of the State of New York (6NYCRR Part 617, as amended). 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 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 – September 12, 2006

Adopted

RESOLUTION NO. 142 Determination Under Section 175 Article IV,
 Incentive Zoning Local Law for a Mixed-Use on
 Lands Previously Subdivided as Highland at
Brandon Woods, Tax Account No. 084.01-1-14.111

WHEREAS, the Town Board of the Town of Sweden has received from Highland at Brandon Woods an application for Incentive Zoning of property previously subdivided and bearing Tax Account No. 084.01-1-14.111; and

WHEREAS, pursuant to Section 175 Article IV of the Sweden Town Code, the Town Board is required to issue written comments on such application; and

WHEREAS, the Town Board of the Town of Sweden has reviewed the application submitted on behalf of the Applicant by Schultz Associates Engineers and Surveyors, supplemented by a letter from the Applicant’s counsel; and

WHEREAS, the Town Board has caused written comments to be prepared and to be attached hereto.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Sweden Town Board does hereby approve and adopt the written comments annexed hereto.

Sec. 2. That the Town Board hereby reserves the right to engage a consultant, as necessary, at the expense of the Applicant, and to suggest modifications of the proposed project upon receipt of an advisory opinion from the Town of Sweden Planning Board.

Sec. 3. That the Town Clerk is authorized and directed to transmit the application to the Town of Sweden Planning Board for an advisory opinion pursuant to Section 175-22 D(1) through (3) of Article IV, inclusive, and to notify the Applicant of the attached comments and the referral to the Planning Board.

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

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

Discussion: Councilperson Carges stated this resolution is accepting the proposal to review for rezoning. The Town Board will forward the application to the Sweden Planning Board to review and comment.

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 – September 12, 2006

Adopted

RESOLUTION NO. 143 Calling a Public Hearing for the Establishment of Sidewalk District No. 1 – Wal-Mart Supercenter

WHEREAS, a written petition, last dated the 11th day of September, 2006 in due form and containing the required signatures has been filed with the Town Clerk on the 11th day of September 2006 which Petition has been presented to and filed with the Town Board of the Town of Sweden, County of Monroe, State of New York, for the establishment of the Town of Sweden Sidewalk District No. 1 (one) in the Town of Sweden bounded and described in Exhibit A, attached hereto; and

WHEREAS, the improvements proposed consist of the construction of a sidewalk to serve the property described in Exhibit A, in accordance with the drawing submitted with the Petition and attached hereto as Exhibit B, and now on file in the Office of the Town Clerk of the Town of Sweden; and

WHEREAS, the maximum amount proposed to be expended for the said improvement as stated in the Petition is the sum of \$41,248.63; and

WHEREAS, the estimated cost of the district to the typical property therein is \$185 in the first year in which operation, maintenance, debt services and other charges and expenses are to be paid; and

WHEREAS, a detailed estimation of the manner by which those costs are computed, including the said estimated costs of first year costs to the typical property and typical one or two-family homes within said district, has been filed in the office of the Town Clerk where the same is available during regular office hours for examination by any person interested in the subject matter thereof; and

WHEREAS, the Town of Sweden Sidewalk District No. 1 (one) is to be constructed in connection with development of a Wal-Mart Supercenter (the "Wal-Mart Project") to be located within the District; and

WHEREAS, the Planning Board of the Town of Sweden, acting as lead agency under the State Environmental Quality Review Act ("SEQRA"), accepted the Final Environmental Impact Statement ("FEIS") covering the entire Wal-Mart Project on September 12, 2005; and

WHEREAS, the Planning Board issued its Findings Statement and completed SEQRA for the entire Wal-Mart Project on November 1, 2005.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That on the 10th day of October 2006, at 7:15 p.m. the Town Board will meet and hold a public hearing at the Town Hall located at 18 State Street, Brockport, New York, to consider the establishment of Town of Sweden Sidewalk District No. 1 (one) and to hear all persons interested in the subject therefore, and for such other and further action on the part of the Town Board in connection with this matter as may be appropriate.

Sec. 2. That the Town Clerk is hereby directed to publish a legal notice of this Order at least once in the official newspaper of the Town of Sweden not less than ten (10) nor more than twenty (20) days before the date of the hearing.

Sec. 3. That the Town Clerk is hereby directed to cause a copy of the legal notice of this Order to be posted on the sign board of the Town of Sweden not less than ten (10) nor more than twenty (20) days before the date of the hearing.

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

MOTION for adoption of this resolution by Councilperson Windus-Cook

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>

DISCUSSION AND ANNOUNCEMENTS

No discussion or announcements.

EXECUTIVE SESSION

Councilperson Carges made a motion that was seconded by Councilperson Ferris to enter into executive session at 8:50 p.m. to discuss a legal matter. 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 and return to the regular meeting at 9:02 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 made a motion to adjourn the September 12, 2006 meeting of the Sweden Town Board at 9:03 p.m. Councilperson Connors seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk