

A regular meeting of the Town Board of the Town of Sweden was held at the Sweden Clarkson Community Center, 4927 Lake Road, Brockport, New York, on Saturday, September 13, 2008.

Town Board members present were Supervisor Buddy Lester, Councilperson Rob Carges, Councilperson Patricia Connors and Councilperson Tom Ferris. Councilperson Danielle Windus-Cook was absent. 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 Christine Hamlin. Resident George Lloyd arrived at 9:40 a.m.

Supervisor Lester called the meeting to order at 9:00 a.m. and asked everyone present to say the Pledge to the Flag led by Superintendent of Highways Fred Perrine. Supervisor Lester acknowledged 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 Regular Town Board Meeting held on August 26, 2008. All voted in favor of the motion – three ayes. Councilperson Ferris abstained due to his absence from such meeting. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

2008 Received From:	Comments:
*1. Charles Welch, Attorney	Response to Supervisor's letter regarding closing of Dry Cleaning business
*2. James Oberst, MRB/group	Maintenance Bond Release – Wal-Mart Supercenter
*3. Scott Heise	Donation to Town of Sweden for baseball in honor of Gust Noni
*4. John Kohlmeier, Buildings and Grounds	Resignation

*Board has copies

RE: #2 Councilperson Carges made a motion that was seconded by Councilperson Ferris to release the Maintenance Bond for Wal-Mart Supercenter in the amount of \$49,780.17. All voted in favor of the motion – four ayes. Motion adopted.

RE: #4 Councilperson Carges made a motion that was seconded by Councilperson Connors to accept the resignation of John Kohlmeier. All voted in favor of the motion – four ayes. Motion adopted.

DEPARTMENTAL REPORTS

August 2008 departmental reports were received and reviewed by the Town Board from the following departments: Building Department, Jim Butler; Dog Control, Kathy Beaumont; Finance Director, Leisa Strabel and Town Clerk, Karen Sweeting.

REPORTS

Superintendent of Highways Fred Perrine requested a motion to send a 1995 Cat Loader (surplus equipment) to municipal auction on October 4, 2008. Councilperson Ferris made a motion that was seconded by Councilperson Connors to approve the request to sell the 1995 Cat

Loader at the municipal auction on October 4th. All voted in favor of the motion – four ayes.
Motion adopted.

Mr. Perrine reported that road maintenance was done on Swamp Road, Gallup Road and Hartshorn Drive and several drainage issues had been taken care of.

Town Attorney Jim Bell updated the board on assessment litigation.

Finance Director Leisa Strabel reported that she attended the SSAI monthly meeting and the Assemblyman Bill Reilich luncheon at the Senior Center. Discussion of fall brush pickup.

Councilperson Connors reported that she attended a department head meeting and announced to staff the constraints of the upcoming budget. Mrs. Connors also reported that she attended a POD meeting with representatives from the county, Brockport School District, Village of Brockport Police Department and Charles Sanford, Fire Marshal for the Town of Sweden. Discussed security and a transportation plan around the Middle School. Sgt. Philippp to work on a security plan. The next meeting is scheduled for the end of October. Volunteers are still needed for a variety of positions.

Councilperson Carges had no report.

Councilperson Ferris announced that the Regional Marketing Committee is scheduled to meet on September 24, 2008.

Supervisor Lester met with Stan Lehman of the Brockport Riverbats to discuss field usage and minor improvements to the baseball field.

RESOLUTIONS

RESOLUTION NO. 118

Sign Intermunicipal Agreement for
Purchase of Street Sweeper

WHEREAS, the Towns of Clarkson, Hamlin, Parma and Sweden have been awarded a Shared Municipal Services Incentive Grant for the purchase of a street sweeper; and

WHEREAS, an intermunicipal agreement among the four Towns is necessary to establish the purchase and operational protocol; and

WHEREAS, the Superintendent of Highways recommends that the Town of Sweden enter the intermunicipal agreement.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby accept the intermunicipal agreement between the Towns of Sweden, Clarkson, Hamlin and Parma.

Sec. 2. That the Supervisor is hereby authorized to execute all necessary documents.

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>Absent</u>	
Supervisor Lester	<u>Aye</u>	
Submitted – September 13, 2008		Adopted

RESOLUTION NO. 119 Authorize Parking Lot Sealing at Park from Reserve Fund

WHEREAS, a Parks and Recreation Reserve Fund was established on December 29, 2004 for the purpose of making improvements to town-owned parks and recreation facilities; and

WHEREAS, the Town Board of the Town of Sweden desires to seal the parking lots at the Sweden Town Park; and

WHEREAS, the Highway Superintendent has estimated the cost to be \$35,000.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of up to \$35,000 from the Parks and Recreation Reserve Fund for Type capital improvements; namely sealing of parking lots at the Sweden Town Park per specifications prepared by the Highway Superintendent.
- Sec. 2. That pursuant to Section 6-C of the General Municipal Law, this expenditure is subject to permissive referendum.
- Sec. 3. That the Town Clerk is directed to publish a public notice as required by law.
- Sec. 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Connors
Seconded by Councilperson 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>Absent</u>	
Supervisor Lester	<u>Aye</u>	
Submitted – September 13, 2008		Adopted

RESOLUTION NO. 120 SEQR Determination – Dedication of Nathaniel Poole Trail and Wood Trace

WHEREAS, the Town Board of the Town of Sweden, Monroe County, New York proposes to accept dedication of an extension of Nathaniel Poole Trail and Wood Trace of Section 1A The Villas at Brandon Woods; 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 therefore (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 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 for 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 SEQR. This determination constitutes a negative declaration for the purposes of SEQR.

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 SEQR.

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>Absent</u>
Supervisor Lester	<u>Aye</u>

Submitted – September 13, 2008

Adopted

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NO SIGNIFICANT EFFECT ON THE ENVIRONMENT

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

In accordance with Article 8 (State Environmental Quality Review) of the Environmental Conservation Law (the "Act"), the statewide regulations under the Act (6 NYCRR Part 617) and the Sweden Environmental Quality Review Ordinance, notice is hereby given that the Town Board of the Town of Sweden (the "Agency") has prepared an Environmental Assessment Form in the connection with the proposed action described below; has determined (i) that said proposed action is an "unlisted action" pursuant to 6 NYCRR Part 617; (ii) that there are no other "involved" agencies in this action as that term is defined under Article 8 of the New York Environmental Conservation law, the regulations promulgated thereunder and the Sweden Environmental Quality Review Ordinance and thus the Town Board is the "lead agency"; (iii) that said action will result in no major impacts and therefore will not have a significant effect on the environment; and therefore (iv) that an environmental impact statement is not required to be prepared with respect to said action.

THIS NOTICE IS A NEGATIVE DECLARATION FOR PURPOSES OF THE ACT.

1. Lead Agency: The lead agency is the Town Board of the Town of Sweden.
2. Person to contact for further information: Karen M. Sweeting, Town Clerk, Town of Sweden, 18 State Street Brockport, NY 14420.
3. Project: Dedication of Nathaniel Poole Trail and Wood Trace of Section 1A of the Villas at Brandon Woods
4. Reasons for determination of Non-Significance: No significant environmental effects were identified in the Environmental Assessment Form prepared by the Agency and none are known to the Agency.

Dated: September 13, 2008

RESOLUTION NO. 121

Accepting Dedication of an Extension of
Nathaniel Poole Trail and Wood Trace of
Section 1A The Villas at Brandon Woods In
the Town of Sweden

WHEREAS, Homestead NY Properties, Inc., a business corporation of the State of New York, with its principle place of business at 12 Slayton Avenue, Spencerport, NY 14559, desires to convey to the Town of Sweden, the fee title to lands to be known as Nathaniel Poole Trail (an extension of which was previously dedicated) and Wood Trace, which lie in Section IA of the Villas at Brandon Woods; and

WHEREAS, acceptance of the dedication has been recommended by the Town Superintendent of Highways, and the Town Board has been advised by the Superintendent that the roadways, as installed, meet Town specifications; and

WHEREAS, the Town Board desires to accept the dedication of the roadways in the best interest of the health and safety of its residents and in keeping with the subdivision approvals of the Planning Board and the transportation needs and demands of the Town.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town of Sweden hereby agrees to accept delivery of the deed and transfer documents, dated _____, dedicating lands to be known as Nathaniel Poole Trail and Wood Trace, lying in Section IA of the Villas at Brandon Woods, and authorizes the Town Superintendent of Highways to begin operation and provide maintenance of the roadway in accordance with applicable statutes and regulations.

Sec. 2. That the Town Attorney is directed to record the deed and transfer documents, on behalf of the Town of Sweden, in the Monroe County Clerk’s office.

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

MOTION for adoption of this resolution by Councilperson Ferris
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>Absent</u>
Supervisor Lester	<u>Aye</u>

Submitted – September 13, 2008

Adopted

RESOLUTION NO. 122 Authorize Supervisor to Sign Escrow Agreement for Nathaniel Poole Trail And Wood Trace Dedication

WHEREAS, the Town of Sweden requires a letter of credit to be posted by a developer when a road is to be dedicated to the Town prior to all of the roadwork being completed; and

WHEREAS, the Town Engineer determines the amount of the letter of credit to be posted by the developer; and

WHEREAS, the Town Board of the Town of Sweden can accept an escrow deposit in lieu of a letter of credit if the Town Board so desires; and

WHEREAS, Jack W. Hassall, 10 Slayton Avenue, owner of the Villas at Brandon Woods Subdivision has requested to make an escrow deposit in lieu of a letter of credit for the dedication of the extension of Nathaniel Poole Trail and Wood Trace; and

WHEREAS, the Town Engineer has determined the amount of the escrow deposit required for the completion of Nathaniel Poole Trail and Wood Trace.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Sweden Town Board hereby authorizes the Supervisor to enter into an escrow agreement between the Town of Sweden and Jack W. Hassall for the remaining work to be completed on Nathaniel Poole Trail and Wood Trace.

Sec. 2. That the dollar amount of escrow agreement shall be determined by an estimate prepared by the Town Engineer

Sec. 3. That the escrow agreement is subject to the written approval of the Town Attorney.

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

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

Discussion: Supervisor Lester made a motion that was seconded by Councilperson Ferris to make the following additions:

WHEREAS, the Town desires the guardrail be installed by December 1, 2008 and that it be a condition of the escrow agreement.

Sec. 2an estimate be prepared by the Town Engineer ***“and shall include a provision where the guardrail will be installed prior to December 1, 2008.”***...

All voted in favor of the motion – four ayes. 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>Absent</u>
Supervisor Lester	<u>Aye</u>

Submitted – September 13, 2008

Adopted

RESOLUTION NO. 123

Authorize Supervisor to Sign Escrow Agreements for Heritage Square and Brockport College Suites

WHEREAS, the Town of Sweden requires a letter of credit to be posted by a developer prior to the commencement of site work; and

WHEREAS, the Town Engineer determines the amount of the letter of credit to be posted by the developer; and

WHEREAS, the Town Board of the Town of Sweden can accept an escrow deposit in lieu of a letter of credit if the Town Board so desires; and

WHEREAS, McLean Development and the United Group have requested to make escrow deposits for the development of phase one of Heritage Square and Brockport College Suites; and

WHEREAS, the Town Engineer has determined the amount of the escrow deposit required for this first phase of development.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Sweden Town Board hereby authorizes the Supervisor to enter into escrow agreements between the Town of Sweden and McLean Development and

between the Town of Sweden and the United Group for phase one of the proposed development.

Sec. 2. That the dollar amount of the escrow agreements shall be determined by estimates prepared by the Town Engineer

Sec. 3. That the escrow agreements are subject to the written approval of the Town Attorney.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – September 13, 2008

Adopted

DISCUSSION AND ANNOUNCEMENTS

No further discussion or announcements.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the September 13, 2008 meeting of the Sweden Town Board at 9:45 a.m. Councilperson Ferris seconded the motion. All voted in favor of the motion – four ayes. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk