

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, April 13, 2021.

Town Board Members present were Supervisor Kevin G. Johnson, Councilperson Patricia Hayles, Councilperson Randall Hoke, Councilperson Rhonda Humby, and Councilperson Gary Sullivan. Also present were Finance Director Leisa Strabel, Superintendent of Highways Brian Ingraham, Town Attorney Jim Bell, and Town Clerk Karen Sweeting.

Visitors present were Wayne Zyra and Kris Schultz from Schultz Associates Engineers and Land Surveyors, P.C.

Supervisor Johnson called the meeting to order at 6:00 p.m. and asked everyone present to say the Pledge to the Flag and remain standing for a moment of silence to remember those in the armed forces, our first responders, and the many affected by COVID.

PRIVILEGE OF THE FLOOR:

No comments.

CORRESPONDENCE:

No correspondence noted.

REPORTS OF DEPARTMENTS AND BOARD MEMBERS:

Reports to be given April 27, 2021

CONSENT AGENDA ITEMS:

Councilperson Hayles made a motion that was seconded by Councilperson Hoke to approve **all** Consent Agenda items as listed below.

**Discussion re: Resolution No. 38 – Supervisor Johnson pointed out a significant decrease over time in the cost of the district to the residents in that district. One of the reasons, the Town Board was able to achieve Stonebriar I, adding all their parcels to that district. Residents, on an annual basis, used to pay approximately \$400. By 2024 the annual cost will be down to \$77.

VOTE BY ROLL CALL:

Councilperson Hayles	<u>Aye</u>
Councilperson Hoke	<u>Aye</u>
Councilperson Humby	<u>Aye</u>
Councilperson Sullivan	<u>Aye</u>
Supervisor Johnson	<u>Aye</u>

ADOPTED

- Approval of the minutes of the special meeting held on April 6, 2021
- RESOLUTION NO. 38 Ordering a Public Hearing on Extension No. 3 to the Fourth Section Road North Side Sewer District Extension of the Sweden Consolidated Sewer District for

Tax Acct. No. 083.01-4-1.11

In the matter of the Petition for the Establishment of Extension Number 3 to the Fourth Section Road North Side Sewer District Extension of the Sweden Consolidated Sewer District in the Town of Sweden, Monroe County, New York

WHEREAS, a written petition, dated March 24, 2021 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:

**EXTENSION NO. 3
FOURTH SECTION ROAD NORTH SIDE SEWER DISTRICT
SWEDEN CONSOLIDATED SEWER DISTRICT**

ALL THAT TRACT OR PARCEL OF LAND situate in part of Town Lot 8, Section 7, Township 3 of the Triangular Tract, Town of Sweden, County of Monroe, and State of New York, being more particularly described as follows:

COMMENCING in the centerline of Fourth Section Road (NYS Route 31), at a point distant 2,260.92 feet easterly from said centerline's intersection with the centerline of Redman Road (County Road 236); thence, southerly a distance of 33.00 feet to a point on the southern right-of-way of Fourth Section Road, said point being the POINT OF BEGINNING; thence

1. Easterly, on a bearing of N 89°34'07"E, a distance of 226.62 feet to a point; thence
2. Southerly, on a bearing of S 00°40'39" W, a distance of 1342.33 feet to a point; thence
3. Westerly, on a bearing of S 89°12'32" W, a distance of 991.48 feet to a point; thence
4. Northerly, on a bearing of N 16°38'55" E, a distance of 137.39 feet to a point; thence
5. Northerly, on a bearing of N 45°42'10" W, a distance of 60.16 feet to a point; thence
6. Northerly, on a bearing of N 04°49'15" W, a distance of 226.88 feet to a point; thence
7. Northerly, on a bearing of N 00°24'47" W, a distance of 185.00 feet to a point; thence
8. Northerly, on a bearing of N 34°00'01" E, a distance of 400.14 feet to a point; thence
9. Easterly, on a bearing of N 89°34'07" E, a distance of 532.33 feet to a point; thence
10. Northerly, on a bearing of N 06°24'07" E, a distance of 436.48 feet to a point; thence

WHEREAS, the costs for the improvements proposed for Extension 3 will be borne solely by Derek Mohr; and

WHEREAS, a map, plan and report prepared by Schultz Associates, competent engineers duly licensed by the state of New York, showing the proposed boundaries of the proposed extension is on file with the Town of Sweden; and

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

Annual debt service	2021	\$ 91.00
Annual debt service	2022	\$ 77.00
Annual debt service	2023	\$ 77.00
Annual debt service	2024 and beyond	\$ 77.00

WHEREAS, a commodity charge by Monroe County Pure Waters is also borne by each parcel in the Town of Sweden Consolidated Sewer District and that annual commodity charge is estimated to be:

\$29.56 per parcel and 1.6775/1,000 gallons \$228.02

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 11th day of May 2021, at 6:30 pm to consider 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.

- RESOLUTION NO. 39 Ordering Public Hearing on Renewal of Iroquois Rock Products Excavation Permit

WHEREAS, the Excavation Permit for Iroquois Rock Products quarry on Colby Street and Sweden Walker Road, in the Town of Sweden expires on June 26, 2021; and

WHEREAS, Mr. John Swierkos, Jr. of Iroquois Rock Products has submitted an Application for an Excavation Permit to the Town Board for review and study; and

WHEREAS, it is in the interest of the residents of the Town of Sweden to hold a public hearing so all persons desiring to be heard for or against such renewal shall be heard.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden shall hold a Public Hearing at the Town Hall, 18 State Street, Brockport, New York on Tuesday, May 25, 2021 at 6:45 p.m. to hear all persons desiring to be heard for or against the renewal of the Excavation Permit for Iroquois Rock Products located on Colby Street and Sweden Walker Road.

Sec. 2. That the Town Clerk is hereby authorized and directed to publish said Public Hearing in the official newspaper of the Town as required by law.

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

- RESOLUTION NO. 40 Ordering a Second Public Hearing on Application to Rezone Portions of Two Parcels South of Fourth Section Road Between Lake Road and Redman Road

WHEREAS, Stonehaven Commercial, 154 Cobblestone Court Drive, Victor, New York 14564, acting as developing agent for the owner of the properties, Estate of Eugene Jason, c/o Acea Mosey, 625 Delaware Avenue, Buffalo, NY 14202, has submitted to the Town Board an application and proposal to re-zone approximately 50 acres of portions of two tax parcels, 083.040-0001-001.21 and 083.040-0001-005.111, from R1-2S Single Family Residence to MR-1 Multiple Residence; and

WHEREAS, a map of the property and legal description has been filed with the Town, and the required fee paid; and

WHEREAS, the goal of the developer is to construct a residential community with mixed housing types of townhomes, apartments and duplexes; and

WHEREAS, a public hearing was held on April 23, 2019 at 7:00 PM and all persons desiring to be heard were heard: and

WHEREAS, the Town Board of the Town of Sweden desires to hold a second public hearing, although not statutorily required, due to the length of time that has passed since the first public hearing; and

WHEREAS, the Town Board's Rules of Procedure require a 45-day time period between the date of calling the Public Hearing and the date of the Public Hearing when considering rezoning applications unless waived by the Town Board.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden waives the 45-day period between the date of calling the Public Hearing and the date of the Public Hearing, finding that a 42-day period will be sufficient in this case of a second Public Hearing on this rezoning application.

Sec. 2. That the Town Board of the Town of Sweden will hold the second public hearing at the Town Hall, 18 State Street, Brockport, New York on May 25, 2021 at 7:00 PM to hear all persons interested in the re-zoning of 50 acres from portions of two tax parcels south of Fourth Section and between Lake Road and Redman, from R1-2S Single Family Residence to MR-1 Multiple Residence.

Sec. 3. That the portions of properties proposed to be re-zoned is 50 +/- acres of the total 158 +/- acre parcels, tax account numbers 083.040-0001-001.21 and 083.040-0001-005.111.

Sec.4. That the portions of properties proposed to be re-zoned is more particularly described as follows:

LEGAL DESCRIPTION

All that tract or parcel of land, containing 50.081 acres more or less, situate in the Phelps and Gorham Purchase, Triangle Tract, Township 3, Section 7, Town Lots 6 & 7, Town of Sweden, County of Monroe, and State of New York, as shown on the drawing entitled "Townhomes at Stonebriar Glen South, Rezoning Exhibit," prepared by BME Associates, dated February 12, 2019, being more particularly bounded and described as follows:

Beginning at a point, said point being the intersection of the southerly boundary line of lands now or formerly of Edwin Duryea Properties LLC (T.Z. No. 083.02-1-12.001) with the westerly boundary line of lands now or formerly of Edwin Duryea Properties LLC (T.A. No. 083-04-1-18); thence

1. S 08°26'35" E, a distance of 1,458.72 feet to a point; thence
2. S 89°12'32" W, a distance of 1,602.69 feet to a point; thence
3. N 00°47'28"W, a distance of 1,451.57 feet to a point; thence
4. N 89°06'40" E, a distance of 854.25 feet to a point; thence
5. S 02°09'44" W, a distance of 9.97 feet to a point; thence
6. N 88°56'04" E, a distance of 554.73 feet to the point of beginning

Sec. 5. That the Town Clerk is directed to cause a notice of this hearing to be posted and published as required by law.

Sec. 6. That this resolution shall take effect immediately.

- RESOLUTION NO. 41 Accepting Audit of Court Records

WHEREAS, the Town Board of the Town of Sweden retained Mengel Metzger Barr & Co., Certified Public Accountants, to perform an audit of the Sweden Town Court records and dockets for the fiscal year ending December 31, 2020; and

WHEREAS, Raymond F. Wager, CPA submitted a report of the 2020 court audit on April 2, 2021; and

WHEREAS, the Sweden Town Board has had the opportunity to review the court audit report.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden accepts the findings of Mengel Metzger Barr & Co., Certified Public Accountants pertaining to the 2020 Sweden Town Court records and dockets.

Sec. 2. That the Director of Finance is authorized to forward a copy of the audit report to the NYS Office of Court Administration.

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

- RESOLUTION NO. 42 Award Outdoor Double-Sided LED Sign Quote

WHEREAS, the digital sign at the Community Center no longer functions and is no longer repairable; and

WHEREAS, the Recreation Director sought quotes to replace the existing digital sign; and

WHEREAS, the following quotes were received for the LED sign and installation:

Empire Digital Sign	\$27,776.22
200 W. Ridge Road	
Rochester, NY 14615	

Stewart Signs 2201 Cantu Court Sarasota, FL 3423; and	\$28,582.00
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WHEREAS, the Empire Digital Sign quote also includes a lifetime wireless data plan with sign command; and

WHEREAS, the Recreation Director recommends accepting the Empire Digital Sign proposal.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden, upon recommendation of the Recreation Director, accepts the proposal from Empire Digital Sign for \$27,776.22 to replace the two-sided digital LED sign at the Community Center.

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

- RESOLUTION NO. 43 Authorize Sign Purchase from Sweden
Clarkson Community Center Reserve Fund

WHEREAS, a Community Center Reserve Fund was established on July 24, 2001 for the purpose of making improvements to the Community Center; and

WHEREAS, the Recreation Director has recommended the replacement of the outdoor digital sign; and

WHEREAS, the Town Board desires that the digital sign be funded from the Community Center Reserve Fund.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of up to \$27,800.00 from the Community Center Reserve Fund for the purchase and installation of an outdoor digital sign from Empire Digital Sign.

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.

- RESOLUTION NO. 44 Appoint MEO – Moss

WHEREAS, a vacancy exists in the Town of Sweden Highway Department; and

WHEREAS, the Superintendent of Highways has recommended hiring Jeffrey Moss as a full-time motor equipment operator (MEO).

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Jeffrey Moss as a full-time motor equipment operator (MEO).
- Sec. 2. That the rate of pay will be \$21.00 per hour.
- Sec. 3. That the start date will be April 14, 2021.
- Sec. 4. That this resolution shall take effect immediately.

- RESOLUTION NO. 45 Appoint Seasonal Laborers – Cemetery Operations

WHEREAS, there is a need for seasonal laborers for cemetery operations; and

WHEREAS, the Superintendent of Highways has recommended re-hiring seasonal laborers John L. Duthoy, John P. Duthoy and Edward Schildt; and

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby appoint John L. Duthoy, John P. Duthoy, Edward Schildt and for seasonal cemetery operations not to exceed 40 hours per week each and not to exceed 112 hours in total.
- Sec. 2. That this appointment does not constitute an offer of permanent employment or any benefits that are normally attached to permanent appointments.
- Sec. 3. That the rate of pay will be \$12.50 an hour.
- Sec. 4. That the term of appointment will begin on or after April 26, 2021 and end on or before October 22, 2021.
- Sec. 5. That this resolution shall take effect immediately.

- RESOLUTION NO. 46 Appoint Seasonal Laborers – Park

WHEREAS, the Buildings and Grounds department has recommended the re-appointment of Anthony Bryant, Dale Taber as Seasonal Laborers for the Sweden Town Park for the 2021 summer season.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Anthony Bryant, Dale Taber as Seasonal Laborers at a rate of pay of \$12.50 per hour, not to exceed 28 hours per week, beginning on or after April 26, 2021 and ending on or before October 8, 2021.
- Sec. 2. That this appointment does not constitute an offer of permanent employment or any benefits that are normally attached to permanent appointments.
- Sec. 3. That this resolution shall take effect immediately.

- RESOLUTION NO. 47 SEQRA Determination – Local Law 2 of 2021 Adding Chapter 176 Battery Energy Storage Systems to the Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden, intends to adopt a Local Law adding Chapter 176 Battery Storage Energy Storage Systems to the Sweden Town Code; and

WHEREAS, such a Local Law is defined by 6 NYCRR §617.5 as a Type II action for which no environmental review is necessary.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Sweden Town Board does hereby designate the proposed Local Law as a Type II action.

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

- RESOLUTION NO. 48 Adopt Local Law 2 of 2021 to Add Chapter 176 to the Sweden Town Code - Battery Energy Storage Systems

WHEREAS, the Town Board of the Town of Sweden has determined that it is in the best interests of the Town of Sweden for the addition of Chapter 176 to the Sweden Town Code concerning Battery Energy Storage Systems; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 18 State Street, Brockport, New York, on March 23, 2021; and

WHEREAS, all persons desiring to be heard were heard and due deliberation having been had thereon.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. The Sweden Town Board hereby adopts Local Law 2 of 2021 adding Chapter 176 to the Sweden Town Code concerning Battery Energy Storage Systems.

Sec. 2. The Town Clerk is authorized and directed to file a complete copy of Local Law 2 of 2021 with the Secretary of State as required by law.

Sec. 3. This Resolution shall take effect immediately.

NON-CONSENT AGENDA:

- Minutes of the regular meeting, which includes the public hearing, held on March 23, 2021.

Councilperson Hoke made a motion that was seconded by Councilperson Humby to approve the minutes of the March 23, 2021 meeting and public hearing.

VOTE BY ROLL CALL:

Councilperson Hayles	<u>Aye</u>
Councilperson Hoke	<u>Aye</u>
Councilperson Humby	<u>Aye</u>
Councilperson Sullivan	<u>Abstain</u>
Supervisor Johnson	<u>Aye</u>

ADOPTED

ADDITIONAL BUSINESS AND ANNOUNCEMENTS:

No additional business or announcements.

EXECUTIVE SESSION:

Councilperson Hayles made a motion that was seconded by Councilperson Hoke to go into executive session at 6:07 p.m. subject to Public Officers Law Sections 105(f) employment relations exception; 105(d) real property exception; and 108(3) confidential consultation with the Town Attorney. All voted in favor of the motion. Motion adopted.

No action taken.

Councilperson Hayles made a motion that was seconded by Councilperson Humby to leave executive session and return to the regular meeting at 6:30 p.m. All voted in favor of the motion. Motion adopted.

PUBLIC HEARING

At 6:30 p.m. Supervisor Johnson called the public hearing to order. The purpose of the public hearing was to hear all persons interested in the re-zoning of less than 4 acres comprised of three tax parcels on the south side of Brockport Spencerport Road, from R1-2 Single Family Residence to B-1 Retail Commercial.

Supervisor Johnson waived the reading of the legal notice.

Supervisor Johnson acknowledged Kris Schultz, present on behalf of the applicant (Bentley Bros.) and asked if he had anything to address with the board. Mr. Schultz said no, everything is as submitted, no changes. Discussion of the status of the project in front of the Planning Board.

No other comments. Public hearing closed at 6:35 p.m.

EXECUTIVE SESSION:

Councilperson Sullivan made a motion that was seconded by Councilperson Humby to return to executive session at 6:36 p.m. subject to Public Officers Law Sections 105(f), 105(d), and 108(3). All voted in favor of the motion. Motion adopted.

No action taken.

Councilperson Hoke made a motion that was seconded by Councilperson Hayles to leave executive session and return to the regular meeting at 8:44 p.m. All voted in favor of the motion. Motion adopted.

ADJOURNMENT:

As there was no further business to come before the Board, Councilperson Humby moved to adjourn the April 13, 2021 meeting of the Sweden Town Board at 8:45 p.m. Councilperson Sullivan seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk