

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 25, 2009.

Town Board Members present were Supervisor John Milner, Councilperson Rob Carges, Councilperson Patricia Connors, Councilperson Tom Ferris and Councilperson Danielle Windus-Cook. Also present were Finance Director Leisa Strabel, Town Clerk Karen Sweeting and Superintendent of Highways Fred Perrine. Town Attorney Jim Bell arrived at 7:45 p.m.

Visitors present were applicants Daniel and Monica Seeler and Robert Fitzgerald from Avery Engineering and Land Surveying; and residents Joan Hamlin, Cora Schrader, Vesta Teeter and Timothy Bates.

Supervisor Milner called the meeting to order at 7:30 p.m. and asked everyone present to say the Pledge to the Flag. Supervisor Milner then acknowledged the presence of the visitors and asked if anyone would like to speak.

Resident Cora Schrader (also President of SSAI) thanked the board for their support of SSAI.

No other comments.

#### APPROVAL OF MINUTES

Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to accept the minutes of the regular meeting held on July 28, 2009. All voted in favor of the motion – four ayes. Councilperson Ferris was absent from such meeting. Motion adopted.

Councilperson Connors made a motion that was seconded by Councilperson Carges to accept the minutes of the Public Hearing – Special Districts, Heritage Square Subdivision held on August 4, 2009. All voted in favor of the motion. Motion adopted.

Councilperson Ferris made a motion that was seconded by Councilperson Connors to accept the minutes of the special meeting held on August 4, 2009. All voted in favor of the motion. Motion adopted.

#### SUPERVISOR'S CORRESPONDENCE

2009 Received From:

- \*1. Tony Eaffaldano, Assessor
- \*2. M. Connie Castaneda, Village Mayor

Comments:

Request to attend training – Sept. 27-30, 2009  
Recent activity at the former Kleen-Brite property on Fair Street

\*Board has copies

RE: #1 Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to grant the request of Tony Eaffaldano to attend the training conference. All voted in favor of the motion. Motion adopted. Mr. Eaffaldano will be receiving IAO designation at the conference.

RE: #2 Supervisor Milner explained that a developer is working to return the property to a viable and usable condition.

#### REPORTS

Superintendent of Highways Fred Perrine reported that several projects at the Town Park have been completed. The water main is now in service and the sewer lift station is running. Mr. Perrine met with the Town Engineer to discuss grading and field layout for additional soccer fields and also met with a designer for irrigation layout for such fields. The Town's portion of the county culvert replacement project on Gordon Road is complete. The contractor is scheduled

to set the concrete box next week. The county has announced that Gordon Road may not be open by the first day of school. They expect total completion by mid September. Milling and paving of Gary Drive to begin the first of the week.

Councilperson Windus-Cook read a thank you note from the Sparkleberry Twig for the use of the Farmer’s Museum for their annual movie event. The Harvest Festival planning committee has been very busy planning the September 19<sup>th</sup> event. Two bands are scheduled to play at 10 am and 1pm. Interested runners for the 5K race can download the application from the website.

Councilperson Ferris had no report.

Councilperson Connors had no report.

Councilperson Carges had no report.

Supervisor Milner reported that he attended the monthly breakfast with the Village Mayor and area Town Supervisors; welcomed the Monroe County Clerks’ to Sweden for their quarterly meeting and met with a subcommittee of the Walk! Bike! Action! group to discuss a proposed hiking trail at the Town Park.

RESOLUTIONS

RESOLUTION NO. 99

Rezoning – 5150 Sweden Walker Road  
From Retail Business (B-1) to Light  
Industrial (I-2)  
Tax Account No. 099.02-1-7.22

WHEREAS, the Town Board of the Town of Sweden duly called a public hearing to consider the request of Dan and Monica Seeler, owner of the property, Tax Account No. 099.02-1-7.22, to rezone the property on the east side of Sweden Walker Road and 474 feet south of Colby Street in the Town of Sweden from Retail Business (B-1) to Light Industrial (I-2); and

WHEREAS, said public hearing was held by the Town Board on the 28<sup>th</sup> day of July, 2009; and

WHEREAS, the proposed rezoning was reviewed by the Sweden Environmental Conservation Board, Highway Superintendent, Sweden Planning Board, Sweden Zoning Board of Appeals, Town Engineer, Town Attorney, Monroe County Planning and Development, Monroe County Pure Waters, and Monroe County Water Authority.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Zoning Map of the Town of Sweden be and the same hereby is amended to change the zoning classification from Retail Business (B-1) to Light Industrial (I-2) of the following:

LEGAL DESCRIPTION

All that tract or parcel of land situate in the Town of Sweden, County of Monroe and State of New York and being a part of Lot No. 8 in Township No. 3 of the Triangular Tract, and being more particularly described as follows:

Beginning at a point in the centerline of Sweden Walker Road (County Route #242, 66.00’ wide right of way) at a distance of 474.11’southerly, as measured in said centerline, from the centerline of Colby Street, thence;

North 89 37' 30" east, a distance of 556.22' to a point, thence;

South 10 32' 30" west, a distance of 417.20' to a point, thence;

South 89 37' 30" west, a distance of 574.99' to a point in the centerline of Sweden Walker Road, thence;

North 13 03' 00" east, and along the centerline of Sweden Walker Road, a distance of 421.16' to the Point of Beginning containing 231,700 +/- square feet or 5.319 +/- acres.

Parcel is known as Lot R-2B of a Resubdivision of Lot 2 of the Edward White Subdivision as shown on a map recorded in the Monroe County Clerk's Office at Liber 315 of Maps, Page 51.

Sec. 2. That the Town Clerk is hereby directed and authorized to publish a notice of adoption of this Resolution as required by law, and

Sec. 3. That said amendment and change 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>Nay</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Nay</u>
Supervisor Milner	<u>Nay</u>

Submitted – August 25, 2009

Denied

RESOLUTION NO. 100

Rezoning – 4740 Lake Road From  
Residential (R1-2) to Commercial (B-1)  
Tax Account No. 083.08-8-1.12

WHEREAS, the Town Board of the Town of Sweden duly called a public hearing to consider the request of Samuel Simone of Simone's Properties, LLC located at 81 Marc-Mar Trail, Rochester, New York, owner of the property, Tax Account No. 083.08-8-1.12, to rezone the property on the southeast corner of Lake Road and Crestview Drive in the Town of Sweden from Residential (R1-2) to Commercial (B-1); and

WHEREAS, said public hearing was held by the Town Board on the 28<sup>th</sup> day of July, 2009; and

WHEREAS, the proposed rezoning was reviewed by the Sweden Environmental Conservation Board, Highway Superintendent, Sweden Planning Board, Sweden Zoning Board of Appeals, Town Engineer, Town Attorney, Monroe County Planning and

Development, Monroe County Pure Waters, and Monroe County Water Authority.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Zoning Map of the Town of Sweden be and the same hereby is amended to change the zoning classification from Residential (R1-2) to Commercial (B-1) of the following:

All that tract or parcel of land situate in the Town of Sweden, County of Monroe and State of New York and being a part of Lot No. 11 in the 8<sup>th</sup> Section of Town No. 3 of the Triangular Tract, bounded and described as follows:

Beginning at a point in the north line of Lot No. 11 and the east line of the Lake Road and running thence southerly along the east line of the Lake Road 394.15 feet to an angle point; thence

Continuing southerly along the east line of the Lake Road making an exterior angle of 179 23' with the last described course a distance of 440.18 feet to a point in the east line of said Lake Road, said point being the place of beginning of the property herein conveyed; thence

Running easterly making an interior angle of 77 13'50" a distance of 200 feet to a point; thence

Running northerly making an interior angle of 102 46'10" a distance of 100 feet to a point; thence

Running westerly making an interior angle of 70 13'50" a distance of 200 feet to a point in the east line of the Lake Road; thence

Running southerly along the east line of the Lake Road a distance of 100 feet to the place of beginning.

Also all that tract or parcel of land situate in the Town of Sweden, County of Monroe and State of New York, and being a part of Lot No. 11 in the 8<sup>th</sup> Section of Town No. 3 of the Triangular Tract, bounded and described as follows:

Beginning at the northwest corner of premises conveyed by Fred Harrier to Elmer G. Adams and Phyllis H. Adams, his wife, by deed dated May 8, 1951, recorded in Monroe County Clerk's Office in May 21, 1951 in Liber 2683; thence

Running easterly along the north boundary of the said Adams lot a distance of 200 feet to the northeast corner thereof; thence

Running northerly at an interior angle of 102 46'10" to the south boundary of Crestview Drive; thence

Running west along the south boundary of Crestview Drive 200 feet to a point in the west line of Lake Road; thence

Running south along the west boundary of Lake Road to the point of beginning above specified. The said Crestview Drive is laid out on a map made by A.P. Mussi on file in Monroe County Clerk's Office in Liber 128 of Maps at page 54.

Sec. 2. That the Town Clerk is hereby directed and authorized to publish a notice of adoption of this Resolution as required by law, and

Sec. 3. That said amendment and change shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Ferris

Seconded by Councilperson Windus-Cook

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Nay</u>
Councilperson Connors	<u>Nay</u>
Councilperson Ferris	<u>Nay</u>
Councilperson Windus-Cook	<u>Nay</u>
Supervisor Milner	<u>Nay</u>

Submitted – August 25, 2009

Denied

RESOLUTION NO. 101

Authorize Material Bids for Shumway  
Road Water Main Project

WHEREAS, the Shumway Road Water District Extension 1 was established on July 28, 2009; and

WHEREAS, the Town of Sweden Highway Department desires to proceed with installation of said materials for the Shumway Road Water Main Project; and

WHEREAS, there is a need for all related materials and appurtenances and blasting to complete the Shumway Road/Sweden Walker Road Watermain Improvement Project.

WHEREAS, the Town Board has contracted with MRB Group for engineering services to proceed with the specific plans for the construction of the water mains.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That MRB Group has been contracted to create the necessary material and blasting specifications for the Shumway Road Water Main Project.

Sec. 2. That upon receipt of such specifications, the Town Clerk is directed to advertise for bids as required by law.

Sec. 3. 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>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – August 25, 2009

Adopted

RESOLUTION NO. 102

Formation of Heritage Square Sewer District

WHEREAS, a petition for the creation of a sewer district to be known as the Heritage Square Sewer District, in the Town of Sweden, Monroe County, New York, said petition being dated August 11, 2009 was duly presented to this Town Board together with the necessary map and plan attached hereto; and

WHEREAS, an order was duly adopted by the Town Board of the Town of Sweden on August 4, 2009 calling for a Public Hearing to be held to consider the proposal of the Town of Sweden to establish the Heritage Square Sewer District on the west side of Redman Road; and

WHEREAS, such order was duly posted and published as required by law; and

WHEREAS, a Public Hearing was held by the Town Board in this matter on August 25, 2009 at 7:15 PM and all persons desiring to be heard were heard; and

WHEREAS, the permission of the State Comptroller is not required pursuant to Town Law §209-f.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board determines that (a) the petition aforesaid is signed and acknowledged or proved as required by law, and it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers and it is otherwise sufficient; (b) all the property and property owners within the proposed district are benefited thereby; (c) all the property and property owners benefited are included within the limits of the proposed district; and it is in the public interest to grant in whole the relief sought; and

Sec. 2. That the establishment of the contemplated sewer district be approved.

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 Milner	<u>Aye</u>

Submitted – August 25, 2009

Adopted

RESOLUTION NO. 103                      Appoint Student Helpers – Boop, Colapietro, Pennington, Sutton and Valente

WHEREAS, Recreation Director David Scott has recommended the appointment of Amanda Boop, John Colapietro, Zoe Pennington, Karisha Sutton and Ashley Valente to the position of Student Helpers for the Croc Rocs program.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Amanda Boop, John Colapietro, Zoe Pennington, Karisha Sutton and Ashley Valente to the position of Student Helpers at the Sweden Clarkson Community Center.

Sec. 2. That the rate of pay be \$7.25 per hour for a maximum of 20 hours per week with a start date of August 17, 2009.

Sec. 3. That this resolution shall take effect immediately

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

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 Milner	<u>Aye</u>

Submitted – August 25, 2009

Adopted

RESOLUTION NO. 104 Appoint Seasonal Laborers – Ritz and Shanley

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

WHEREAS, the Superintendent of Highways has recommended hiring Timothy Ritz and Alex Shanley for seasonal cemetery operations.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Timothy Ritz and Alex Shanley as seasonal laborers for cemetery operations.

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 \$8.00 per hour.

Sec. 4. That the term of appointment will be will be August 17, 2009 through October 30, 2009.

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

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

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 Milner	<u>Aye</u>

Submitted – August 25, 2009

Adopted

RESOLUTION NO. 105 Authorizing Supervisor to Sign Amended Agreement With the Humane Society of Rochester

and Monroe County (Lollypop Farm) for Dog  
Control Services

WHEREAS, the Town of Sweden Dog Control Officer has an occasional need to utilize the services of Lollypop Farm; and

WHEREAS, New York State Department of Agriculture and Markets requires under Section 115 of Article 7 a contract between the Humane Society and the municipality; and

WHEREAS, the Humane Society of Greater Rochester at Lollypop Farm is hereby canceling its current holding contract with the Town of Sweden; and

WHEREAS, the Humane Society is forced to increase all fees stated in the existing contract due to budgetary reasons.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the Supervisor to sign the amended agreement with the Humane Society of Rochester and Monroe County (Lollypop Farm).

Sec. 2. That the Town Board does hereby accept all terms and conditions set forth therein.

Sec. 3. That such agreement shall commence on December 1, 2009 and shall continue to time it is replaced by future agreement.

Sec. 4. That the agreement is subject to the review and approval of the Town Attorney.

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

MOTION for adoption of this resolution by Councilperson Windus-Cook

Seconded by Councilperson Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges Aye

Councilperson Connors Aye

Councilperson Ferris Aye

Councilperson Windus-Cook Aye

Supervisor Milner Aye

Submitted – August 25, 2009

Adopted

APPROVAL FOR PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Carges made a motion that was seconded by Councilperson Ferris authorizing payment of the bills in Abstract 8 dated August 26, 2009 in the amount of \$101,787.10. All voted in favor of the motion. Motion adopted.

General Fund: In the amount of \$77,858.90 as set forth in Abstract 8 dated August 26, 2009.

Highway Fund: In the amount of \$21,730.38 as set forth in Abstract 8 dated August 26, 2009.

Special Fund: In the amount of \$2,197.82 as set forth in Abstract 8 dated August 26, 2009.



DISCUSSION AND ANNOUNCEMENTS

The McDonald's grand opening is scheduled for Friday, August 28, 2009 at 10 am. Councilpersons Carges and Windus-Cook to attend.

EXECUTIVE SESSION

Councilperson Carges made a motion that was seconded by Councilperson Connors to go into executive session at 8:04 p.m. to discuss particular personnel. 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 9:20 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 25, 2009 meeting of the Sweden Town Board at 9:21 p.m. Councilperson Connors seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
Town Clerk