

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, February 9, 2021.

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

Visitor present was Kris Schultz from Schultz Associates, Engineers & Land Surveyors, P.C. on behalf of Bentley Bros, Inc.

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 all those affected by COVID, our fighting men and women around the world, and our law enforcement and first responders.

PRIVILEGE OF THE FLOOR:

Kris Schultz from Schultz Associates was present to request rezoning for three lots on Brockport Spencerport Road. The lots are west and adjacent to the Kubota site and all are owned by Bentley Bros., Inc. They intend to develop in the future, but now desire to use the existing driveway that was part of the house to create a safer access to the Kubota site. The requested zoning would be consistent with the existing Kubota site. They would like to shift the display area, currently crowding the corner parcel, to the west. Supervisor Johnson asked if the applicants have talked with the neighbors about their intentions. Discussion. Councilperson Hoke asked about their plan for buffers and landscaping. Discussion. Councilperson Hayles asked for clarification on the access driveway – would they be getting rid of a curb cut. Mr. Schultz said no this would be an additional access.

No other comments.

CORRESPONDENCE:

No correspondence noted

REPORTS OF DEPARTMENTS AND BOARD MEMBERS:

Reports to be given February 23, 2021

CONSENT AGENDA ITEMS:

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

VOTE BY ROLL CALL:

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

ADOPTED

- Approval of the minutes of the regular meeting held on January 26, 2021

- RESOLUTION NO. 24 Adopt Local Law 1 of 2021 to Amend Certain Portions of Chapter 175 of the Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden has determined that it is the best interests of the Town of Sweden for certain amendments to be made to Chapter 175 concerning Zoning; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 18 State Street, Brockport, New York, on July 28, 2020; and

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

NOW THEREFORE BE IT RESOLVED:

- Sec 1. Local Law 1 of 2021 is attached as Schedule A.
- Sec 2. The Town Board of the Town of Sweden hereby adopts Local Law 1 of 2021 – Amendments to Chapter 175 Zoning.
- Sec 3. The Town Clerk is authorized and directed to file a complete copy of Local Law 1 of 2021 with the Secretary of State as required by law.
- Sec 4. This Resolution shall take effect immediately.

- RESOLUTION NO. 25 Release Portion of Letter of Credit for Stonebriar Glen Phase 1

WHEREAS, on June 26, 2018, Stonehaven Commercial submitted a cash deposit of two hundred fifteen thousand seventy-five and thirty hundredths dollars (\$215,075.30) as a Letter of Credit for Stonebriar Glen Phase I; and

WHEREAS, on September 11, 2018, the Town Board of the Town of Sweden released part of the deposit in the amount of forty-two thousand forty-four and nineteen hundredths dollars (\$42,044.19); and

WHEREAS, on October 9, 2018, the Town Board of the Town of Sweden accepted a Letter of Credit drawn on Canandaigua National Bank and Trust Company in the sum of one hundred seventy-three thousand thirty-one and eleven hundredths dollars (\$173,031.11) to replace the remaining cash deposit of one hundred seventy-three thousand thirty-one and eleven hundredths dollars (\$173,031.11).

WHEREAS, on January 22, 2019 the Town Board of the Town of Sweden released a portion of the Letter of Credit for Stonebriar Glen Phase 1 drawn on Canandaigua National Bank and Trust Company in the sum of fifty-two thousand two hundred eighty-one and eighty-nine hundredths dollars (\$52,281.89); and

WHEREAS, the Town Engineer has submitted written approval of a partial release of the Letter of Credit for Stonebriar Glen Phase 1 drawn on Canandaigua National Bank and Trust Company in the sum of seventy-six thousand two hundred fifty-one and three hundredths dollars (\$76,251.03) and

WHEREAS, the remaining Letter of Credit balance after this release will be forty-four thousand four hundred ninety-eight and nineteen hundredths dollars (\$44,498.19); and

WHEREAS, the fiscal officer has reviewed the developer's accounts pertaining to engineering, inspection and legal fees and finds no outstanding fees remain to be paid.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby releases to Stonehaven Commercial from the Canandaigua National Bank and Trust Company Letter of Credit for Stonebriar Glen Phase I the sum of seventy-six thousand two hundred fifty-one and three hundredths dollars (\$76,251.03).

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

- RESOLUTION NO. 26 Ordering a Public Hearing on Application to Rezone 5625, 5635 and 5645 Brockport Spencerport Road

WHEREAS, Bentley Bros. Inc., located at 5605 Brockport Spencerport Road, has submitted to the Town Board an application and proposal to re-zone less than 4 acres comprised of three tax parcels, 084.02-1-34, 084.02-1-35, and 084.02-1-36, from R1-2 Single Family Residence to B-1 Retail Commercial; 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 use a driveway to access their dealership at 5605 Brockport Spencerport Road.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden will hold a public hearing at the Town Hall, 18 State Street, Brockport, New York on April 13, 2021 at 6:30 PM 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

Sec. 2. That the portions of properties proposed to be re-zoned is less than 4 acres, tax account numbers 084.02-1-34, 084.02-1-35, and 084.02-1-36.

Sec.3. That the property to be re-zoned is more particularly described as follows:

LEGAL DESCRIPTION

All that tract or parcel of land situate in part of Town Lot 6, Section 11, Township 3, Triangular Tract, Town of Sweden, County of Monroe, State of New York and more particularly described as follows:

Commencing at a point on the centerline of Brockport Spencerport Road West, State Route 31, said point being 313.51 feet west of the center line intersection with Sweden Walker Road, thence; southerly on an internal angle of 90° 00'00" in the southeast quadrant, a distance of 55.00 feet to a point on the south right of way of Brockport Spencerport Road, said point also being the northeast corner of lands conveyed to Bentley Bros. Inc. by deed filed in liber 12339 of Deeds, page 241 and the point of beginning of this description, thence;

1. Continuing southerly along the west line of other lands of Bentley Bros. Inc. and the west line of the lands now or formerly of Darrell Morgan, a distance of 345.00 feet to the southeast corner of said lands of Bentley Bros. Inc., thence;
2. Westerly along the north line of lands now or formerly of Darren Englert having an internal angle of 90°00'00" in the northwest quadrant, a distance of 378.00 feet to the southeast corner of lands now or formerly of Gerald D. Hegadorn, thence;
3. Northerly along the east line Hegadorn having an internal angle of 90°00'00" in the northeast quadrant, a distance of 356.88 feet to a point on the south right of way of Brockport Spencerport Road, State Route 31, and the northeast corner of said Hegadorn, thence;
4. Easterly along the south right of way of Brockport Spencerport Road having an internal angle of 89°20'54" in the southeast quadrant, a distance of 128.57 feet to an angle point in the south right of way of Brockport Spencerport Road, thence;
5. Continuing easterly along the south right of way of Brockport Spencerport Road having an internal angle of 176°11'17" in the southwest and southeast quadrants, a distance of 118.80 feet to an angle point in the south right of way of Brockport Spencerport Road, thence;
6. Continuing easterly along the south right of way of Brockport Spencerport Road having an internal angle of 183°57'06" in the northwest, southwest and southeast quadrants, a distance of 131.01 feet to the point of beginning.

Intending to describe a parcel of land containing 3.044 acres more or less to be rezoned to Retail Commercial B-1. Said parcel conveyed to Bentley Bros. Inc. by deed filed in liber 12339 of Deeds, page 241.

Sec. 4. That the Town Clerk is directed to cause a notice of this hearing to be posted and published as required by law.

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

- RESOLUTION NO. 27 Authorizing Spring Clean-up for 2021

WHEREAS, the Town Highway Superintendent has recommended to the Town Board that special spring clean-up days be set for the Town of Sweden.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Spring Clean-up for the Town of Sweden for 2021 shall be during the week of April 26, 2021 through April 30, 2021.

Sec. 2. That the Highway Superintendent is hereby authorized to execute said refuse operation in the Town of Sweden.

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

NON-CONSENT AGENDA:

- RESOLUTION NO. 28 Award Bid for Construction of the Lake Road and Redman Road Water District

WHEREAS, the Town Board of the Town of Sweden authorized Bids for the Construction of the Lake Road and Redman Road Water District on December 8, 2020 by Resolution 145 of 2020; and

WHEREAS, the Town Clerk advertised for bids pursuant to law and the following bids were received:

Bidder	Base Bid	Base & Conditional	Total Base, Conditional and Alternate
Highlander Construction	\$2,660,492	\$2,673,784	\$3,207,385
Villager Construction	\$3,474,720	\$3,487,900	\$3,929,600
Morsch Pipeline	\$3,721,227	\$3,730,817	\$4,285,585
Nordozzi Companies	\$4,362,495	\$4,376,175	\$4,773,895

WHEREAS, Highlander Construction has withdrawn its bid from consideration due to a unit price error in the rock removal calculation; and

WHEREAS, Villager Construction becomes the low bidder upon Highlander Construction’s withdrawal; and

WHEREAS, after review by the Town Engineer, MRB Group, the recommendation is to award the bid to Villager Construction.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That upon the recommendation of the Town Engineer and the Town Attorney, the Town Board of the Town of Sweden accepts Highlander Construction’s bid withdrawal.

Sec. 2. That the Town Board of the Town of Sweden, upon the recommendation of the Town Engineer, does hereby award the bid for the Construction of the Lake Road Redman Road Water District to Villager Construction of the Total Bid and Conditional Items in the amount of three million four hundred eighty-seven thousand nine hundred dollars (\$3,487,900.00).

Sec. 3. That the Supervisor is authorized to execute all necessary documents.

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

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Councilperson Hayles

Discussion: Supervisor Johnson thanked each board member for their support with this project. He thanked Finance Director Leisa Strabel for all her work on the grant application, and Jim Oberst and Jon Hinman from MRB Group for their work. This water district will benefit many people and will be a well-needed improvement in our Town. Councilperson Hayles commended Supervisor Johnson for his leadership and for keeping this project moving along.

VOTE BY ROLL CALL AND RECORD

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

ADOPTED

ADDITIONAL BUSINESS AND ANNOUNCEMENTS:

Supervisor Johnson thanked Superintendent of Highways Brian Ingraham and his crews for their hard work during this winter season. Mr. Ingraham mentioned that salt use had been lower than average until this month.

Town Clerk Karen Sweeting mentioned that the fee for the Iroquois Rock Excavation Permit application has been received. The complete application will be forwarded to the Board for review once received.

EXECUTIVE SESSION:

Councilperson Muesebeck made a motion that was seconded by Councilperson Hoke to go into executive session at 6:12 p.m. to discuss matters under Public Officers Law Section 105(h). All voted in favor of the motion. Motion adopted.

No action taken.

Councilperson Hayles made a motion that was seconded by Councilperson Hoke to leave executive session and return to the regular meeting at 7:23 p.m. All voted in favor of the motion. Motion adopted.

ADJOURNMENT:

As there was no further business to come before the Board, Councilperson Hayles moved to adjourn the February 9, 2021 meeting of the Sweden Town Board at 7:24 p.m. Councilperson Hoke seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk