

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, July 28, 2009.

Town Board Members present were Supervisor John Milner, Councilperson Rob Carges, Councilperson Patricia Connors and Councilperson Danielle Windus-Cook. Councilperson Tom Ferris was absent. Also present were Finance Director Leisa Strabel, Town Clerk Karen Sweeting and Superintendent of Highways Fred Perrine.

Visitors present were residents Ed Spade, Timothy Bates, Annie Crane, Pat Kutz, Caurie Putnam, Orlando Benzan, Planning Board member David Strabel, and developer Michael McLean.

Supervisor Milner called the meeting to order at 7:30 p.m. and asked everyone present to say the Pledge to the Flag. Adjourned to go back to the Public Hearing – Rezoning Application , 4740 Lake Road for further comments. Began the regular meeting at 7:44 p.m. Supervisor Milner acknowledged the presence of the visitors and asked if anyone would like to speak. No one spoke.

APPROVAL OF MINUTES

Councilperson Windus-Cook made a motion that was seconded by Councilperson Connors to accept the minutes of the regular meeting held on June 23, 2009. All voted in favor of the motion – four ayes. Councilperson Ferris was absence from such meeting. Motion adopted.

Councilperson Windus-Cook made a motion that was seconded by Councilperson Connors to accept the minutes of the special meeting held on July 14, 2009. All voted in favor of the motion – four ayes. Councilperson Ferris was absence from such meeting. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

2009 Received From:	Comments:
*1. Jeremy Oakden, Director of Buildings and Grounds	Request for purchase of equipment
*2. William J. Cody, Town Justice	Request for three clerks to attend conference
*3. Danielle Zimmer, Recreation	Resignation
*4. Cassie Guthrie, Library Director	Thank you for participating in Seymour Library's "Are You Smarter Than a Teenager?" game
*4. Jeremy Oakden, Director of Buildings and Grounds	Resignation

*Board has copies

RE: #1 Councilperson Carges made a motion that was seconded by Councilperson Connors to grant the request of Jeremy Oakden to purchase requested equipment. All voted in favor of the motion – four ayes. Motion adopted.

RE: #2 Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to approve only two court clerks to attend the conference. The board would like to see the court office open during business hours. All voted in favor of the motion – four ayes. Motion adopted.

RE: #3 Councilperson Connors made a motion that was seconded by Councilperson Carges to accept with regrets the resignation of Danielle Zimmer. All voted in favor of the motion – four ayes. Motion adopted.

RE: #5 Councilperson Connors made a motion that was seconded by Councilperson Carges to accept with regrets the resignation of Jeremy Oakden as Director of Buildings and Grounds. All voted in favor of the motion – four ayes. Motion adopted.

*Town Attorney Jim Bell arrived at the meeting at 7:50 p.m.

REPORTS

Superintendent of Highways Fred Perrine reported that the water main extension was complete at the Town Park and preliminary work on additional soccer fields would begin next month. They are assisting the County DOT with the replacement of the culvert on Gordon Road and are working on minor road maintenance on Beadle Road. Mr. Perrine asked that information on Giant Hogweed be placed on the Town website and indicated that several roads in the Town have been reported as having this dangerous vegetation. (Refer to www.townofsweden.org for more information.) The county has agreed to spray in selected areas for control.

Town Attorney Jim Bell reported updates to assessment litigations.

Town Clerk Karen Sweeting reported that a primary election will be held in September.

Finance Director Leisa Strabel reported that she attended the Workers Comp. Pool Directors meeting. It is a self-insured pool with other municipalities that formed approximately five years ago. The group is now drafting an inter-municipal cooperative agreement for review in September that instead of joint liability each member would be responsible for their own liabilities. Currently if a lawsuit is filed, all members in the pool are liable. Individual liability is better for the Town if the pool ever dissolves.

Councilperson Windus-Cook had no report.

Councilperson Connor had no report.

Councilperson Carges commented that due to the weather, utility bills have been considerably low this summer.

Supervisor Milner attended several meetings and events.

RESOLUTIONS

RESOLUTION NO. 77

Granting Renewal of Excavation Permit to Iroquois Rock Products

WHEREAS, the Town Board of the Town of Sweden on March 28, 1984, duly enacted and adopted by resolution "Regulations for Issuance of Excavation Permit" (hereinafter referred to as the "Regulations") which regulations include procedures for the issuance of a renewal of the permit; and

WHEREAS, Iroquois Rock Products, Inc. has filed an application for renewal of its permit, originally granted June 24, 1997 for a term of three years, alleging in its application that there are no changes from the permit granted as aforesaid; and

WHEREAS, pursuant to the regulations the Town Board circulated a notice of the application to the Town of Sweden Planning Board, the Town Environmental Conservation Board, the Town Engineer and Monroe County Planning & Development; and

WHEREAS, the Town Board held a public hearing at the Town Hall, 18 State Street, Brockport, New York on July 28, 2009 at 6:30 PM to consider granting the renewal of the excavation permit, as requested, and at said time and place heard all persons interested in the subject thereof; and

WHEREAS, the Town Board after review of the application and all previous environmental submissions and proceedings by the applicant determined that the action will not have a significant environmental effect and under SEQR Section 617.5(c)26 is a Type II Action; and

WHEREAS, the Town Board now desires to grant a renewal of the excavation permit to Iroquois Rock Products, Inc.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the approval and granting of the excavation permit renewal as requested in the Application would be in harmony with the intent and purpose of the Regulations for Excavation Permit and the Town's Zoning Ordinance, that the proposed use conforms to the standards prescribed therefore in said Regulations; and that there is fulfillment of any other conditions or standards specified in the regulations.

Sec. 2. That having given due consideration to all of the evidence referred to and recited in this Resolution, the Town Board of the Town of Sweden hereby grants to Iroquois Rock Products, Inc. an Excavation Permit for a term of three (3) years from June 24, 2009 to June 24, 2012.

Sec. 3. That the excavation as described in the Application for which this excavation permit is granted shall be carried out in compliance with the Town of Sweden Regulations for Issuance of Excavation Permit.

Sec. 4. The Town Clerk shall cause copies of this Resolution to be posted on the Town Clerk's signboard and filed in the office of the Town Clerk.

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

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

VOTE BY ROLL CALL AND RECORD:

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

Submitted – July 28, 2009

Adopted

RESOLUTION NO. 78

Award Bid for the Construction of a Fitness Room Addition and Entryway Renovation to the Community Center - General

WHEREAS, the Town of Sweden advertised for bids pursuant to law for the construction of a Fitness Room Addition and Entryway Renovation to the Sweden Clarkson Community Center, 4927 Lake Road, Brockport, and the following bids were received for general contracting:

Betacon Construction, Inc. PO Box 249 Bloomfield, NY 14469	\$209,800
D’Agostino General Contractors, Inc. 803 Linden Avenue Rochester, NY 14625-2709	\$209,900
Christa Construction 119 Victor Heights Parkway Victor, NY 14564-8938	\$214,850
Whitney East, Inc. 1504 Scottsville Road Rochester, NY 14623	\$221,900
Thompson and Dilcher, LLC 59 South Lake Avenue Bergen, NY 14416	\$234,900
Testa Construction, Inc. 62 Glendale Park Rochester, NY 14613	\$243,300

WHEREAS, after review by the Town Architect, his recommendation is to award the general contracting bid to Betacon Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden, upon the recommendation of the Town Architect, does hereby award the general contracting bid for the construction of a Fitness Room Addition and Entryway Renovation to Betacon Construction, Inc. for the bid price of \$209,800.
- Sec. 2. That the funding for the project includes CDBG grants, a Sperandio Foundation grant and funds from the Community Center Reserve.
- Sec. 3. That this resolution shall take effect immediately.

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

VOTE BY ROLL CALL AND RECORD:

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

Submitted – July 28, 2009

Adopted

RESOLUTION NO. 79

Award Bid for the Construction of a Fitness Room Addition and Entryway Renovation for the Community Center - Electrical

WHEREAS, the Town of Sweden advertised for bids pursuant to law for the construction of a Fitness Room Addition and Entryway Renovation to the Sweden Clarkson Community Center, 4927 Lake Road, Brockport, and the following bids were received for electrical work:

Ty Electric Corp. 464 Portland Avenue Rochester, NY 14605	\$12,900
Concord Electric Corp. 705 Maple Street Rochester, NY 14611	\$13,200
Northeastern Electrical Co. 35 Regency Oaks Blvd Rochester, NY 14624	\$13,890
Hewitt Young Electric, LLC 1237 E. Main Street Rochester, NY 14609	\$14,900

WHEREAS, after review by the Town Architect, his recommendation is to award the electrical bid to Ty Electric Corp.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden, upon the recommendation of the Town Architect, does hereby award the electrical bid for the construction of a Fitness Room Addition and Entryway Renovation to Ty Electric Corp. for the bid price of \$12,900.
- Sec. 2. That the funding for the project includes CDBG grants, a Sperandio Foundation grant and funds from the Community Center Reserve.
- Sec. 3. That this resolution shall take effect immediately.

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

VOTE BY ROLL CALL AND RECORD:

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

Submitted – July 28, 2009

Adopted

RESOLUTION NO. 80 Award Bid for the Construction of a Fitness Room Addition and Entryway Renovation for the Community Center- Mechanical

WHEREAS, the Town of Sweden advertised for bids pursuant to law for the construction of a Fitness Room Addition and Entryway Renovation for the Sweden Clarkson Community Center, 4927 Lake Road, Brockport, and the following bids were received for mechanical work:

Pipitone Enterprises, LLC 140 Stottle Road Churchville, NY 14428	\$13,300
Spectrum HVAC 15984 Creed Road Albion, NY 14411	\$14,508
Landry Mechanical Contractors 164 Flint Hill Road LeRoy, NY 14482	\$14,800
Crosby-Brownlie, Inc. 100 Nassau Street Rochester, NY 14605	\$15,270

WYCO Mechanical, LLC \$28,000
81 Shumway Road
Brockport, NY 14420

WHEREAS, after review by the Town Architect, his recommendation is to award the mechanical bid to Pipitone Enterprises, LLC.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden, upon the recommendation of the Town Architect, does hereby award the mechanical bid for the construction of the Fitness Room Addition and Entryway Renovation to Pipitone Enterprises, LLC for the bid price of \$13,300.
- Sec. 2. That the funding for the project includes CDBG grants, a Sperandio Foundation grant and funds from the Community Center Reserve.
- Sec. 3. That this resolution shall take effect immediately.

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

VOTE BY ROLL CALL AND RECORD:

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

Submitted – July 28, 2009

Adopted

RESOLUTION NO. 81 Authorize Capital Improvements to Sweden Clarkson Community Center from 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 Town Board of the Town of Sweden desires to undertake capital improvements at the Sweden Clarkson Community Center, 4927 Lake Road, to include an addition to the fitness room and renovation of the entryway; and

WHEREAS, the Town Board desires that the capital improvements be funded in part 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 \$96,000 from the Community Center Reserve Fund for capital improvements to the Sweden Clarkson Community Center, 4927 Lake Road to include an addition to the fitness room and renovation of the entryway.
- 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 Carges
Seconded by Councilperson Connors

Discussion: Finance Director Leisa Strabel stated that three grants were received for this project – CDBG grant of \$80,000; a second CDBG grant of \$35,000 and a Sperandio Foundation grant of \$25,000. More than half the cost of the project is covered by outside grant money. The remainder of the cost will be paid out of the reserve fund that was established using monies that were donated to the Town when the community center was acquired.

VOTE BY ROLL CALL AND RECORD:

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

Supervisor Milner
Submitted – July 28, 2009

Aye

Adopted

RESOLUTION NO. 82

Formation of Shumway Road Extension No. 1 to the Sweden Consolidated Water District

WHEREAS, a petition for the creation of a water district to be known as the Shumway Road Extension No. 1 to the Sweden Consolidated Water District, in the Town of Sweden, Monroe County, New York, the said petition being dated May 27, 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 June 23, 2009 calling for a Public Hearing to be held to consider the proposal of the Town of Sweden to establish the Shumway Road Extension No. 1 to the Sweden Consolidated Water District; and

WHEREAS, a Public Hearing was held by the Town Board on this matter on July 28, 2009 at 6:45 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 with 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 water extension be approved and become a part of the Town of Sweden Consolidated Water District and as more particularly illustrated in the map attached hereto and made a part hereof and described in the legal description below:

Shumway Road Extention No. 1 to Sweden Consolidated Water District

All that tract, or parcel of land, situate in the Town of Sweden, County of Monroe, State of New York, as shown on a map entitled “District Map and Plan”, prepared by MRB Group, P.C., dated January, 2009, and being more particularly bound and described as follows:

Beginning at the intersection of the existing northerly boundary line of the Shumway Road / Sweden-Walker Road Extension of the Sweden Consolidated Water District, said boundary line also being the existing centerline of Shumway Road to a point at its intersection with the existing western boundary line of the Shumway Road / Sweden-Walker Road Extension of the Sweden Consolidated Water District; thence,

1. Westerly, along the last mentioned existing centerline, a distance of 872’+/- feet to a point, at its intersection with the existing easterly boundary line of the Sweden Consolidated Water District and the westerly bounds of Tax Map Parcel 084.03-1-6.21; thence,
2. Northerly, along the last mentioned existing westerly boundary line of Tax Map Parcel 084.03-1-6.21, a distance of 1,179’+/- to a point, at its intersection with the existing southerly boundary of the Sweden Consolidated Water District and the existing northern boundary line of Tax Map Parcel 084.03-1-6.21; thence,
3. Easterly, along the last mentioned existing southerly boundary, said boundary line also being the existing northern boundary line of Tax Map Parcels 084.03-1-6.21, 084.03-1-6.22, and 084.03-1-8, a distance of 615’+/- to a point, at its intersection with the existing easterly boundary line of the Sweden Consolidated Water District, said boundary line also being the existing common division line between Tax Map Parcel 084.03-1-1 with Tax Map Parcel 084.01-1-14.113; thence,
4. Southerly, along the last mentioned common division line, a distance of 10’+/- to a point, at its intersection with the existing southern boundary line of the Sweden Consolidated Water District, and also the existing common division line between Tax Map Parcel 084.01-1-14.113 with Tax Map Parcel 084.03-1-8; thence

5. Easterly, along the last mentioned existing common division line, a distance of 246+/- to a point, at its intersection with the existing common westerly boundary line of the Shumway Road / Sweden-Walker Road Extension to the Sweden Consolidated Water District, and also the common division line between Tax Map Parcel 084.03-1-8 with Tax Map Parcel 084-1-9.1; thence

6. Southerly, along the last mentioned existing westerly boundary to the point and place of beginning.

Sec. 3. That all expenses including construction, material, engineering, administrative and legal shall be borne by the district benefiting from the improvement. The cost of construction for said district shall be considered a “benefit” district. That the maximum amount proposed to be expended for the said improvement, as stated in the said petition, is the sum of one hundred eighty one thousand one hundred twenty eight dollars (\$181,128.00) of which fourteen thousand eight hundred seventy seven dollars (\$14,877) will be borne by the properties within the district on a benefit basis, and of which up to one hundred sixty-six thousand two hundred fifty one dollars (\$166,251.00) will be provided as a capital contribution from the Shumway/Sweden Walker Water District as part of a system looping improvement project.

Sec. 4. That the estimated cost per year for a single family dwelling is approximately two hundred seventy six dollars (\$276) and the total first year cost including water usage for a single family dwelling is approximately five hundred seven dollars (\$507.00) all as more specifically set forth in an engineer’s report prepared by MRB Group PC and on file with the Town of Sweden.

Sec. 5. That the Town Clerk is hereby authorized and directed to file a certified copy of the resolution in the Monroe County Clerk’s Office and in the New York State Department of Audit and Control within ten (10) days after the adoption of this resolution pursuant to Town Law § 195.

Sec. 6. That any new tax parcels created in the future within the boundaries of this district will share proportionately in the annual debt service charged to all district property owners.

Sec. 7. That this resolution shall take effect immediately.

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

VOTE BY ROLL CALL AND RECORD:

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

Submitted – July 28, 2009

Adopted

RESOLUTION NO. 83 Ordering a Public Hearing on the Swamp Road
Salmon Creek Road Extension to the Sweden
Consolidated Water District

In the matter of the Petition for the Establishment of the Swamp Road/Salmon Creek Road Extension to the Sweden Consolidated Water District in the Town of Sweden, Monroe County, New York

WHEREAS, a written petition, dated May 27, 2009 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 water district extension in said town to be bounded and described as follows:

**Swamp Road/ Salmon Creek Road Extension
TO
SWEDEN CONSOLIDATED WATER DISTRICT**

All that tract, or parcel of land, situate in the Town of Sweden, County of Monroe, State of New York, as shown on a map entitled “Swamp Road Water District, District Map and Plan”, and prepared by MRB Group, P.C., dated July, 2009, and being more particularly bound and described as follows:

Beginning being at the intersection of the southerly extension of the existing westerly bounds of Tax Map Parcel #099.02-1-5.511 with the existing southerly highway boundary of Swamp Road; thence,

1. Northerly, along the last mentioned existing westerly boundary a distance of 578'± to a point at its intersection with the existing northerly bounds of Tax Map Parcel #099.02-1-5.511; thence
2. Easterly, along the last mentioned northerly boundary a distance of 868'± to a point at its intersection with the existing easterly boundary of Tax Map Parcel #099.02-1-5.511; thence
3. Southerly, along the last mentioned existing easterly boundary a distance of 222' to a point at its intersection with the existing northerly bounds of Tax Map Parcel #099.02-1-5.2; thence
4. Easterly, along the last mentioned northerly boundary and also along the existing northerly bounds of Tax Map Parcel # 099.02-1-5.1 a distance of 170'± to a point at its intersection with the existing westerly bounds of Tax Map parcel # 099.02-1-21; thence
5. Northerly, along the last mentioned westerly boundary a distance of 490'± to a point at its intersection with the existing northerly bounds of Tax Map Parcel 099.02-1-21; thence
6. Easterly, along the last mentioned northerly boundary and also along the existing northerly bounds of Tax Map Parcels 099.02-1-20, 099.02-1-14.1 and 099.02-1-12 and its easterly extension a distance of 1709'±, crossing Salmon Creek Road, to a point at its intersection with the existing easterly boundary of Salmon Creek Road; thence
7. Northeasterly, along the last mentioned existing easterly highway boundary a distance of 270' to a point; thence
8. Southeasterly, along the existing northerly bounds of Tax Map Parcel # 100.01-1-6.21 a distance of 271'± to an angle point; thence
9. Easterly, continuing along the last mentioned existing northerly boundary of Tax Map Parcel # 100.01-1-6.21 a distance of 552'± to a point; thence
10. Southerly, through lands of Tax Map Parcel # 100.01-1-6.21 a distance of 808'± to a point at its intersection with an existing angle point in the southerly boundary of Tax Map Parcel # 100.01-1-6.21; thence
11. Southwesterly, along the existing easterly boundary of Tax Map Parcel # 100.01-1-6.21 a distance of 887'± to a point at its intersection with the existing southerly boundary of Tax Map Parcel # 100.01-1-6.21; thence
12. Northwesterly, along the last mentioned southerly boundary and its northwesterly extension a distance of 1337'± crossing, Salmon Creek Road, to a point at its intersection with the existing westerly highway boundary of Salmon Creek Road; thence
13. Southwesterly, along the last mentioned existing westerly highway boundary a distance of 32'± to a point at its intersection with the existing southerly bounds of Tax Map Parcel # 099.04-1-26; thence Along the last mentioned southerly boundary the following four (4) courses and distances.
14. Northwesterly, a distance of 131'± to a point; thence
15. Westerly, a distance of 298'± to a point; thence
16. Southerly, a distance of 46'± to a point; thence
17. Southwesterly, a distance of 103'± to a point at its intersection with the existing easterly bounds of Tax Map Parcel # 099.04-1-25; thence
18. Southerly, along the last mentioned easterly boundary and also along the existing easterly bounds of Tax Map Parcel # 099.04-1-23.1 a distance of 219'± to an angle point; thence Continuing along the last mentioned existing easterly boundary the following three (3) courses and distances.
19. Southeasterly, a distance of 69'± to an angle point; thence
20. Westerly, a distance of 108'± to an angle point; thence

21. Southwesterly, a distance of 416'± to a point at its intersection with the existing northerly bounds of Tax Map Parcel # 099.04-1-23.2; thence
22. Easterly, along the last mentioned existing northerly boundary a distance of 127'± to a point at its intersection with the existing easterly boundary of Tax Map Parcel # 099.04-1-23.2; thence
23. Southwesterly, along the last mentioned existing easterly boundary a distance of 206'± to an angle point; thence
24. Southerly, continuing along the existing easterly bounds of Tax Map Parcel 099.04-1-23.2 a distance of 177'± to a point at its intersection with the existing southerly boundary of Tax Map parcel 099.04-1-23.2; thence
25. Westerly, along the last mentioned existing southerly boundary and also along the existing southerly bounds of Tax Map Parcels # 099.04-1-23.3, 099.04-1-3 and 099.04-1-22 a distance of 1175'± to a point at its intersection with the existing westerly bounds of Tax Map parcel 099.04-1-22; thence
26. Northerly, along the last mentioned existing westerly boundary a distance of 548'± to a point at its intersection with the existing southerly boundary of Tax Map Parcel # 099.04-1-2.11; thence
27. Westerly, along the last mentioned existing southerly boundary a distance of 491'± to a point at its intersection with the existing westerly boundary of Tax Map Parcel # 099.04-1-2.11; thence
28. Northerly, along the last mentioned existing westerly boundary a distance of 757' to a point at its intersection with the existing southerly highway boundary of Swamp Road; thence
29. Easterly, along the last mentioned existing highway boundary a distance of 501'± to the point and place of beginning.

WHEREAS, a map, plan and report prepared by MRB Group, competent engineers duly licensed by the state of New York showing the proposed boundaries of the proposed extension and a general plan of the water system to be installed is on file in the Town Clerk's office and is available for public inspection; and

WHEREAS, the maximum amount proposed to be expended for the said improvement, as stated in the said petition, is the sum of four hundred twelve thousand twenty dollars (\$412,020), of which one hundred twenty four thousand twenty dollars (\$124,020) will be borne by the properties within the district on a benefits basis, and of which up to two hundred eighty eight thousand dollars (\$288,000) will be provided as a capital contribution from the Sweden Consolidated Water District as part of a system looping improvement project; and

WHEREAS, the annual cost for debt service is to be financed by a benefits charge to be levied to all existing parcels within the proposed district. The benefits charge will include vacant parcels, provided they do not have an agricultural exemption. Commodity charges (for water used) will be made to all users on a quarterly schedule and based upon their individual metered consumption multiplied by the adopted rates of the Monroe County Water Authority. Initially the water rate is estimated to be in the range of \$2.50 per 1,000 gallons along with a base charge of approximately \$11 per quarter; and

WHEREAS, at the Town's discretion individual 1 inch water services may be charged a one time connection charge estimated initially to be \$1,500 - \$1,650 per establishment, inclusive of the meter, appurtenances and inspection charges which will cover the cost of installing a service from the water main to the right of way. A separate charge arrangement for larger size services will be based upon the actual costs of upsized meter and appurtenances. In addition to this charge the individual property owner will be responsible for hiring a contractor to install the water service from the right of way to his residence or place of business, along with any reduced pressure zone devices and MCWA meter connection fees. Additional development occurring after the creation of the proposed district extension will be charged at whatever the current Water Authority connection fee is at the time; and

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

Annual debt service	\$288
Commodity charge	<u>\$231</u>
Total estimated annual charge per occupied parcel	\$519

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 29th day of September 2009, at 7:00 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 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.

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>Absent</u>	
Councilperson Windus-Cook	<u>Aye</u>	
Supervisor Milner	<u>Aye</u>	
Submitted – July 28, 2009		Adopted

RESOLUTION NO. 84 Amend Employee Handbook
Section 507 Vehicle Usage

WHEREAS, the Town Board is committed to updating the Employee Handbook and all policies included in them on a regular basis and whenever the need arises; and

WHEREAS, the Town Board has determined that a change is needed in Employee Handbook Section 507 Vehicle Usage.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby make the following standards to Section 507 Vehicle Usage:
 - The Driver of a Town Vehicle is responsible for all loads including all materials and passengers.
 - No person is permitted to ride in the bed of a truck or on any other part of a vehicle other than a passenger seat.
 - All vehicle operators must wear seat belts at all times.
 - Violation of any standard set in Section 507 Vehicle Usage may result in suspension or dismissal.
- Sec. 2. That the Town Clerk is hereby directed to make the changes, post and distribute the policy as required.
- 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>Absent</u>

Councilperson Windus-Cook Aye
Supervisor Milner Aye
Submitted – July 28, 2009

Adopted

RESOLUTION NO. 85

Budget Modifications

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is hereby authorized to make the following modifications to the 2009 Town Budget:

\$797 from A1310.4 Finance Contractual to
A1220.2 Supervisor Equipment

\$400 from A6774.140 Programs for Aging to
A1661.4 Senior Center Office Supplies

Increase A1081 Other Payments Lieu of Taxes \$ 6,500
Increase A1440.4 Engineer Contractual \$ 6,500

Increase B1170 Cable TV fees \$ 9,000
Increase B2545 Other Permits \$ 2,000
Increase B2770 Miscellaneous Revenues \$ 3,000
Increase B2115 Planning Board Fees \$ 6,000
Increase B1420.4 Attorney Contractual \$20,000

Increase B2115 Planning Board Fees \$15,000
Increase B1440.4 Engineer Contractual \$15,000

Increase SW2144 Water Service Charges \$41,643
Increase SW5110.4 Water Line Contractual \$19,643
Increase SW8340.1 Transmission Personnel \$20,000
Increase SW9030.8 Social Security \$ 1,500
Increase SW9035.8 Medicare \$ 500

Sec. 2 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 Aye
Councilperson Connors Aye
Councilperson Ferris Absent
Councilperson Windus-Cook Aye
Supervisor Milner Aye

Submitted – July 28, 2009 Adopted

RESOLUTION NO. 86

Authorizing Agreement with Frontier Communications of Rochester, Inc.

WHEREAS, the Finance Director has recommended entering into an agreement with Frontier Communications of Rochester, Inc for telephone and DSL services at a cost savings of nearly \$4,000 per year for the next three years.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Supervisor be authorized to enter into an agreement with Frontier Communications of Rochester, Inc. for telephone and DSL services for a three-year period.

Sec. 2. 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>Absent</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – July 28, 2009

Adopted

RESOLUTION NO. 87

Authorizing Grant Application
Justice Court Assistance Program

WHEREAS, there exists a New York State Justice Court Assistance Program; and

WHEREAS, this allows the Town to apply to the Chief Administrative Judge for a grant of state funds to assist in the operation of its Justice Court; and

WHEREAS, the Town of Sweden Justice Court is in need of various pieces of equipment and improvements to the court facility.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the Town of Sweden Justice Court to apply for funds through the Justice Court Assistance Program.

Sec. 2. 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>Absent</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – July 28, 2009

Adopted

RESOLUTION NO. 88

Concurring with State DOT Conditions for the
Phased Development of Heritage Square Property

WHEREAS, it is the New York State Department of Transportation’s general policy that traffic impacts resulting from a new development shall be mitigated, based on full build-out on opening day, so that the level of service is maintained on all New York State highways as they would have operated absent the new development; and

WHEREAS, McLean Development, LLC proposes phased development of property totaling approximately 132 acres, located on the west side of Redman Road, opposite New Campus Drive in the Town of Sweden, with an initial development consisting of the Brockport College Suites project Phase One (100 Units) on 12.069 acres and Heritage Square, Phase One, as shown on the approved plans on file at the Town of Sweden; and

WHEREAS, the New York State Department of Transportation will only allow this initial development by McLean Development, LLC as indicated on the approved plans based on the following conditions:

- A. That the Town of Sweden agrees not to allow any additional Subdivision of the property or issue any additional building permits beyond the proposed development of Brockport College Suites Phase One (100 Units) and Heritage Square Phase One on the aforementioned property, until the developer installs all necessary improvements on Redman Road determined to be required by the NYSDOT for this initial phase of Heritage Square and completes an updated traffic study if required by the NYSDOT; and
- B. That the Town of Sweden agrees not to issue any additional certificate of occupancy or building permits on the aforementioned property, for any future

phase of development, until the NYSDOT has agreed to the extent of the Redman Road improvements necessary to mitigate impacts from each future phase of development, and McLean Development, LLC has agreed to install said improvements; and

WHEREAS, the NYSDOT requests the cooperation and assistance from the Town of Sweden to fulfill the NYSDOT’s required conditions.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town of Sweden authorizes and agrees with the above stated NYSDOT’s conditions with regard to the proposed development by McLean Development, LLC.
- Sec. 2. That the Town Clerk is hereby directed to transmit five (5) certified copies of the foregoing resolution to the NYSDOT.
- 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>Absent</u>	
Councilperson Windus-Cook	<u>Aye</u>	
Supervisor Milner	<u>Aye</u>	
Submitted – July 28, 2009		Adopted

RESOLUTION NO. 89 Granting to the Town of Sweden Easements for Purposes of Access, Utilities and Drainage Tartan Property, LLC

WHEREAS, Tartan Property, LLC and Brockport Land Company, LLC are the owners, in fee, of premises in the Town of Sweden, New York, located on the westerly side of Redman Road, and being a portion of premises bearing tax account numbers 068.03-1-14.11, 068.03-1-14.12 and 068.03-1-18.1; and

WHEREAS, it has been determined and it is agreed that the Town requires easements over the lands of Tartan Property, LLC and Brockport Land Company, LLC for access, utilities and drainage; and

WHEREAS, Tartan Property, LLC and Brockport Land Company, LLC are willing to grant such easements to the Town.

NOW, THEREFORE BE IT RESOLVED

- Sec. 1. In consideration of \$1.00 and other good and valuable consideration, receipt of which is hereby acknowledged, Tartan Property, LLC and Brockport Land Company, LLC hereby grant to the Town easements for purpose of access, utilities and drainage.
- Sec. 2. That the easement descriptions and maps are identified as AE-2, AE-3, DE-1, DE-3, UE-1, UE-2, UE-3A, UE-4, UE-5, UE-7, UE-8, and UE-9.
- Sec. 3. That the Town Board hereby authorizes the Town Attorney to record the easement and associated documents with the Monroe County Clerk’s Office and bill back the recording fees to the Town of Sweden.
- Sec. 4. 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	<u>Aye</u>
Councilperson Connors	<u>Aye</u>

Councilperson Ferris	<u>Absent</u>	
Councilperson Windus-Cook	<u>Aye</u>	
Supervisor Milner	<u>Aye</u>	
Submitted – July 28, 2009		Adopted

RESOLUTION NO. 90 Approval of Stormwater Sewer Easement and Facility Maintenance Agreement – Phase I of Brockport College Suites, Redman Road

WHEREAS, UC Brockport Housing, LLC is the owner of certain real property identified as tax parcel identification number 068.03-1-13.001 (the Brockport College Suites, 4599 Redman Road); and

WHEREAS, a stormwater sewer system (the “Stormwater Sewer System”) and stormwater detention ponds (the “Stormwater Dentention Ponds”) are to be located on portions of the Brockport College Suites; and

WHEREAS, the Town of Sweden has agreed to maintain the Stormwater Sewer System; and

WHEREAS, UC Brockport Housing, LLC wishes to provide the Town of Sweden with a stormwater sewer easement and Stormwater Control Facility Maintenance Agreement; and

WHEREAS, the Town Board of the Town of Sweden, after due review and consideration, further deems it appropriate to maintain the stormwater sewer system and to enter into a Stormwater Control Facility Maintenance Agreement for Phase 1 of Brockport College Suites.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby agrees to maintain the Stormwater Sewer System.
- Sec. 2. That upon the written recommendation of the Town Attorney, the Town Board of the Town of Sweden hereby accepts the above-referenced easements and agreements, descriptions and maps all of which are on file in the Town Clerk’s office and further authorizes the Town Supervisor to sign such easements and agreements on behalf 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:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>	
Councilperson Connors	<u>Aye</u>	
Councilperson Ferris	<u>Absent</u>	
Councilperson Windus-Cook	<u>Aye</u>	
Supervisor Milner	<u>Aye</u>	
Submitted – July 28, 2009		Adopted

RESOLUTION NO. 91 Granting Easement to National Grid Pump Station, Sweden Town Park

WHEREAS, the Town of Sweden has requested additional electric service at the Sweden Town Park, 4745 Redman Road; and

WHEREAS, National Grid requires an easement in order to install the electric service; and

WHEREAS, the Highway Superintendent recommends that the Town Board grant an easement for the installation of the electric service.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the Supervisor to sign the easement document provided by National Grid for the purpose of the installation of additional electric service at the Sweden Town Park.

Sec. 2. 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>Absent</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – July 28, 2009 Adopted

RESOLUTION NO. 92 Authorizing National Grid to Install One Street Light at Villas at Brandonwoods Phase 1-B

WHEREAS, a request was made for the installation of one street light at Villas at Brandon Woods and it has been determined by the Town Board to proceed as recommended.

NOW, THEREFORE , BE IT RESOLVED:

Sec. 1. That National Grid is hereby authorized and directed to do the following work in the Town of Sweden, Street Light Account No. 94276-27002
Install: One 100 watt high pressure sodium lamp, luminaire and direct embedded fiberglass pole along with approximately 20 feet of direct buried cable.

Sec. 2. 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>Absent</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – July 28, 2009 Adopted

RESOLUTION NO. 93 Granting to the Town of Sweden Easements for Purposes of Access, Utilities Ingress/Egress UC Brockport Housing, LLC

WHEREAS, UC Brockport Housing, LLC is the owner, in fee, of premises in the Town of Sweden, New York, located on the westerly side of Redman Road, and being a portion of premises bearing tax account number 068.03-1-13.001; and

WHEREAS, it has been determined and it is agreed that the Town requires easements over the lands of UC Brockport Housing, LLC for access, utilities and ingress/egress; and

WHEREAS, UC Brockport Housing, LLC is willing to grant such easements to the Town.

NOW, THEREFORE BE IT RESOLVED

Sec. 1. In consideration of \$1.00 and other good and valuable consideration, receipt of which is hereby acknowledged, UC Brockport Housing, LLC hereby grants to the Town easements for purpose of access, utilities and ingress/egress.

- Sec. 2. That the easement descriptions and maps are identified as AE-1, DE-2 and UE-3B.
- Sec. 3. That the Town Board hereby authorizes the Town Attorney to record the easement and associated documents with the Monroe County Clerk’s Office and bill back the recording fees to the Town of Sweden.
- 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>Absent</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – July 28, 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 Connors authorizing payment of the bills in Abstract 7 dated July 29, 2009 in the amount of \$293,473.93. All voted in favor of the motion – four ayes. Motion adopted.

- General Fund: In the amount of \$155,870.82 as set forth in Abstract 7 dated July 29, 2009.
- Highway Fund: In the amount of \$56,958.29 as set forth in Abstract 7 dated July 29, 2009.
- Special Fund: In the amount of \$80,644.82 as set forth in Abstract 7 dated July 29, 2009.

DISCUSSION AND ANNOUNCEMENTS

No discussion or announcements made.

EXECUTIVE SESSION

Councilperson Carges made a motion that was seconded by Councilperson Windus-Cook to go into executive session at 8:40 p.m. to discuss particular personnel and a legal matter. All voted in favor of the motion – four ayes. 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 10:05 p.m. All voted in favor of the motion – four ayes. Motion adopted.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the July 28, 2009 meeting of the Sweden Town Board at 10:06 p.m. Councilperson Windus-Cook seconded the motion. All voted in favor of the motion – four ayes. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
 Town Clerk