

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, March 23, 2021.

Town Board Members present were Supervisor Kevin G. Johnson, Councilperson Patricia Hayles, Councilperson Randall Hoke, and Councilperson Rhonda Humby. Councilperson Robert Muesebeck resigned effective March 22, 2021. Also present were Finance Director Leisa Strabel, Superintendent of Highways Brian Ingraham, and Town Clerk Karen Sweeting.

Visitors present were Don Pophal, Gary Sullivan, Wayne Zyra, Christina Schlott, Carolyn Bailey, Renee Deruchia, Joshua Bailey, Brett and Jessica Rogers, Mike Bailey, Rich Miller, Colin Martin, and Sweden Highway Department employees Todd Swan, Ruth Kruppner, Adam Shade, Megan Aradine, Jake Moore, Colin Willis, Justin Espenmiller, and Philip Bailey.

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

PRESENTATION:

Supervisor Johnson honored an employee of the Town, Philip Bailey, who will be retiring at the end of March. Mr. Johnson presented a Certificate of Recognition to Mr. Bailey and thanked him for his long-term, dedicated service to the Town.

“Certificate of Recognition:

WHEREAS, on December 4, 1989, Philip Bailey was hired as a laborer for the Town of Sweden Highway Department; and

WHEREAS, Philip Bailey was promoted to truck driver and motor equipment operator, and on January 1, 1994 as heavy equipment operator; and

WHEREAS, Philip Bailey’s career with the Town has spanned across the tenures of four Highway Superintendents; and

WHEREAS, Philip Bailey was instrumental in the operation of the Town’s Water Department until it was disbanded in 2002, and thereafter, to the installation of several water districts; and

WHEREAS, Philip Bailey has been recognized by every Highway Superintendent and all of his co-workers for a positive attitude, strong work ethic, and exemplary attendance in the course of more than thirty-one years.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Sweden recognizes the long and dedicated service of Philip Bailey to the Town of Sweden.

IN WITNESS WHEREOF, on behalf of the residents of the Town of Sweden, we hereunto set our hands this 23rd day of March 2021.”

Supervisor Johnson commended Mr. Bailey for the positivity that he brought to the Town.

PRESENTATION:

Supervisor Johnson announced that a letter of resignation was received from Councilperson Robert Muesebeck. Mr. Johnson read the letter:

“Dear Town Board and Town Clerk,

It is with regret that I tender my resignation as Sweden Town Councilperson and Deputy Town Supervisor effective March 22, 2021.

I am proud of the many accomplishments of the Town Board over the past seven years. I am especially proud of our ability to keep our tax levy low while accomplishing infrastructure projects and the expansion of the Sweden Town Park. Many of the Town staff are like family to me and I know they will continue to do a wonderful job serving this community that we love so well.

Sincerely, Robert L. Muesebeck”

Supervisor Johnson, on behalf of the Town, stated a few things about Bob and his faithful service to the Town:

“For many people, an 8 ½ sheet of paper would suffice to expound their major accomplishments. Not with Bob Muesebeck. I hope you will bear with me for a few moments while we highlight his service to his country, to our community, in more detail than can be printed on this certificate.

At the age of 17 Bob left high school and joined the United States Air Force. In 1963 that meant a ticket to Vietnam. Maybe it was the folly of youth, maybe his desire to serve was already strong, whichever, Bob raised his hand and said, I’ll do it. He’s been saying, I’ll do it, ever since.

From the early 1970s to the early 2000s, Bob served the Village of Brockport in a variety of roles as police officer, water commissioner, and trustee. Bob was instrumental in negotiating the sale of the Brockport Water Plant to the Monroe County Water Authority. Bob was on the Village Board when Brockport, Clarkson, and Sweden built the new Seymour Library. He also played an important role in the move of the Brockport Police Department to Clinton Street and the Village Hall to the old library building.

Bob spent twenty-three years on the Board of Assessment Review, one of the most difficult and thankless tasks one can volunteer. Anyone who appears before the Board of Assessment Review is unhappy with their assessment. The job of the member of the BAR is not to make the homeowner happy but decide what is fair. Bob raised his hand for this difficult position five times and said, I’ll do it, each time. With his experience in real estate, Bob led the BAR on a path of sound and fair decision regarding property values for more than two decades.

On January 1, 2014 Bob became both a Sweden Town Board member and Deputy Supervisor. Until his resignation this week, he was the longest serving member of this board and shared with all of us his knowledge of the Town and its various functions. On the Sweden Town Board Bob raised his hand and said, I’ll do it, a lot. He often took on the most mundane projects that had to be tackled. Bob led the committee to write and re-write the solar farm law, updated the Comprehensive Plan, and most recently, crafted the proposed battery energy storage system law that will be the topic of our public meeting tonight.

Bob carried the heaviest load of the liaison responsibilities over the past seven plus years. The Highway Department is our largest department, both dollars spent and staffing. In 2014 following some difficult years at the Highway Garage, Bob began working with the new

Highway Superintendent to rebuild the department. They concentrated on employee development putting wages first, then equipment upgrades, next was the reconstruction of several town roads and parking lots. Planning began in 2017 and in 2019 embarked on the \$3.1 million infrastructure project that, at its beginning, was the largest infrastructure project taken on by the Town. Bob was there every step of the way.

Bob has also served as the liaison with the Sweden Town Park during the creation of the Dog Park, construction of the Lodge, building of the accessible playground, and the installation of the Splash Pad. Tremendous development has taken place at the park with Bob's leadership and support.

Probably the most meaningful of Bob's accomplishments was the construction of the Staff Sergeant Nicholas J. Reid Memorial Gazebo at Lakeview Cemetery. Staff Sgt. Reid lost his life in 2012 serving his country in Afghanistan and is interred at Lakeview. Following his death, funds were raised to construct a gazebo in his honor. Despite all the good intentions, the project became mired down in governmental red tape until Bob had had enough and through his sheer will, forced the project to completion.

Bob decided to step away from his duties on the Town Board because other duties more important have called to him, and faithful to himself, again raised his hand and said, I'll do it.

So, tonight we thank Robert L. Muesebeck for all the times he has raised his hand and volunteered his efforts. We certainly wish him and his beautiful wife, Lee Lee, the very best."

Supervisor Johnson noted a Proclamation citing many things stated above and:

"IN WITNESS WHEREOF, on behalf of the residents of the Town of Sweden, we hereunto set our hands this 23rd day of March 2021."

Supervisor Johnson added that Bob has been a friend. We all think very highly of him and are thankful for all he has done, not only for us personally, but for this Town and we wish him and Lee Lee all the best.

Councilperson Humby stated she is new to the Board, but Bob has taken her under his wing, was very patient in teaching her. He knows so much about the Town and the Village and is an all-around wonderful man.

PRIVILEGE OF THE FLOOR:

No comments.

CORRESPONDENCE:

1. Received from Senator Robert Ort - Renewable Energy Taxation

Supervisor Johnson asked the Board to review the letter and mentioned that the NYS Assessor's Association supports this.

REPORTS OF DEPARTMENTS AND BOARD MEMBERS:

Supervisor Johnson postponed reports until the meeting of 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 – Councilperson Hayles asked if the purchase of the Exmark mower fell in line with the planned rotation schedule. Superintendent of Highways, Brian Ingraham, answered no. They placed the mowers on a five to seven-year rotation. Mowers are replaced and taken to auction. They are replacing mowers less often and this purchase was in the 2021 budget.

VOTE BY ROLL CALL:

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

ADOPTED

- Approval of the minutes of the regular Town Board Meeting held on March 9, 2021.
- RESOLUTION NO. 33 Declaration of Lead Agency Status Concerning Adding Chapter 176 to the Sweden Town Code – Battery Energy Storage Systems

WHEREAS the Sweden Town Board is desirous of adding Chapter 176 to the Sweden Town Code concerning Battery Energy Storage Systems; and

WHEREAS a proposed Local Law has been drafted in relationship to adding Chapter 176 to the Sweden Town Code, and

WHEREAS the Sweden Town Board recognizes that there is a need and requirement under the State Environmental Quality Review Act (SEQRA) to classify, fully assess and determine the environmental significance of this proposed Local Law, and

WHEREAS the Sweden Town Board having given public notice to other involved agencies as identified under SEQRA regulations and the EAF.

NOW THEREFORE BE IT RESOLVED:

Sec.1. The Sweden Town Board does hereby designate itself as the lead agency for The Coordinated Review and Determination of Significance under SEQRA regulations for the above entitled matter.

Sec.2. This Resolution shall take effect immediately.

- RESOLUTION NO. 34 Authorize Purchase of Exmark Mower for Cemetery Operations

WHEREAS, the Highway Superintendent has requested the purchase of a 52” Exmark Lazer Z zero-turn mower product LZX801GKA524A2 for cemetery operations; and

WHEREAS, the mower is available through the Sourcewell Cooperative Purchasing Program, Contract #062117-EXM from Brodner Equipment, Inc., 3918 Lyell Road, Rochester, NY 14606.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1 That the Town Board of the Town of Sweden hereby authorizes the purchase of a 52” Exmark Lazer Z Mower LZX801GKA524A2 from Brodner Equipment through the Sourcewell Cooperative Purchasing Contract at a total cost of \$10,035.95.

Sec. 2 That upon delivery of the mower the invoice shall be paid from the cemetery equipment budget line.

Sec. 3 That this resolution shall take effect immediately.

NON-CONSENT AGENDA:

- Approval for Payment of Bills

All the Board members reviewed the invoice audit journal. Councilperson Hoke made a motion that was seconded by Councilperson Humby authorizing payment of the bills in Abstract 3 dated March 24, 2021 in the amount of \$91,031.87.

General Fund: In the amount of \$46,486.93 as set forth in Abstract 3 dated March 24, 2021.

Highway Fund: In the amount of \$22,375.67 as set forth in Abstract 3 dated March 24, 2021.

Special Fund: In the amount of \$9,747.02 as set forth in Abstract 3 dated March 24, 2021.

Capital Fund: In the amount of \$12,422.25 as set forth in Abstract 3 dated March 24, 2021.

VOTE BY ROLL CALL AND RECORD:

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

- RESOLUTION NO. 35 Appoint Councilperson – Gary Sullivan

WHEREAS, on March 22, 2021 Councilperson and Deputy Supervisor Robert Muesebeck resigned from the Sweden Town Board thereby creating a vacancy; and

WHEREAS, the name of Gary Sullivan, of Hickory Way, has been brought forward to fill the vacancy.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Gary Sullivan as a Councilperson on the Sweden Town Board for the period March 23, 2021 through December 31, 2021.

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

MOTION for adoption by Councilperson Hoke
Seconded by Councilperson Hayles

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

ADDITIONAL BUSINESS AND ANNOUNCEMENTS:

Supervisor Johnson mentioned the CARES Act grant program. He asked the Board to review the information. Finance Director, Leisa Strabel, will attend a seminar that will, hopefully, give some parameters for the application.

*Supervisor Johnson called for a brief recess at 6:18 p.m.

PUBLIC HEARING:

At 6:30 p.m. Supervisor Johnson called to order the public hearing. The purpose of the public hearing was to hear all persons for or against the adoption of a Local Law – Addition of Chapter 176 Battery Energy Storage Systems to the Sweden Town Code.

Visitors present were committee member Don Pophal, Wayne Zyra, Gary Sullivan, Rich Miller, and Adam Rowles from Saturn Power, Inc.

Supervisor Johnson waived the reading of the legal notice.

Don Pophal, committee member, addressed the Board. He explained why we need this law. The systems serve two purposes. The primary purpose is to equalize the grid with regard to voltage drops and the second for use as a back-up for solar. The proposed law is modeled after the sample law provided by NYSERTA. The committee focused on where these systems could be located and decommissioning.

Wayne Zyra provided written comments to the Board.

Councilperson Hayles asked Mr. Pophal to point out in the proposed law what section indicated where the systems could be located. Mr. Pophal explained that with the way this law is written, the systems can be installed in any zoning district in the Town following the same logistics as stated in the solar law. Supervisor Johnson said that varies with a Tier 1 or Tier 2 system. Mr. Pophal explained that Tier 1 systems are allowed in your residence and are small, compact systems. Tier 2 are industrial size.

Supervisor Johnson mentioned that the fire safety section references the Uniform Code. He assumes the provisions of the Uniform Code with regard to fire safety for such systems are robust. Mr. Pophal confirmed that the Uniform Code considered battery systems.

Supervisor Johnson asked if there were decommissioning standards for these systems. Mr. Pophal said that costs of decommissioning were discussed. Mr. Johnson said the provisions for battery energy storage systems mimics the solar law.

Adam Rowles, Project Manager for Saturn Power, Inc., addressed the Board. They are proposing two solar projects on Fourth Section Road. Mr. Rowles pointed out the locational value of the battery energy storage systems. He described three specific systems. Projects are placed where they are most valuable to the developer and to the local area in terms of service it provides. Those areas tend to be a bit more urban. Mr. Rowles feels the most valuable area in Sweden is the Brockport substation on Holley Street. He said it may be worth looking at the setbacks in the districts from a case-by-case perspective. If the law proceeds as written, it will disqualify most of the valuable parcels where storage would have the most value in the Town.

Public hearing closed at 6:42 p.m.

ADJOURNMENT:

As there was no further business to come before the Board, Councilperson Hayles moved to adjourn the March 23, 2021 meeting of the Sweden Town Board at 6:43 p.m. Councilperson Humby seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk