

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 24, 2009.

Town Board Members present were Deputy Supervisor Rob Carges, Councilperson Tom Ferris and Councilperson Danielle Windus-Cook. Also present were Director of Finance Leisa Strabel, Town Attorney Jim Bell, Director of Buildings and Grounds Jeremy Oakden, Building Inspector Jim Butler and Town Clerk Karen M. Sweeting. Superintendent of Highways Fred Perrine arrived at 7:35 p.m.

Visitors present were Attorney Reuben Ortenberg; residents George Lloyd, Jim Hamlin, Jack Milner and Mike Rockow; Boy Scouts Justin Carter, Daniel Carter, Mike Carter, Andrew Carter and father and scout leader James Carter; and Boy Scout Connor Cox and father and scout leader Gerald Cox.

Deputy Supervisor Carges called the meeting to order at 7:30 p.m. and asked everyone present to say the Pledge to the Flag. Deputy Supervisor Carges then acknowledged the presence of visitors and asked if there was anyone that would like to speak. No one spoke.

APPROVAL OF MINUTES

Approval of the minutes of the Regular Town Board meeting held on March 14, 2009 - **tabled.**

SUPERVISOR'S CORRESPONDENCE

2009	Received From:	Comments:
*1.	Franklin Churchill, Member Environmental Conservation Board	Resignation

*Board has copies

RE: #1 Councilperson Ferris made a motion that was seconded by Councilperson Windus-Cook to accept with regrets the resignation of Franklin Churchill as a member of the Environmental Conservation Board. All voted in favor of the motion – three ayes. Motion adopted. Finance Director Leisa Strabel asked the board if they would like to review the most recent applications on file for a replacement to the board. Resident George Lloyd verbally expressed an interest in serving on the board and asked for consideration. Councilperson Windus-Cook made a motion that was seconded by Councilperson Ferris to appoint George Lloyd a member of the Environmental Conservation Board effective immediately with term ending December 31, 2009. All voted in favor of the motion – three ayes. Motion adopted.

REPORTS

Town Attorney Jim Bell reported litigation updates.

Superintendent of Highways Fred Perrine reported that removal of snow fence was complete. Mr. Perrine stated that the shared municipal grant awarded in September of 2008 for the purchase of a street sweeper has been released by the state. The release of the grant requires the municipalities to go through the bidding process again. Mr. Perrine added that the Town of Clarkson would be handling this process.

Building Inspector Jim Butler reported on the status of several local businesses both current and proposed.

Councilperson Windus-Cook reminded the board of the upcoming fundraising event benefiting children's literacy to be held Saturday, March 28, 2009 at the Seymour Library.

Councilperson Ferris had no report.

Deputy Supervisor Carges had no report.

RESOLUTIONS

RESOLUTION NO. 27

Designation of Proposed
Local Law as Type II Action

WHEREAS, the Town Board of the Town of Sweden, has authorized for consideration the preparation of a Local Law, to be known as the Residential Occupancy Safety Law, the purpose of which is to impose regulations on residential premises for purposes of promoting and preserving the health, safety and well-being of occupants of residential facilities; and

WHEREAS, the proposed Local Law qualifies as a regulation, policy, procedure or legislative decision in connection with establishment of criteria for administrative acts of a ministerial nature involving building permits and certificates of occupancy, where issuance will be predicated solely on the applicant's compliance with relevant local and state codes, all in accordance with 6 NYCRR §§617.5(19) and (27); and

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

NOW, THEREFORE, BE IT RESOLVED:

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

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

MOTION for adoption of this resolution by Councilperson Ferris

Seconded by Councilperson Windus-Cook

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – March 24, 2009

Adopted

RESOLUTION NO. 28

Adopt Local Law No.1 of 2009 – Updates to
Chapter 175 of the Sweden Town Code –
Regulating Residential Occupancy

WHEREAS, it has come to the attention of the Town Board of the Town of Sweden that there is a need to regulate the occupancy of private residential facilities in order to promote the maximum safety for residents from hazards related to fire, casualty and sanitary concerns; and

WHEREAS, a review of the Sweden Town Code discloses that no provision has been made heretofore for regulation of residential occupancy; and

WHEREAS, the Town Board has caused a review of occupancy regulation provisions of various state codes, including the state building code; the state fire safety code and the state residential code; and

WHEREAS, the Town Board has determined that certain minimum standards should be applicable regarding the space which should be provided for occupants of residential facilities, including Dwellings, Multiple Dwellings, One-Family Dwellings and Two-Family Dwellings, as those terms are defined in the Town of Sweden Code at Section 175-7; and

WHEREAS, the Town Board has determined that the existing definition of “family” set forth in Section 175-7 does not provide a broad enough basis for regulations related to safety, and that such definition does not serve a useful purpose; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board pursuant to the provisions of Section 265 of Town Law, at the Town Hall, 18 State Street, Brockport, New York, on February 24, 2009, at 7:15 PM., to hear all persons interested in the adoption of Local Law No. 1 of 2009 - Updates to Chapter 175 of the Sweden Town Code – Regulating Residential Occupancy; and

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

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That Section 175-36 of the Sweden Town Code is hereby amended to provide an additional sub-paragraph, denominated Section 175-36(E), which shall provide as follows:

E. Every such dwelling unit shall have no less than one habitable room per person residing therein, which shall have no less than one hundred-twenty (120) square feet of gross floor area. Each bedroom or room for sleeping shall have at least seventy (70) square feet per person. Other rooms, if any, shall have no less than seventy (70) square feet, except that kitchens shall be exempt from this minimum requirement. In the event that more than one person resides in the same room, there shall be a minimum of seventy (70) square feet for each such person in such room. In addition, for all dwelling units for which a building permit is issued for construction or renovation on and after the first day of the month following the effective date of this law, there shall be at least one bathroom, with water closet, lavatory and shower or bathtub in each such dwelling unit for each eight (8) person residing in said dwelling unit.

Sec. 2. That Section 175-37 of the Sweden Town Code is hereby amended to provide an additional sub-paragraph, denominated Section 175-37(E), which shall provide as follows:

E. Every such dwelling unit shall have no less than one habitable room per person residing therein, which shall have no less than one hundred-twenty (120) square feet of gross floor area. Each bedroom or room for sleeping shall have at least seventy (70) square feet per person. Other rooms, if any, shall have no less than seventy (70) square feet, except that kitchens shall be exempt from this minimum requirement. In the event that more than one person resides in the same room, there shall be a minimum of seventy (70) square feet for each such person in such room. In addition, for all dwelling units for which a building permit is issued for construction or renovation on and after the first day of the month following the effective date of this law, there shall be at least one bathroom, with water closet, lavatory and shower or bathtub in each such dwelling unit for each eight (8) persons residing in said dwelling unit.

Sec. 3. That Section 175-38 of the Sweden Town Code is hereby amended to provide an additional sub-paragraph, denominated Section 175-38(E), which shall provide as follows:

E. Every such dwelling unit shall have no less than one habitable room per person residing therein, which shall have no less than one hundred-twenty

(120) square feet of gross floor area. Each bedroom or room for sleeping shall have at least seventy (70) square feet per person. Other rooms, if any, shall have no less than seventy (70) square feet, except that kitchens shall be exempt from this minimum requirement. In the event that more than one person resides in the same room, there shall be a minimum of seventy (70) square feet for each such person in such room. In addition, for all dwelling units for which a building permit is issued for construction or renovation on and after the first day of the month following the effective date of this law, there shall be at least one bathroom, with water closet, lavatory and shower or bathtub in each such dwelling unit for each eight (8) persons residing in said dwelling unit.

Sec. 4. That Section 175-39 of the Sweden Town Code is hereby amended to provide an additional sub-paragraph, denominated Section 175-39(E), which shall provide as follows:

E. Every such dwelling unit shall have no less than one habitable room per person residing therein, which shall have no less than one hundred-twenty (120) square feet of gross floor area. Each bedroom or room for sleeping shall have at least seventy (70) square feet per person. Other rooms, if any, shall have no less than seventy (70) square feet, except that kitchens shall be exempt from this minimum requirement. In the event that more than one person resides in the same room, there shall be a minimum of seventy (70) square feet for each such person in such room. In addition, for all dwelling units for which a building permit is issued for construction or renovation on and after the first day of the month following the effective date of this law, there shall be at least one bathroom, with water closet, lavatory and shower or bathtub in each such dwelling unit for each eight (8) persons residing in said dwelling unit.

Sec. 5. That the definition of the term “Family”, as set forth in Section 175-7 of the Sweden Town Code, including all of subsections “A”, “B” and “C”, is hereby repealed.

Sec. 6. That the Town Board of the Town of Sweden hereby adopts Local Law No. 1 of 2009 - Updates to Chapter 175 of the Sweden Town Code – Regulating Residential Occupancy.

Sec. 7. That the Town Clerk is authorized and directed to file a complete copy of Local Law No.1 of 2009 with the Secretary of State, as required by law.

Sec. 8. That this resolution shall take effect immediately.

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

Discussion: Councilperson Ferris stated that it was the intention of the board to regulate occupancy within residential zoning by defining the living space per person to preserve the health and safety of the residents. Mr. Ferris thanked Attorney Reuben Ortenberg and Planning Board Member David Strabel for drafting the proposed local law. Attorney Reuben Ortenberg added that the proposed local law basically repeats what state code requires.

VOTE BY ROLL CALL AND RECORD:

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

Submitted – March 24, 2009

Adopted

RESOLUTION NO. 29 Authorizing the Draw of the Balance Remaining on M&T Bank Letter of Credit No. SB-909551-2000, Regarding The Woods at Sable Ridge Subdivision

WHEREAS, the Woods at Sable Ridge is a subdivision with associated site plan approved in 2005 and filed on April 24, 2006 in the office of the County Clerk of Monroe County, New York; and

WHEREAS, pursuant to the Sweden Town Code and applicable provisions of the Town Law of the State of New York, the said subdivision and site plan approvals are scheduled to expire on April 24, 2009; and

WHEREAS, the public improvements required to be completed within said subdivision have not been completed as required by the approved subdivision and site plan; and

WHEREAS, pursuant to the requirements of the Town of Sweden Planning Board and the Sweden Town Code, the Developer, WSR, LLC, has submitted an Irrevocable Letter of Credit (LOC), issued by M&T Bank, bearing No. SB-909551-2000, issued originally on October 6, 2006, scheduled to expire on October 5, 2009, in the sum of \$2,126,037.56, on which the balance remaining is \$1,665,022.25, after approved reductions.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Supervisor of the Town of Sweden is hereby directed and authorized to cause a draw-down of the entire remaining balance of the above mentioned Letter of Credit, \$1,665,022.25, for the purpose of application toward the payment for the installation of the required public improvements and the administrative and other costs thereof, at and in connection with the subdivision known as The Woods at Sable Ridge, and that the Supervisor hereby is authorized to enter into an agreement with the developer of The Woods at Sable Ridge under and pursuant to which the terms and conditions of the installation of such improvements shall be set forth, as provided in Sweden Town Code §A177-16I.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – March 24, 2009

Adopted

**Attorney Reuben Ortenberg explained that several site improvements had not been installed due to unforeseen circumstances within the partnership. The Town of Sweden will hold the money in a separate account and will formally be the “administrator” of said money.

RESOLUTION NO. 30 Authorizing Supervisor to Enter into Agreement with Genesee Valley Student Athlete Development Corporation

WHEREAS, the Town of Sweden makes its park facilities available to a variety of groups for use; and

WHEREAS, the Recreation Director has established a schedule of fees for use of park facilities; and

WHEREAS, the Genesee Valley Student Athlete Development Corporation, also known as the Brockport RiverBats would like to make use of Nietopski Field and the concession stand at Sweden Town Park for approximately 20 games in 2009; and

WHEREAS, the Town of Sweden and the Genesee Valley Student Athlete Development Corporation would like to enter into an agreement for the use of Nietopski Field and the concession stand for said games.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the Supervisor to enter into an agreement with the Genesee Valley Student Athlete Development Corporation upon the written recommendation of the Town Attorney.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – March 24, 2009

Adopted

RESOLUTION NO. 31

Ordering a Public Hearing For the
Establishment of Lighting District No. 9
Villas at Brandonwoods

WHEREAS, a written petition, dated the 18th day of March in due form and containing the required signatures has been filed with the Town Clerk on the 19th day of March 2009 which Petition has been presented to and filed with the Town Board of the Town of Sweden, County of Monroe, State of New York, for the establishment of the Town of Sweden Lighting District No. 9 in the Town of Sweden as shown on the drawing prepared by Schultz Associates, PC attached hereto at Exhibit A; and

WHEREAS, the improvements proposed consist of the construction of four (4) lighting poles to serve the properties described in Exhibit A; and

WHEREAS, the estimated cost of the district to the typical property therein is \$600 in the first year in which operation, maintenance, and other charges and expenses are to be paid; and

WHEREAS, a detailed estimation of the manner by which those costs were computed, including the said estimated costs of first year costs to the typical property, has been filed in the Town Clerk’s Office where the same is available during regular office hours for examination by any person interested in the subject matter thereof; and

WHEREAS, the Town of Sweden Lighting District No. 9 is to be constructed in connection with development of the Villas at Brandonwoods Subdivision; and

WHEREAS, the Town Board of the Town of Sweden, acting as lead agency under the State Environmental Quality Review Act (“SEQRA”), accepted the Final Environmental Impact Statement (“FEIS”) for the Villas at Brandonwoods Project on April 24, 2007; and

WHEREAS, the Planning Board granted Final Subdivision and Site Plan approval to the Villas at Brandonwoods Project on August 13, 2007.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That on the 28th day of April 2009, at 7:15 P.M. on said day the Town Board will meet and hold a public hearing at the Town Hall, 18 State Street, Brockport, NY to consider the establishment of Town of Sweden Lighting District No. 9 and to hear all person interested in the subject therefore, and for such other and further action on the part of the Town Board in connection with this matter as may be appropriate.

Sec. 2. That the Town Clerk is hereby directed to publish a certified copy of this Order at least once in the official newspaper of the Town of Sweden not less than ten (10) nor more than twenty (20) days before the date of the hearing.

Sec. 3. That the Town Clerk is hereby directed to cause a certified copy of this Order to be posted on the sign board of the Town not less than ten (10) nor more than twenty (20) days before the date of the hearing.

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

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

Discussion: Finance Director Leisa Strabel stated that two properties are included within this proposed district and both property owners have signed the petition.

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>	
Councilperson Connors	<u>Absent</u>	
Councilperson Ferris	<u>Aye</u>	
Councilperson Windus-Cook	<u>Aye</u>	
Supervisor Lester	<u>Absent</u>	
Submitted – March 24, 2009		Adopted

RESOLUTION NO. 32 Authorize Supervisor to Sign Escrow Agreements with UC Brockport Housing LLC, Tartan Property LLC, and Brockport Land Co, LLC

WHEREAS, on December 30, 2008, the Town Board of the Town of Sweden authorized the Supervisor to sign an escrow agreement McLean Development and Brockport College Suites for Projects known as Heritage Square and Brockport College Suites subject to the written approval of the Town Attorney; and

WHEREAS, the Town did not enter into the escrow agreement with said parties; and

WHEREAS, different corporations are now involved with the Projects and there is a need for those corporations to be involved in the deposit of escrow funds with the Town of Sweden.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Sweden Town Board hereby authorizes the Supervisor to enter into an escrow agreement between the Town of Sweden, UC Brockport Housing, LLC, Tartan Property LLC and Brockport Land Co, LLC.
- Sec. 2. That the dollar amount of the escrow agreement shall be approved by the Town Engineer
- Sec. 3. That the escrow agreement is subject to the written approval of the Town Attorney.
- Sec. 4. That this resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>	
Councilperson Connors	<u>Absent</u>	
Councilperson Ferris	<u>Aye</u>	
Councilperson Windus-Cook	<u>Aye</u>	
Supervisor Lester	<u>Absent</u>	
Submitted – March 24, 2009		Adopted

APPROVAL FOR PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Ferris made a motion that was seconded by Councilperson Windus-Cook authorizing payment of the bills in Abstract 3 dated March 25, 2009 in the amount of \$121,533.85. All voted in favor of the motion – three ayes. Motion adopted.

General Fund: In the amount of \$88,401.03 as set forth in Abstract 3 dated March 25, 2009.
Highway Fund: In the amount of \$32,012.82 as set forth in Abstract 3 dated March 25, 2009.
Special Fund: In the amount of \$1,120.00 as set forth in Abstract 3 dated March 25, 2009.

DISCUSSION AND ANNOUNCEMENTS

Work session meeting to be held Tuesday, March 31, 2009 at 7:00 pm at the Sweden Senior Center, 133 State Street.

Councilperson Windus-Cook recognized the Boy Scouts present and announced that Mike Carter’s Eagle Scout project involved building a brick pathway at the Farmers’ Museum. Mike Carter stated that he has obtained large donations from Miller Brick Company and landscaping services from the Rombauts’.

Finance Director Leisa Strabel announced that the \$10,000 grant for the barn renovations was also released. Town employees are required to attend a Workplace Violence training session on April 7, 2009.

EXECUTIVE SESSION

Councilperson Ferris made a motion that was seconded by Councilperson Windus-Cook to go into executive session at 8:25 p.m. to discuss personnel. All voted in favor of the motion – three ayes. Motion adopted.

**Town Clerk Karen Sweeting excused herself from the meeting. Remaining minutes recorded and submitted by Finance Director Leisa Strabel.

Councilperson Connors arrived at 8:53 p.m.

No action taken.

Deputy Supervisor Carges made a motion that was seconded by Councilperson Ferris to leave executive session and return to the regular meeting at 8:55 p.m. All voted in favor of the motion – four ayes. Motion adopted.

RESOLUTION NO. 33 Appoint Seasonal Laborer – Arieno

WHEREAS, the Director of Buildings and Grounds has requested a full-time Seasonal Laborer for the Sweden Town Park during the spring/summer seasons; and

WHEREAS, the Director of Buildings and Grounds has recommended the appointment of Roger Arieno as Seasonal Laborer for the Sweden Town Park during the spring/summer seasons.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Roger Arieno as Seasonal Laborer.
- Sec. 2. That the rate of pay will be \$10.50 per hour for a maximum of forty (40) hours per week and a start date of March 30, 2009.
- Sec. 3. That this resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Abstain</u>	
Councilperson Connors	<u>Aye</u>	
Councilperson Ferris	<u>Aye</u>	
Councilperson Windus-Cook	<u>Aye</u>	
Supervisor Lester	<u>Absent</u>	
Submitted – March 24, 2009		Adopted

Deputy Supervisor Carges read the following into the record:

*Sweden Town Board
Sweden Town Clerk*

Dear Colleagues,

It is with regret that I tender my resignation as Sweden Supervisor effective April 10, 2009. I have found it increasingly difficult to meet the demands of both the Supervisor’s office and my private law practice.

I appreciate the opportunity that the voters have given me to serve this wonderful community for nearly 20 years. Many thanks go to my Fellow Board members and the entire Town of Sweden staff for all of their support.

*Sincerely,
Nat O. Lester, III
Sweden Supervisor*

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Ferris moved to adjourn the March 25, 2009 meeting of the Sweden Town Board at 8:59 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