

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, May 25, 2021.

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

Visitors present were Don Pophal, Wayne Zyra, Don Grentzinger, Matthew Trost, Isaac Trost, Connor Trost, Karen LoBracco, James Cenci, Pete Englert, Daniel Mesiti, Steven Mesiti, Dan and Sandy Colaprete, Dave Marciano, Environmental Conservation Board member Gregg Sargis, Rick Kartes and Tim Holland from Stonehaven Commercial, and Fred Shelley and Andrew Spencer from BME Associates. Others were present but did not sign in.

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 as we remember our first responders and our fighting men and women around the world.

PRIVILEGE OF THE FLOOR:

Resident Don Pophal asked the board to make storage containers illegal in the Town, specifically crate containers that come off tractor-trailer trucks. People are buying them and using them as storage sheds. They require no permit, no inspections, they are not on wheels, and are a blight on our countryside. He suggested that PODS be limited to a timeframe because they are also being used as long-term storage.

No other comments.

CORRESPONDENCE:

No correspondence noted.

REPORTS OF DEPARTMENTS AND BOARD MEMBERS:

Councilperson Hayles provided written reports from the Seymour Library as required by the MOU and the library trustee meeting summary report. They are working on the 2021 budget so they can present it to the Board. The audit of 2020 will begin in June. Mrs. Hayles reported minor edits to the proposed Operating Agreement. The Town of Clarkson has already approved the Operating Agreement and the library has also suggested minor edits. She is hoping the Board will pass the final version in June. Mrs. Hayles met with Jennifer Caccavale, Library Director, and will be meeting with her monthly. Things are going well and improving. Ms. Caccavale has implemented reading programs and her goal is to increase the use of the library and the library collections.

Councilperson Hayles reported that everything has opened back up at the SCCC – masks must be worn by those working with children and anyone utilizing the fitness center. The brochure will be out in homes by early June, and they anticipate an increase in program registrations. The new sign will be coming within the next few weeks.

Councilperson Sullivan reported that the baseball fields are ready for use. The Park crosswalks have been painted. The Dog Park is open, and the pond should be filled within the week. Mr. Sullivan added the soccer fields are lined and ready for use. The seasonal mowing

staff started and have been busy taking care of the grounds. Challenger Baseball will be starting June 5th with 51 participants, the third largest in the County. The Splash Park is open. A water valve needs to be replaced. Mr. Sullivan reported that the Lodge has been averaging three rentals per week. The gazebo is up, and the ceremony will be held in July. Mr. Sullivan shared a request from Buildings and Grounds to paint the scoreboard at Nietopski Field.

Councilperson Humby reported that crews have been busy trimming and mowing the cemeteries. Burials have started. The Flag placement project took place on May 15th – thank you to all who volunteered – 30 +. Received many compliments on how well it went. Eight hundred veterans were honored. First year the new maps and drone photos were used to place the flags.

Councilperson Humby announced that the Farmers Museum can open soon now that several COVID restrictions have been removed. She spoke with Christine Hunt about scheduling a committee meeting to discuss some ideas. Mrs. Hunt has secured some new items for the museum.

Councilperson Humby reported that due to the nice weather, Dog Control has seen an increase in calls about dogs left in vehicles in store parking lots. Those calls will now be handled by local law enforcement. Mrs. Humby added that Dog Control has been doing a great job. A Sweden dog was recently surrendered. She was pregnant and recently had puppies. Mrs. Humby said it was a great experience for the volunteers to witness the birth of those puppies.

Councilperson Hoke reported nothing new for IT and the Court has been back on a normal schedule. The Building Department has been very busy with permit applications due to the nice weather. Mr. Hoke reported upcoming court appearances for property maintenance violations. Complaints be directed to the Building Department or Mr. Hoke.

Supervisor Johnson added that he and Councilperson Hoke met with a vendor to discuss a new phone system.

Supervisor Johnson reported that, until today, he had been participating in the weekly COVID-19 updates with the County. The County has cancelled these weekly calls. Also attended the monthly Supervisors' lunch to discuss common issues affecting towns. Mr. Johnson had a discussion with Saturn Power regarding the bond and deficiencies within. Many of the updates to the solar, wind, and battery storage laws deal with decommissioning – hoping for one section dealing with decommissioning. Mr. Johnson and Finance Director Leisa Strabel participated in three “lunch and learns” – topics included CARES Act funds, grant opportunities and the new marijuana legislation. The Council on Governments has been reconstituted. Mr. Johnson was asked to sit on the “steering committee”, and it appears that it will turn into a way of enhancing the county-wide efforts for shared services – purchasing, diversity training, etc.

Supervisor Johnson participated in a video conference with several Boy Scouts – merit badge related to government. The Sweden Community Foundation has been meeting to discuss the skate park project and fund raising. Mr. Johnson was a judge in the Seymour Library Bookmark Contest.

Supervisor Johnson and Councilperson Hoke attended the first two Sweden Village Traffic Committee meetings. Mr. Hoke agreed some positive things are coming out of the meetings – survey in July and an invitation to the Sheriff and Sweden Highway Superintendent to attend an upcoming meeting.

Supervisor Johnson commented that the Mendon Town Supervisor came out to tour our Town Park and was very impressed with the quality of our park and the facilities. The Town/Gown Committee meetings continue. Mr. Johnson attended a press conference on the

DMV urging the County Clerk to reimplement the mobile DMVs. The first water progress meeting was held. Approximately half the pipe is in the ground and operating on Redman Road, and they have started on Lake Road. Another progress meeting is scheduled within the next couple of weeks. The skate park “walk around” went well. Hoping for completion in June/July of 2022. Discussion of the placement of the new skate park and parking lot. Mr. Johnson reported that Canandaigua National Bank was finally able to hold their ribbon cutting event.

Supervisor Johnson reported that he met with an individual that owns a company interested in opening a dispensary under the new marijuana legislation – the Board has made no decision on that yet. Mr. Johnson shared an update on the sidewalk along Persistence Path. The developer had requested the Town to hold off on installation, but there has been no progress. Mr. Johnson told the contractor to go ahead and install the sidewalk in that area. We have not heard back on the grant for the senior addition.

Superintendent of Highways Brian Ingraham reported all that remains of the bonded road project is Skidmore Drive, final course of CHIPS seal on West Canal Road, and the remaining portion of the parking lot at the Highway Department.

Town Attorney Jim Bell reported on code violations in court and one dangerous dog case pending. Mr. Bell has minor modifications to make to the Operating Agreement for the library and will have something ready for the board before the next meeting.

Town Clerk Karen Sweeting reported that all voting locations will be open for primary day on June 22nd. She announced that this should be the last time the Town will be processing pay vouchers for the inspectors – County then reimburses the Town. The County is looking to contract with a third-party vendor to pay the inspectors.

Superintendent of Highways Brian Ingraham also reported that the annual Spring clean-up is complete, and they are now working on Monroe Orleans Countyline Road. They will begin a Town CHIPS project on Swamp Road and then work on Skidmore Drive.

PUBLIC HEARINGS

At 6:30 p.m. Supervisor Johnson called to order two public hearings. The purpose of the first public hearing was to hear all persons for or against the adoption of a local law imposing a six-month moratorium on the construction of wind energy conversion systems. The purpose of the second public hearing was to hear all persons for or against the adoption of a local law imposing a six-month moratorium on the construction of battery energy storage systems.

Supervisor Johnson waived the reading of the legal notices.

Resident Karen LoBracco asked the Board what they were looking for in the modification of the wind energy and battery storage laws – the well-being of the residents and businesses or to minimize the use of solar and wind energy.

Supervisor Johnson explained that it is not an effort to discourage these types of developments but rather to harmonize the different codes with respect to decommissioning and other simple improvements.

Environmental Board member Gregg Sargis commented that he is in favor of solar energy and battery storage and is happy to hear of the Board’s intent on the moratoriums. He encourages the Town to lead by example and to look at the Comprehensive Plan for modifications as to what people value in terms of solar and housing developments.

Supervisor Johnson noted this is such a quickly developing area of the law with changes and improvements happening frequently. The concern is to protect the Town and the residents. If our Code is not doing that effectively or can be improved, then we need to address it.

No other comments. Public hearings closed at 6:38 p.m.

CONSENT AGENDA ITEMS:

Councilperson Hayles made a motion that was seconded by Councilperson Hoke 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 Sullivan	<u>Aye</u>
Supervisor Johnson	<u>Aye</u>

ADOPTED

- RESOLUTION NO. 73 Change Meeting Date and Cancel Workshop

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That due to the Primary Voting taking place at the Sweden Town Hall, Sweden/Clarkson Community Center and Sweden Town Park Lodge, the Sweden Town Board hereby moves the regularly scheduled June 22, 2021 Town Board meeting to Wednesday, June 23, 2021 at 6 pm at the Sweden Town Hall, 18 State Street.
- Sec. 2. That the Sweden Town Board Workshop scheduled for Tuesday, June 1, 2021 is hereby cancelled.
- Sec. 3. That the Town Clerk is directed to publish a notice of the meeting changes in the official newspaper.
- Sec. 4. That this resolution shall take effect immediately.

- RESOLUTION NO. 74 Appoint Recreation Assistants PT

WHEREAS, there is a need for two Recreation Assistants for Summer Camp and the Before and After School Program; and

WHEREAS, Recreation Director Jill Wisnowski has recommended hiring Jacob Rightmyer and Katherine Bieler.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Jacob Rightmyer and Katherine Bieler as recreation assistants part-time for a maximum of 28 hours per week.
- Sec. 2. That the hourly rate of pay is \$12.50 with a start date on or after June 25, 2021.
- Sec. 3. That this resolution shall take effect immediately.

- RESOLUTION NO. 75 Standard Work Day and Reporting Resolution

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town of Sweden location code 30156 hereby establishes the following (see Schedule A) as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials.
- Sec. 2. 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 5 dated May 26, 2021 in the amount of \$112,920.95.

General Fund: In the amount of \$73,029.25 as set forth in Abstract 5 dated May 26, 2021.

Highway Fund: In the amount of \$9,287.93 as set forth in Abstract 5 dated May 26, 2021.

Special Fund: In the amount of \$5,095.06 as set forth in Abstract 5 dated May 26, 2021.

Capital Fund: In the amount of \$25,508.71 as set forth in Abstract 5 dated May 26, 2021.

VOTE BY ROLL CALL AND RECORD:

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

- RESOLUTION NO. 76 Adopting a Local Law Imposing a Six Month Moratorium on Chapter 173 Wind Energy Conversion Systems

WHEREAS, the Sweden Town Board is desirous of amending and/or modifying the Sweden Town Code Chapter 173; and

WHEREAS, a six (6) month period of time will be sufficient to accomplish this pursuant to a proposed Local Law concerning same; and

WHEREAS, a duly advertised Public Hearing was held on May 25, 2021 at the Municipal Building, Town Hall, 18 State Street, Brockport, New York; and

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

NOW THEREFORE BE IT RESOLVED:

- Sec. 1 The Sweden Town Board hereby adopts this Local Law Imposing a Six (6)

Month Moratorium on Chapter 173 Wind Energy Conversion Systems.

Sec. 2 The Town Clerk is authorized and directed to file a complete copy of this Local Law with the Secretary of State as required by law.

Sec. 3 This Resolution shall take effect immediately.

MOTION for adoption of this Resolution by Councilperson Hoke
Seconded by Councilperson Sullivan

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

- RESOLUTION NO. 77 Adopting a Local Law Imposing a Six Month Moratorium on Chapter 176 Battery Storage Systems

WHEREAS, the Sweden Town Board is desirous of amending and/or modifying the Sweden Town Code Chapter 176; and

WHEREAS, a six (6) month period of time will be sufficient to accomplish this pursuant to a proposed Local Law concerning same; and

WHEREAS, a duly advertised Public Hearing was held on May 25, 2021 at the Municipal Building, Town Hall, 18 State Street, Brockport, New York; and

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

NOW THEREFORE BE IT RESOLVED:

Sec. 1 The Sweden Town Board hereby adopts this Local Law Imposing a Six (6) Month Moratorium on Chapter 176 Battery Storage Systems.

Sec. 2 The Town Clerk is authorized and directed to file a complete copy of this Local Law with the Secretary of State as required by law.

Sec. 3 This Resolution shall take effect immediately.

MOTION for adoption of this Resolution by Councilperson Hayles
Seconded by Councilperson Hoke

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

- Approval of the Regular Meeting minutes including the two Public Hearings held on May 11, 2021.

Councilperson Hayles made a motion that was seconded by Councilperson Hoke to approve the minutes of the May 11, 2021 meeting.

VOTE BY ROLL CALL AND RECORD:

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

PUBLIC HEARING:

At 6:45 p.m. Supervisor Johnson called to order the public hearing. The purpose of the public hearing was to review the application from Iroquois Rock Products, Inc. to renew their Excavation Permit in the Town of Sweden.

Supervisor Johnson waived the reading of the legal notice.

Resident Don Pophal lives near the quarry and believes they have changed their traffic pattern for trucks entering in and out of the quarry. On a rainy day there is a lot of mud on the roads and dry days a lot of dust. He understands the extra traffic is due to the Amazon contract and is only temporary. Mr. Pophal asked the Board to request a dust mitigation plan prior to the permit approval.

John Swierkos, Geologist for Iroquois Rock Products, agreed it is an unusual year and they have had to double their production. They do have a plan in place and can investigate additional measures to control the mud and dust on the road. He encouraged residents to contact the quarry office to let them know of the concern on a day-to-day basis so they can address the issue. Many of the traffic areas within the quarry are paved and they do have water trucks handling the dust.

Supervisor Johnson added that there are Town Codes that address some of these concerns and encouraged residents to also contact the Code Enforcement office.

Councilperson Hoke applauds Iroquois Rock for the increase in business but also asked that employees be conscientious of the road conditions caused by truck traffic.

Resident Pete Englert expressed concern with the increase in large truck traffic on Swamp Road. The road is posted, and drivers are not paying attention. Mr. Englert asked that the Town seek assistance from the Sheriff or DOT. Councilperson Hoke will contact the Sheriff to see if they can monitor that road and encouraged residents to do the same. Supervisor Johnson asked that Mr. Englert provide pictures to the Town, so they know who is in violation.

Resident Bonnie Englert added that if the truck traffic on Swamp Road continues, they at least need to slow down.

Resident Steve Mesiti was concerned that his water would be affected by the blasting as they get closer to his property and wondered whether public water was an option for the remainder of Swamp Road.

Resident Dan Mesiti stated the blasting is getting closer to his property and causing concern. He indicated that he has had to truck water in each year and feels that his well has been affected by the close blasting. Iroquois has eliminated the privacy barriers and he can now see and hear all that happens in the quarry, affecting his quality of life.

Resident Dan Colaprete expressed concern with trucks speeding and using their jake brakes and the dust, mud, rock, and dirt on the roads. He is also concerned with trucks going through the stop sign and the safety of other drivers.

Resident Don Pophal asked if the Town could petition the County to change the speed limit on Sweden Walker Road. The current postings are illogical. Supervisor Johnson indicated that the Town has asked for speed reductions and have been denied but is willing to draft a request.

Resident Steve Mesiti asked what residents can expect from voicing their concerns. Supervisor Johnson explained that the Board will review all the comments received before a determination will be made. John Swierkos addressed some of the concerns and encouraged residents to contact him with any additional concerns or questions.

Resident Pete Englert asked if residents should be notified prior to blasting. Mr. Swierkos indicated yes, they sound airhorns in the quarry and would be willing to contact those within the immediate area.

No other comments. Public hearings closed at 7:19 p.m.

PUBLIC HEARING:

At 7:20 p.m. Supervisor Johnson called to order the public hearing. The purpose of the public hearing was to hear all persons interested in the re-zoning of 50 acres from portions of two tax parcels south of Fourth Section and between Lake Road and Redman Road, from R1-2S Single Family Residence to MR-1 Multiple Residence.

Supervisor Johnson waived the reading of the legal notice.

Andrew Spencer from BME Associates gave a brief overview of the project. The rezoning application was originally submitted to the Town Board in February 2019 requesting to rezone approximately 50 acres from R1-2S Single Family to MR-a Multiple Residence. This proposal is a continuation of the Stonebriar Development on Fourth Section Road further to the south with approximately 151 residential units. They are also proposing a maintenance storage facility at the south end near the SCCC. They are proposing road connectivity to the current Stonebriar Development and to Bader's Way. A third phase was shown on the rendition that would allow for single family homes and road access to Royal Gardens Way. The Town Board did review this application in April 2019 and held a public hearing. They were asked back to provide an update. Some of the unit styles have been changed and a park amenity has been added. Green space has increased, and the roads will be maintained by the developer. There will be a trail network through the site and connectivity to the SCCC. They are proposing

improvements to the parking lot at the SCCC – landscaped island and two access points to formalize the traffic pattern. Mr. Spencer feels the development does meet a number of criteria in the Comprehensive Plan and should be considered for this site.

Resident Wayne Zyra wanted to address the road inter-connects particularly at Royal Gardens Way. He stated that it has very poor sight distance for those traveling south on Route 19. Mr. Zyra added that when he was on the Planning Board, they purposefully limited the access to that road from Royal Garden Apartments. They recognized the danger of putting extra traffic onto that intersection. Mr. Zyra addressed road access to Bader’s Way through the SCCC parking lot. He noted that the property fell under the NYS Parks Law relative to alienation of use. If you change any use for all or part of the property, you must go through the alienation process. He referenced several sections pertaining to the process to change the use of NYS park land.

Environmental Conservation Board member Gregg Sargis wanted to reiterate his request and encourage the Board to do a Comprehensive Plan update. He referred to the density and rural character of the Town. Mr. Sargis also wondered whether the Town should consider something similar to decommissioning for this type of development to guarantee the upkeep of the park amenity and maintenance building in the event the developer sells the property.

Resident David Marciano agrees with the comments regarding the road access from Royal Gardens Way and Bader’s Way.

No other comments. Public hearings closed at 7:43 p.m.

ADDITIONAL BUSINESS AND ANNOUNCEMENTS:

1. Smoking - discussion to further restrict smoking on Town properties, possibly designate specific smoking areas, to include all types of smoking (cigarettes, vaping, marijuana, etc.).
2. Library Operating Agreement/Lease – discussion of minor modifications to the draft. The Town of Clarkson has already approved the agreement/lease.
3. Skatepark RFP – Finance Director Leisa Strabel sent a draft to the Board for review. Discussion of the criteria, formation of a committee to review and rank the RFPs, and how this process will work.
4. Marijuana – discussion of new legislation.

EXECUTIVE SESSION:

Councilperson Hayles made a motion that was seconded by Councilperson Hoke to go into executive session at 8:08 p.m. subject to Public Officers Law Sections 105(d) proposed acquisition, sale, or lease of real property; and 108(3) confidential consultations with the Town Attorney. All voted in favor of the motion. Motion adopted.

No action taken.

Councilperson Hoke made a motion that was seconded by Councilperson Humby to leave executive session and return to the regular meeting at 9:11 p.m. All voted in favor of the motion. Motion adopted.

ADJOURNMENT:

As there was no further business to come before the Board, Councilperson Hoke moved to adjourn the May 25, 2021 meeting of the Sweden Town Board at 9:12 p.m. Councilperson Humby seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk