

The rescheduled 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, November 30, 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, Highway Superintendent Brian Ingraham, Town Attorney James Bell, and Town Clerk Karen Sweeting.

Visitors present were Marcia Johnson, Kevin M. Johnson, Keith Compton, Wayne Zyra, Michelle Cole, Jason Cole, Don Pophal, Don Grentzinger, William Hayles, James Cenci, and Planning Board Chair Craig McAllister.

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 as well as our first responders.

PRIVILEGE OF THE FLOOR:

Residents Michelle and Jason Cole shared details of drainage concerns occurring on their property on Shumway Road. They provided written details and pictures to each of the board members. Councilperson Hoke will connect with the Building Department to see if there are any potential violations that need to be addressed.

CORRESPONDENCE:

No correspondence noted.

REPORTS OF DEPARTMENTS AND BOARD MEMBERS:

Councilperson Hoke reported that compared to last year, building permits increased by 1.6%, building violations increased by 8%, and complaints increased by 33%. The owner of the vacant property near Lowes has applied for a demolition permit to remove the structure.

Councilperson Humby reported that the cemeteries are closed for the season and Dog Control has been busy. The Sweden Farmers Museum Committee met to discuss plans for the house and continued planning for the annual Harvest Festival. They will have a case on display at the Seymour Library's 25th Anniversary. Members chose items to include in that display.

Councilperson Sullivan reported that the Boy Scouts had an overnight event in the park and the pond at the Dog Park has been drained. They have been busy fixing equipment and taking care of minor repairs.

Councilperson Hayles attended a Monroe County meeting along with Planning Board Chair Craig McAllister to participate in discussion of changes to their comprehensive plan. The SCCC has reached 90% of pre-COVID usage. They had over 10,000 visits during the month of October. Mrs. Hayles thanked Todd Dobson and Roger Evans for preparing the landscape for the winter season. The Seymour Library Board agreed to a meeting with the four boards – Library Board, Sweden Town Board, Clarkson Town Board, and the Village of Brockport Board. The Seymour Library 25th Anniversary celebration is December 8th beginning at 10:30 a.m. The Time Capsule ceremony is at 5:15 p.m. Supervisor Johnson is preparing a letter to include in the time capsule.

Supervisor Johnson reported that the skatepark design workshop is scheduled for December 9th at 6:00 p.m. Bids will be opened for the Senior Addition at the SCCC on December 7th. The Town is targeting December 9th to go “live” with the new phone system at the Town Hall. Mr. Johnson reported that water is flowing in the current Lake Road/Redman Road district and are waiting on Department of Health approval for the extra work the Town is considering along the project route. Restoration will be done in the Spring due to weather. The Board has identified some other areas for water district formation but is waiting for income data.

Superintendent of Highways Brian Ingraham reported that leaf pick-up will continue until December 9th, installation of snow fence, and preparing snow and ice equipment for the season. They have already made four salt runs.

PUBLIC HEARING

At 6:21 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 adding Chapter 179 to the Sweden Town Code concerning the usage of tobacco, vaping, e-cigarette, and THC containing products on Town property.

Supervisor Johnson waived the reading of the legal notice.

Town Attorney Jim Bell felt the proposed law was clear that THC products will not be allowed on Town property. He wanted the Board to keep in mind that marihuana and THC product usage federally is still illegal.

No other comments. Hearing closed at 6:24 p.m.

EXECUTIVE SESSION:

Councilperson Hayles made a motion that was seconded by Councilperson Humby to go into executive session at 6:25 p.m. subject to Public Officer’s Law Section 105(h) proposed acquisition, sale, or lease of real property; Public Officer’s Law Section 105(d) proposed, pending or current litigation; and Public Officer’s Law Section 108(3) confidential consultation 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 6:48 p.m. All voted in favor of the motion. Motion adopted.

PUBLIC HEARING

At 6:49 p.m. Supervisor Johnson called to order the five public hearings. The purpose of the public hearings was to hear all persons for or against the adoption of local laws amending Chapters 173 Wind Energy Conversion Systems, Chapter 174 Solar Energy Systems and Solar Energy Farms, Chapter 175 Zoning, and Chapter 176 Battery Energy Storage Systems of the Sweden Town Code, and the addition of Chapter 178 Decommissioning Plans to the Sweden Town Code.

Supervisor Johnson waived the reading of the legal notice.

Town Attorney Jim Bell acknowledge the hard work of the committee – Councilperson Gary Sullivan, Planning Board Chair Craig McAllister, Don Pophal, Wayne Zyra, and Bill

Johnson. Mr. Bell feels that it is necessary to amend these laws to capture the current status of the NYS law.

No other comments. Hearing closed at 6:52 p.m.

CONSENT AGENDA ITEMS:

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

VOTE BY ROLL CALL:

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

ADOPTED

- RESOLUTION NO. 155 Adopt Local Law 7 of 2021 Adding Chapter 179 to the Sweden Town Code Concerning the Usage of Tobacco, Vaping, E-Cigarette, and THC-Containing Products on Town Property

WHEREAS, the Sweden Town Board has determined that it is in the best interests of the Town of Sweden for the adoption of a law pertaining to usage of tobacco, vaping, e-cigarette, and THC-containing products on town property; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 18 State Street, Brockport, New York, on November 30, 2021; and

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

NOW THEREFORE BE IT RESOLVED:

- Sec 1. Local Law 7 of 2021 is adopted by the Town of Sweden.
- Sec 2. The Town Clerk is authorized and directed to file a complete copy of Local Law 7 of 2021 with the Secretary of State as required by law.
- Sec 3. This Resolution shall take effect immediately.

- RESOLUTION NO. 156 Declaration of Lead Agency Status Concerning Amending Chapter 174 of the Sweden Town Code – SEQRA

WHEREAS, the Sweden Town Board is desirous of amending Chapter 174 of the Sweden Town Code; and

WHEREAS, a proposed Local Law has been drafted in relationship to amending Chapter

174 of 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 subject to any further review and comments received from other interested and/or involved agencies.

Sec. 2. This Resolution shall take effect immediately.

- RESOLUTION NO. 157 SEQRA Determination of Non Significance Concerning Amending Chapter 174 of the Sweden Town Code

WHEREAS, the Sweden Town Board is the lead agency for making the determination of environmental significance concerning amending Chapter 174 of the Sweden Town Code; and

WHEREAS, the Sweden Town Board has received, reviewed, and does hereby accept the short environmental assessment form completed in this matter; and

WHEREAS, the Sweden Town Board in accordance with the provisions of SEQRA §617 has reviewed the short environmental assessment form, including any supporting information thereto, in accordance with the criteria contained in SEQRA §617 and has thoroughly analyzed the identified relevant areas of environmental concerns, if any, to determine if the action may have a significant adverse impact on the environment.

NOW THEREFORE BE IT RESOLVED:

Sec.1. The Sweden Town board does hereby make a determination of nonsignificance for this matter subject to any further review and comments received from other interested and/or involved agencies.

Sec 2. The Sweden Town Board does hereby direct the supervisor to sign the negative declaration form for said action and to provide notice thereof to all identified, involved and interested agencies.

Sec. 3. This Resolution shall take effect immediately.

- RESOLUTION NO. 158 Adopt Local Law 8 of 2021 – Amending Chapter 174 of the Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden is desirous of amending Sweden Town Code Chapter 174; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 18 State Street, Brockport, New York, on November 30, 2021; and

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

NOW THEREFORE BE IT RESOLVED:

Sec 1. Local Law 8 of 2021 is attached hereto and the Sweden Town Board does hereby adopt same concerning amendments to Chapter 174 of the Sweden Town Code subject to any further review and comments received from other interested and/or involved agencies.

Sec 2. The Town Clerk is authorized and directed to file a complete copy of Local Law 8 of 2021 with the Secretary of State as required by law.

Sec 3. This Resolution shall take effect immediately.

- RESOLUTION NO. 159 Declaration of Lead Agency Status Concerning Amending Chapter 173 of the Sweden Town Code – SEQRA

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

WHEREAS, a proposed Local Law has been drafted in relationship to amending Chapter 173 of 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 subject to any further review and comments received from other interested and/or involved agencies.

Sec. 2. This Resolution shall take effect immediately.

- RESOLUTION NO. 160 SEQRA Determination of Non Significance Concerning Amending

Chapter 173 of the Sweden Town Code

WHEREAS, the Sweden Town Board is the lead agency for making the determination of environmental significance concerning amending Chapter 173 of the Sweden Town Code; and

WHEREAS, the Sweden Town Board has received, reviewed, and does hereby accept the short environmental assessment form completed in this matter; and

WHEREAS, the Sweden Town Board in accordance with the provisions of SEQRA §617 has reviewed the short environmental assessment form, including any supporting information thereto, in accordance with the criteria contained in SEQRA §617 and has thoroughly analyzed the identified relevant areas of environmental concerns, if any, to determine if the action may have a significant adverse impact on the environment.

NOW THEREFORE BE IT RESOLVED:

Sec.1. The Sweden Town board does hereby make a determination of nonsignificance for this matter subject to any further review and comments received from other interested and/or involved agencies.

Sec 2. The Sweden Town Board does hereby direct the supervisor to sign the negative declaration form for said action and to provide notice thereof to all identified, involved and interested agencies.

Sec. 3. This Resolution shall take effect immediately.

- RESOLUTION NO. 161 Adopt Local Law 9 of 2021 – Amending Chapter 173 of the Sweden Town Code

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

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 18 State Street, Brockport, New York, on November 30, 2021; and

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

NOW THEREFORE BE IT RESOLVED:

Sec 1. Local Law 9 of 2021 is attached hereto and the Sweden Town Board does hereby adopt same concerning amendments to Chapter 173 of the Sweden Town Code subject to any further review and comments received from other interested and/or involved agencies.

Sec 2. The Town Clerk is authorized and directed to file a complete copy of Local Law 9 of 2021 with the Secretary of State as required by law.

Sec 3. This Resolution shall take effect immediately.

- RESOLUTION NO. 162 Declaration of Lead Agency Status Concerning Amending Chapter 176 of the Sweden Town Code – SEQRA

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

WHEREAS, a proposed Local Law has been drafted in relationship to amending Chapter 176 of 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 subject to any further review and comments received from other interested and/or involved agencies.

Sec. 2. This Resolution shall take effect immediately.

- RESOLUTION NO. 163 SEQRA Determination of Non Significance Concerning Amending Chapter 176 of the Sweden Town Code

WHEREAS, the Sweden Town Board is the lead agency for making the determination of environmental significance concerning amending Chapter 176 of the Sweden Town Code; and

WHEREAS, the Sweden Town Board has received, reviewed, and does hereby accept the short environmental assessment form completed in this matter; and

WHEREAS, the Sweden Town Board in accordance with the provisions of SEQRA §617 has reviewed the short environmental assessment form, including any supporting information thereto, in accordance with the criteria contained in SEQRA §617 and has thoroughly analyzed the identified relevant areas of environmental concerns, if any, to determine if the action may have a significant adverse impact on the environment.

NOW THEREFORE BE IT RESOLVED:

Sec.1. The Sweden Town board does hereby make a determination of non-significance

for this matter subject to any further review and comments received from other interested and/or involved agencies.

Sec 2. The Sweden Town Board does hereby direct the supervisor to sign the negative declaration form for said action and to provide notice thereof to all identified, involved and interested agencies.

Sec. 3. This Resolution shall take effect immediately.

- RESOLUTION NO. 164 Adopt Local Law 10 of 2021 – Amending Chapter 176 of the Sweden Town Code

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

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 18 State Street, Brockport, New York, on November 30, 2021; and

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

NOW THEREFORE BE IT RESOLVED:

Sec 1. Local Law 10 of 2021 is attached hereto and the Sweden Town Board does hereby adopt same concerning amendments to Chapter 176 of the Sweden Town Code subject to any further review and comments received from other interested and/or involved agencies.

Sec 2. The Town Clerk is authorized and directed to file a complete copy of Local Law 10 of 2021 with the Secretary of State as required by law.

Sec 3. This Resolution shall take effect immediately.

- RESOLUTION NO. 165 Declaration of Lead Agency Status Concerning Amending Chapter 175 of the Sweden Town Code – SEQRA

WHEREAS, the Sweden Town Board is desirous of amending Chapter 175 of the Sweden Town Code; and

WHEREAS, a proposed Local Law has been drafted in relationship to amending Chapter 175 of 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 subject to any further review and comments received from other interested and/or involved agencies.
- Sec. 2. This Resolution shall take effect immediately.

- RESOLUTION NO. 166 SEQRA Determination of Non Significance Concerning Amending Chapter 175 of the Sweden Town Code

WHEREAS, the Sweden Town Board is the lead agency for making the determination of environmental significance concerning amending Chapter 175 of the Sweden Town Code; and

WHEREAS, the Sweden Town Board has received, reviewed, and does hereby accept the short environmental assessment form completed in this matter; and

WHEREAS, the Sweden Town Board in accordance with the provisions of SEQRA §617 has reviewed the short environmental assessment form, including any supporting information thereto, in accordance with the criteria contained in SEQRA §617 and has thoroughly analyzed the identified relevant areas of environmental concerns, if any, to determine if the action may have a significant adverse impact on the environment.

NOW THEREFORE BE IT RESOLVED:

- Sec.1. The Sweden Town board does hereby make a determination of nonsignificance for this matter subject to any further review and comments received from other interested and/or involved agencies.
- Sec 2. The Sweden Town Board does hereby direct the supervisor to sign the negative declaration form for said action and to provide notice thereof to all identified, involved and interested agencies.
- Sec. 3. This Resolution shall take effect immediately.

- RESOLUTION NO. 167 Adopt Local Law 11 of 2021 – Amending Chapter 175 of the Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden is desirous of amending Sweden Town Code Chapter 175; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 18 State Street, Brockport, New York, on November 30, 2021; and

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

NOW THEREFORE BE IT RESOLVED:

- Sec 1. Local Law 11 of 2021 is attached hereto and the Sweden Town Board does hereby adopt same concerning amendments to Chapter 175 of the Sweden Town Code subject to any further review and comments received from other interested and/or involved agencies.
- Sec 2. The Town Clerk is authorized and directed to file a complete copy of Local Law 11 of 2021 with the Secretary of State as required by law.
- Sec 3. This Resolution shall take effect immediately.

- RESOLUTION NO. 168 Declaration of Lead Agency Status Concerning Adding Chapter 178 to the Sweden Town Code – SEQRA

WHEREAS, the Sweden Town Board is desirous of adding Chapter 178 to the Sweden Town Code; and

WHEREAS, a proposed Local Law has been drafted in relationship to adding Chapter 178 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 subject to any further review and comments received from other interested and/or involved agencies.
- Sec. 2. This Resolution shall take effect immediately.

- RESOLUTION NO. 169 SEQRA Determination of Non Significance Concerning Adding Chapter 178 to the Sweden Town Code

WHEREAS, the Sweden Town Board is the lead agency for making the determination of environmental significance concerning adding Chapter 178 to the Sweden Town Code; and

WHEREAS, the Sweden Town Board has received, reviewed, and does hereby accept the short environmental assessment form completed in this matter; and

WHEREAS, the Sweden Town Board in accordance with the provisions of SEQRA §617

has reviewed the short environmental assessment form, including any supporting information thereto, in accordance with the criteria contained in SEQRA §617 and has thoroughly analyzed the identified relevant areas of environmental concerns, if any, to determine if the action may have a significant adverse impact on the environment.

NOW THEREFORE BE IT RESOLVED:

Sec.1. The Sweden Town board does hereby make a determination of non-significance for this matter subject to any further review and comments received from other interested and/or involved agencies.

Sec 2. The Sweden Town Board does hereby direct the supervisor to sign the negative declaration form for said action and to provide notice thereof to all identified, involved and interested agencies.

Sec. 3. This Resolution shall take effect immediately.

- RESOLUTION NO. 170 Adopt Local Law 12 of 2021 – Adding Chapter 178 to the Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden is desirous of adding Sweden Town Code Chapter 178; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 18 State Street, Brockport, New York, on November 30, 2021; and

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

NOW THEREFORE BE IT RESOLVED:

Sec 1. Local Law 12 of 2021 is attached hereto and the Sweden Town Board does hereby adopt same concerning the addition of Chapter 178 to the Sweden Town Code subject to any further review and comments received from other interested and/or involved agencies.

Sec 2. The Town Clerk is authorized and directed to file a complete copy of Local Law 12 of 2021 with the Secretary of State as required by law.

Sec 3. This Resolution shall take effect immediately.

- RESOLUTION NO. 171 Appoint Recreation Assistant PT – Before & After School Program

WHEREAS, there is a vacancy for a Recreation Assistant in the Before and After School Program; and

WHEREAS, Recreation Director Jill Wisnowski has recommended hiring Kaitlyn Wager.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Kaitlyn Wager as a recreation assistant part-time for a maximum of 24 hours per week.
- Sec. 2. That the hourly rate of pay is \$12.50 with a start date of December 1, 2021.
- Sec. 3. That this resolution shall take effect immediately.

- RESOLUTION NO. 172 Adopt Employee Handbook Changes

WHEREAS, the Town Board of the Town of Sweden has revised Employee Handbook Section 7 Smoking in the Workplace and Drug and Alcohol Free Workplace.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. The Town Board of the Town of Sweden does hereby adopt the changes to Section 7 of the Town of Sweden Employee Handbook.
- Sec. 2. That the changes and new policies will be effective as of December 1, 2021.
- Sec. 3. That this resolution shall take effect immediately.

- RESOLUTION NO. 173 Authorize Transfer of Bond Payments from Reserve for Bonded Indebtedness

WHEREAS, on December 10, 2019, a reserve was established for the payment of bonded indebtedness; and

WHEREAS, the reserve fund has proceeds from obligations that are applicable to current bond payments.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of \$38,511.47 from the Reserve for Bonded Indebtedness.
- Sec. 2. That the Funds shall be transferred to pay principal and interest on the 2019 Road Parking Lot Project.
- Sec. 3. That pursuant to Section 6-C of the General Municipal Law, this expenditure is subject to permissive referendum.
- Sec. 4. That the Town Clerk is directed to publish a public notice as required by law.
- Sec. 5. That this resolution shall take effect immediately.

- RESOLUTION NO. 174 Authorize RFP for Sweden Skatepark Naming Rights

WHEREAS, the Town Board of the Town of Sweden has prepared a Request for Proposal for the naming rights of a Skatepark and Skatepark features at the Sweden Town Park.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the release of the Request for Proposal for the Sweden Skatepark.
- Sec. 2. That a bid notice will be advertised as required by law.

Sec. 3. That the Town Board of the Town of Sweden reserves the right to reject any and all proposals.

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

- RESOLUTION NO. 175 Closing 2015-2021 EPF 150869 Park Lodge Grant

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden declares the 2015-2021 EPF 150869 Town Park Lodge Project to be complete.

Sec. 2. That the Project has been reviewed by Mengel Metzger Barr & Co., an independent auditor, and there were no findings reported.

Sec. 3. That the Director of Finance is directed to complete any final requirements for the grant closing.

Sec. 4. That the final grant payment from the New York State Parks and Recreation Office be deposited in the Sweden Town Park Reserve.

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

- RESOLUTION NO. 176 Closing 2020-2021 Sidewalk Project

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. All work on the 2020-2021 Sidewalk Project including construction of Owens Road, Holley Street, Persistence Path and Isla Way sidewalks, and installation of a concrete slab at the Highway Garage has been completed by Genesee Building Restoration. That the warranty and sureties have been received.

Sec. 2. That the \$696,246.56 project finished at \$28,932.41 under budget.

Sec. 3. That the 2019 CDBG grant for the Holley Street sidewalks has been completed and closed.

Sec. 4. That the 2015-2021 EPF grant for the Persistence Path and Isla Way sidewalks has been completed and is in the process of closing.

Sec. 5. That the Town Board of the Town of Sweden declares the 2020-2021 Sidewalk Project complete.

Sec. 6. That this resolution shall take effect immediately.

- RESOLUTION NO. 177 Call Town Board Workshop for December 9, 2021 For Skatepark Design Workshop

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby calls a Town Board Workshop for Thursday, December 9 at 6 pm at the Sweden Town Park Lodge, 4761 Redman Road for the purpose of attending a Skatepark Design Workshop.

Sec. 2. That no Town Board action will be taken at the workshop.

Sec. 3. That the Town Clerk is directed to publish a notice of the meeting in the official newspaper.

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

NON-CONSENT AGENDA:

- Approval of the minutes from the Special Meeting held November 16, 2021

Councilperson Hayles made a motion that was seconded by Councilperson Sullivan to approve the minutes from the Special Meeting held on November 16, 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>Abstain</u>	Adopted

- 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 11 dated December 1, 2021 in the amount of \$754,337.12.

General Fund: In the amount of \$274,840.19 as set forth in Abstract 11 dated December 1, 2021.

Highway Fund: In the amount of \$166,686.87 as set forth in Abstract 11 dated December 1, 2021.

Special Fund: In the amount of \$9,979.27 as set forth in Abstract 11 dated December 1, 2021.

Capital Fund: In the amount of \$302,830.79 as set forth in Abstract 11 dated December 1, 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

ADDITIONAL BUSINESS AND ANNOUNCEMENTS:

No additional business or announcements noted.

**Supervisor Johnson called for a recess at 6:57 p.m.

PUBLIC HEARING

At 7:30 p.m. Supervisor Johnson called to order the public hearing. The purpose of the public hearing was to inform the public and review the public use to be served by the Town’s potential acquisition of certain real property interests located at 36.57 +/- acres of land abutting Brockport Spencerport Road and Gary Drive, such interests to include, or be adjacent to properties identified as SBL No. 084.01-1-25.115, SBL No. 084.01-1-37, and SBL No. 084.01-1-52 (collectively the “Property”) to be negotiated by purchase or by the exercise of its power of eminent domain pursuant to the Town Law and the Eminent Domain Procedure Law for the expansion and extension of the southern portion of Gary Drive which will extend the existing street to Brockport Spencerport Road a/k/a NYS Route 31 in order to facilitate traffic circulation within that area of the Town (“Project”).

Additional visitors present were Mark Rabjohn, Edna Brooks, Karen Tobin, Tony Gianni, Anne Baltz, Wayne Hartmann, Mike Cunningham, Christine Mayer, David Baker, Michelle Huck, Mary Langer, Rick Schill, John and Sandra Cassin, Megan and James Baker, Kevin Parmele, David Young, and Brayden McMillan, Zackery Kelly, Jackson Kelly, Sam DeCoste, Jackson McNamee, Jacob Rombaut, Frank Cremaldi, Justin McMillan from Boy Scout Troop 111. Others were present but did not sign in.

**Official public hearing minutes were recorded and transcribed by Forbes Court Reporting Services, LLC and are submitted as attached hereto and approved as part of the official meeting minutes of the Sweden Town Board.

Hearing closed at 8:37 p.m.

ADJOURNMENT:

As there was no further business to come before the Board, Councilperson Hayles moved to adjourn the November 30, 2021 meeting of the Sweden Town Board at 8:38 p.m. Councilperson Hoke seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk

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TOWN OF SWEDEN

EDPL ARTICLE 2

PUBLIC HEARING

November 30, 2021
 At approximately 7:30 p.m.
 Sweden Town Hall
 18 State Street
 Brockport, New York 14420

PRESENT:

KEVIN JOHNSON
Town Supervisor

PATRICIA HAYLES
Deputy Supervisor

RANDALL HOKE)	
RHONDA HUMBY)	
GARY SULLIVAN)	COUNCILPERSONS

JAMES D. BELL, ESQ.
Town Attorney

JAMES OBERST
Town Engineer

REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,
 FORBES COURT REPORTING SERVICES, LLC
 21 Woodcrest Drive
 Batavia, NY 14020

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1 SUPERVISOR JOHNSON: Okay. Good evening,
2 everyone. We're already -- we started about 6 o'clock
3 with the regular meeting. We've already done the
4 Pledge and the moment of silence and everything. I
5 would imagine we have the Boy Scouts here for merit
6 badges perhaps? Excellent.

7 So we'll move right into our public hearing
8 this evening on eminent domain. And with that, I'll
9 turn it over to Mr. Bell, Town Attorney.

10 MR. BELL: Thank you. Good evening. Thank
11 you to everyone for attending. My name is James Bell.
12 I am the Sweden Town Counsel. This hearing is being
13 held by the Town of Sweden, and it will be referred to
14 hereinafter as the Town, pursuant to Article 2 of the
15 New York Eminent Domain Procedure Law, and I'll refer
16 to it going forward as EDPL, in connection with the
17 potential acquisition by eminent domain or negotiated
18 purchase of certain real property easement interests
19 located within the Town, certain real property
20 interests located at 36.57 plus or minus acres of land
21 abutting Brockport Spencerport Road and Gary Drive,
22 such interest to include, or be adjacent to,
23 properties identified as SBL Number 84.01-1-25.115,
24 SBL Number 084.01-1-37 and SBL Number 084.01-1-5236,
25 collectively called the Property.

1 To be clear, the Town is not seeking to
2 purchase the entire property itself. An easement
3 interest does not change the ownership of the
4 property, but does give the Town the right to
5 construct and maintain a road in the area of the
6 Property subject to the easement. The area of the
7 Property to which the easement interest is proposed to
8 be acquired will be clearly identified later in this
9 hearing.

10 This hearing was noticed for November 30,
11 2021, at the present time and location. The Town is
12 considering the acquisition of the Property by
13 negotiated purchase or the exercise of its power of
14 eminent domain in connection with the proposed
15 expansion and extension of the southern portion of
16 Gary Drive, which will extend the existing street to
17 Brockport Spencerport Road, also known as New York
18 State Route 31, in order to facilitate traffic
19 circulation within that area of the Town, hereinafter
20 referred to as the Project.

21 The Town's sponsorship and participation in
22 this public hearing are based on its role as condemner
23 and the requirement of holding a public hearing
24 pursuant to EDPL Article 2 to describe the proposed
25 acquisition of easement interest in the Property and

1 to inform the public and to review the public use,
2 benefit and purpose to be served by the proposed
3 Project, its proposed location and alternate locations
4 of the Project and the impact of the Project on the
5 environment and residents of the locality in which the
6 Project will be constructed.

7 Notice of this hearing was adequately,
8 timely and properly published as required by law in
9 the Daily Record on November 15, through November 19,
10 2021, and in the Suburban News on November 14, and
11 November 21, 2021. Proof of such publication will be
12 made a part of the record of tonight's hearing. In
13 addition, copies of the notice of tonight's public
14 hearing were timely served on each of the assessment
15 record billing owners of the Property by certified
16 mail, return receipt requested pursuant to EDPL 202.

17 I will call the speakers in the order in
18 which they are signed in. Any person wishing to speak
19 at this EDPL Article 2 public hearing shall list their
20 name and address on a sheet made available by the Town
21 Clerk prior to the meeting being called to order. In
22 fairness to all members of the public, speakers shall
23 focus their comments on the facts of the matter at
24 hand. Persons who have not indicated their intent to
25 speak by signing in shall also have an opportunity to

1 speak after all those who have signed in have spoken.
2 But they must begin by giving their names and
3 addresses. A speaker may be recognized to speak a
4 second time only after everyone who wishes to speak a
5 first time has spoken.

6 When called upon, speakers must speak from
7 the lectern provided unless a speaker has mobility
8 issues, in which case such speaker may speak from his
9 or her seat. Speakers shall be limited to five
10 minutes of time. The Town Clerk shall track the time
11 and Town Counsel shall enforce the time limit.

12 No member of the public shall be permitted
13 to address the Town Board until recognized by the Town
14 Counsel.

15 While speakers may ask questions of
16 clarification of the speakers at this EDPL Article 2
17 public hearing strictly limited to the Project, no
18 speaker has the right to demand an answer to a
19 specific question. This is a public hearing pursuant
20 to EDPL Article 2 wherein the public may sign in and
21 request an opportunity to make a formal oral statement
22 on the record pertaining to the Project or submit a
23 written statement that becomes part of the record of
24 this public hearing.

25 Speakers shall address their remarks to the

1 Town Board, not to other members of the public in
2 attendance. No request for a show of hands or a
3 quote/unquote "vote" of persons present at a meeting
4 is allowed.

5 No person attending this EDPL Article 2
6 public hearing of the Town Board shall engaged in
7 disorderly or boisterous conduct including without
8 limitation, the utterance of loud, threatening or
9 abusive language, the display of signs, whistling,
10 booing, hand clapping, stamping of feet or any other
11 acts which disturb, disrupt or otherwise prevent the
12 business of government or which impede the orderly
13 conduct of this EDPL Article 2 public hearing.
14 Furthermore, no person shall make personal,
15 impertinent, slanderous or profane remarks to the Town
16 Board or any member thereof, Town staff or other
17 members of the public.

18 As you can see a stenographer is
19 transcribing what is being said here tonight. She can
20 only transcribe one person at a time and that will be
21 who is speaking as called. Any out of order comments
22 or statements will not be transcribed.

23 Public hearings are important sessions of
24 the Town Board and it is expected that all members of
25 the public in attendance shall conduct themselves

1 respectfully, professionally and in a manner befitting
2 the dignified nature of these proceedings.

3 The Town Counsel shall designate an area for
4 those wishing to videotape the hearing, including
5 media, in order to prevent obstruction or distraction
6 of other attendees.

7 Members of the public may also submit
8 written statements to the Town Board by delivering
9 them to the Town Clerk. The Town Clerk shall mark the
10 statements as exhibits, for example, Exhibit A, B, C,
11 and make them a part of the record of this EDPL
12 Article 2 public hearing.

13 (Whereupon, EDPL Public Hearing
14 Exhibit Letters A-I were then
15 marked for identification.)

16 Now, at this point we have a number of
17 exhibits marked. Exhibit A is the Affidavit of public
18 -- Publication in the Daily Record with the legal
19 notice.

20 Exhibit B similarly is the Affidavit of
21 Publication of the Daily Record with legal notice.
22 Exhibit A, excuse me, was the Affidavit of Publication
23 for the Suburban News.

24 Exhibit C is the Department of
25 Transportation letter dated November 29, 2021, to the

1 Supervisor that I will discuss further.

2 Exhibit D is the EDPL Article 2 presentation
3 that is going to be made by James Oberst in a few
4 minutes.

5 Exhibit E is the Traffic Study from SRF
6 Associates.

7 Exhibit F is the State Environmental Quality
8 Review Assessment forms that were prepared and voted
9 on.

10 Exhibit G is the October 27, 2020, minutes
11 from the Sweden Town Board meeting relating to SEQRA.

12 Exhibit H is the map, description and design
13 layout of the Property here that is the subject of
14 this hearing.

15 Exhibit I is a letter received by the --
16 or -- to the Sweden Town Board from attorney Daniel
17 Brennan of the Davidson Fink law firm dated November
18 30, 2021. And he asked that it be made a part of the
19 record, which is being done by marking it as Exhibit
20 I this evening.

21 All of these exhibits are here on my desk
22 and subsequent to this hearing can be viewed by anyone
23 that wishes to do so.

24 Under New York State Law the Supervisor
25 and/or Town Counsel preside over hearings of the Town

1 Board and shall have the sole and absolute discretion
2 to determine violations of the foregoing rules and
3 decide upon any remedial action as the result of any
4 violation up to and including removal of persons from
5 the hearing.

6 To dispel a few of the rumors that have
7 circulated about this project, I wish to make the
8 following points.

9 Number 1, three Town Board members live in
10 Sweden Village, Patricia Hayles, Randall Hoke, and
11 Gary Sullivan. Supervisor Kevin Johnson grew up in
12 Sweden Village and most of his family still lives
13 there. This Board has approached the Project from the
14 very beginning as a means to improve safety for
15 residents of Sweden Village as they enter and exit
16 Route 31 or cross Route 31 as pedestrians.

17 Number 2, there will be no rezoning of the
18 Baltz Property. There is no application for rezone
19 submitted by the Property owners and this Board has
20 stated it has no intention to grant a rezoning of the
21 Property. The planned extension of Gary Drive has not
22 been based in any fashion regarding zoning or rezoning
23 of the Baltz property.

24 Number 3, the Town attempted to negotiate an
25 appropriate easement agreement with the Property

1 owners, but were unable to reach an agreement despite
2 the property owners indicating at the outset that they
3 would favorably consider entering into an easement
4 agreement.

5 Number 4, this Project will not cause
6 cut-through traffic in Sweden Village to avoid the
7 Route 19 and Route 31 intersection. Every traffic
8 engineer and expert the Town has consulted has said
9 that the factors suggest it will not occur. The Town
10 Board understands that there is a fear that
11 cut-through traffic will happen, but fear is not a
12 reality.

13 The New York State Department of
14 Transportation is not using this Project to force
15 traffic through Sweden Village to relieve pressure at
16 the Route 19 and Route 31 intersection. I have a
17 letter from the New York State Department of
18 Transportation that, as I said a few minutes ago, is
19 an exhibit to this hearing. As follows, dated
20 November 29, 2021, addressed to Kevin Johnson,
21 Supervisor of the Town of Sweden.

22 Dear Supervisor Johnson,

23 We are writing to confirm our support of the
24 Gary Drive extension project. The Town of Sweden and
25 residents have requested improvements to access

1 Route 31 from Sweden Village, which included the
2 request for the installation of a signal at Sherry
3 Lane. While we recognize the desire for a signal at
4 Sherry Lane, it is not an appropriate solution due to
5 the low volume of traffic on Sherry Lane, the
6 proximity of the Walmart signal and the existing crash
7 patterns in the corridor.

8 Our review noted the potential for the Town
9 to extend Gary Drive to provide the requested
10 signalized access to Sweden Village. The Gary Drive
11 Project as well as the New York State Department of
12 Transportation's Route 31 project will enhance safety
13 in the Route 31 corridor and improve access to and
14 from the adjacent neighborhood. It will also provide
15 improved pedestrian accommodation for those trying to
16 cross Route 31 towards Walmart and the plazas south of
17 Route 31.

18 We would also reaffirm that these
19 improvements are not intended to ease traffic at the
20 intersection of 31 and 19 and we do not anticipate
21 these improvements will divert traffic from the state
22 routes into the Sweden Village local road network. If
23 you have any questions, please feel free to contact
24 Paul Spitzer at 585-272-4890. Sincerely, Christopher
25 Reeve, Acting Regional Director.

1 Number 6, the timing of this action follows
2 almost a year of discussion and then several months of
3 silence from the Baltz family until the end of
4 October 2021. There is no other reason for the timing
5 of this action. It was the Town Board's intention to
6 construct the Gary Drive extension this past spring
7 and summer. The Town waited patiently for the Baltz
8 family to deliver the easement agreement that the Town
9 had provided to them. And in late October 2021 with
10 no response, the Town Board determined to begin this
11 EDPL Article 2 proceeding.

12 Number 7, some residents proposed a one-way
13 extension of Gary Drive onto Route 31 in lieu of the
14 two-way street. Those residents are disappointed that
15 the Town is not pursuing a one-way extension. The
16 Town engineers believe that the one-way exit would
17 create a higher probability of accidents at the
18 eastern end of Gary Drive. Some Sweden Village
19 residents coming home from the east would not drive
20 past Gary Drive to turn onto Sherry Lane. Some Sweden
21 Village drivers would turn onto Gary Lane
22 quote/unquote, "when the coast is clear," despite it
23 being the wrong way on a one-way section of road.
24 However, the Town Board does understand why the
25 residents of the east end of Gary Drive would prefer

1 the one-way extension. It would reduce the amount of
2 traffic going past their homes.

3 Number 8, finally, the topic of eminent
4 domain is a difficult one and should not be entered
5 lightly. The Town Board did not enter it lightly.

6 I am now going to turn over to the Town
7 Engineer, James Oberst, this meeting at the present
8 time for an overview of the Project. Jim is the Chief
9 Operating Officer and Vice President of MRB Group. He
10 is also the project engineer and will describe the
11 Project, the State Environmental Quality Review Act
12 review including traffic studies and other relevant
13 environmental impact considerations that resulted in a
14 negative declaration, coordination with the New York
15 State department of Transportation and the alternate
16 routes that were considered. Jim, go ahead.

17 MR. OBERST: Thank you, Jim, and the Board
18 and the residents here. I'd like to just give a
19 little overview of what I want to touch on here,
20 focusing on what the Project area is, what some of the
21 current conditions and concerns are and kind of what
22 were the origins of the topic we're discussing
23 tonight, the Project need, alternatives that have been
24 looked at and evaluated, public input that was
25 collected throughout this process. As Jim Bell

1 mentioned, we also had a traffic assessment done for
2 this. We'll talk about that, the State Environmental
3 Quality Review Act, that overview. I'd also like to
4 discuss how that was evaluated as part of this
5 process. And then also talk about how this ties in
6 with the DOT improvements that are planned for
7 Route 31 in 2023. And then kind of wrap it up with
8 what some of the Project benefits would be.

9 So the Project area that we're talking about
10 is -- it's Sweden Village, of course, and an access to
11 31, more specifically a signalized access to allow
12 safe entry and exit of Sweden Village onto 31 and also
13 for safer pedestrian connectivity there.

14 Some of the past concerns that were brought
15 before the Board -- this really predates this Board.
16 I've been Town Engineer for about 25 years. So I've
17 worked with several other Boards, several other
18 Supervisors, and I know this has been a concern going
19 back several years. There have been conversations
20 with the DOT in the past about this.

21 And those concerns, of course, are the
22 limited options for exiting Sweden Village safely,
23 especially during the higher traffic volume commutes,
24 the a.m. and p.m. peak hours. And, of course, the
25 pedestrian connectivity. The only signalized

1 pedestrian crossings right now are at Route 19 or
2 Owens Road. So neither of those provide a very easily
3 accessible, safe pedestrian crossing of Route 31 for
4 the residents in Sweden Village.

5 What this map shows here is those signalized
6 intersections both on 31 and on 19. There's a signal
7 at Walmart right now, but, of course, there's no
8 pedestrian crossing there at that location. So for
9 pedestrians to cross, you have to go to Owens Road.

10 So one of the options that has been
11 discussed for years is a signalized intersection at
12 Sherry Lane. As I mentioned, that predates this Board
13 and there have been conversations with DOT in the
14 past. This Board and in particular Supervisor Johnson
15 have taken that to another level, I guess, and really
16 worked with the DOT to try to get a formal response
17 from them on that topic. The DOT in the past few
18 years, basically after their assessment, said that
19 Sherry Drive does not meet DOT criteria based on
20 traffic volume. There's concern about the lack of
21 adequate spacing between the existing signal that is
22 facing Walmart and Sherry Lane. Because of that short
23 proximity, there would be an issue there. And, of
24 course, Route 31 being a New York State Department of
25 Transportation road, it requires their approval for a

1 signal on that road. And that is something that the
2 Town was not able to secure at the Sherry Lane
3 intersection.

4 Previous options that were discussed was
5 back in 1998. The development of the Fieldstone Acres
6 was before the Planning Board. And that proposed to
7 continue the development of the Sweden Village,
8 extending Gary Drive eastward all the way to Owens
9 Road. Of that, only Section 1 was constructed. And
10 that's the -- I guess, a current -- it shows on the
11 next map. Excuse me.

12 So that proposed to extend development all
13 the way to Owens Road. That project did not,
14 obviously, come to fruition. Among the problems that
15 they encountered or had to overcome was some of the
16 environmental issues including wetlands and a stream
17 crossing.

18 It was also suggested that the Town could
19 look at that as a potential option, having the Town
20 install a road and have a connection out to Owens.
21 And that was explored more recently. However, factors
22 working across -- or -- against that are the
23 exorbitant cost due to the road length. We're looking
24 at at least 2,000 feet to extend all the way out to
25 Owens Road versus the Gary Drive extension, which

1 would be about 300 feet. So almost seven times the
2 length, seven times the cost. And then, as I
3 mentioned, there are environmental challenges due to
4 the wetlands and a creek crossing. What this map
5 shows here is a concept plan for Fieldstone Acres that
6 came before the Planning Board in 1998.

7 This map here is the Federal National
8 Wetlands Inventory. And that green area you see is
9 the wetland that kind of falls kind of halfway between
10 Gary Drive and Owens Road. That blue line is the
11 regulated stream. So those are two environmental
12 challenges that there would be in extending the
13 roadway across those features.

14 So once the Town was looking for options of
15 how to get a safe, signalized entrance onto 31, they
16 started to perform some outreach. That included the
17 Town sending surveys to the residents of Sweden
18 Village to gauge their interest in a Gary Drive
19 connection. Over 117 residents responded. Three to
20 one were in favor of a connection -- of a signalized
21 connection to Route 31 based on those surveys.

22 The Town then followed it up in 2020 with a
23 public informational meeting that was held to talk
24 about the options and to generate more feedback and
25 questions from the concerned residents.

1 One of the concerns, and Jim mentioned it
2 briefly, was the concern that with a Gary Drive
3 connection out to 31 that vehicles would use that as a
4 cut-through. This would be for non-local traffic.
5 Basically they would take that cut-through from 31 to
6 19. And that's something that we certainly looked at
7 and brought out a traffic engineer to really take a
8 good in-depth look at that.

9 What this graphic shows here is, you know,
10 some of the routes that you could potentially take
11 both from the Gary Drive extension or from Sherry Lane
12 to get over to Route 19. So looking at those traffic
13 patterns for non-Sweden Village residents to bypass 31
14 and get over to 19 or vice versa, they would encounter
15 the following if they tried to take this Gary Drive
16 extension to Route 19 at the Sweden Lane and Route 19
17 intersection, over a mile of roadway with five stop
18 signs or, depending on the route, you'd find four stop
19 signs. Sherry Lane would be a little shorter route,
20 anywhere from 3,000 -- well, actually it's about 4,400
21 feet to go to Sweden Lane with either three or four
22 stop signs or about 3,000 feet if you just went to
23 Crestview.

24 So I think looking at that and just human
25 nature it would be -- we didn't see where the time

1 saving would be, but we wanted to bring in an
2 independent traffic engineer, who is well known in the
3 Rochester area. That was SRF Associates. So they
4 completed a traffic assessment that included going out
5 there multiple times to take traffic counts. They
6 coordinate with New York State DOT to get background
7 traffic data from them. And they evaluated traffic
8 movements, traffic patterns in that area.

9 They provided us a report on that. And in
10 summation, the conclusion they came to was that during
11 most times, there'd be no measurable time savings
12 using a Gary Drive connection or cut-through, I guess,
13 via the proposed Gary Drive to circumvent the signal
14 at the intersection at 19 and 31. Therefore, there'd
15 be little benefit for existing traffic to use Gary
16 Drive.

17 They also looked at it during peak, weekday
18 p.m. commuter period, which is the main -- would be
19 the most potential for somebody to use it as a
20 cut-through. They found that the greatest savings may
21 be during that peak period, a savings of 27 seconds.
22 Based on their data and, you know, their knowledge of
23 traffic and traffic studies, that typically would not
24 be enough time for a motorist to consider altering
25 their current driving patterns. The conclusion was

1 that this connection would result in no significant
2 adverse impacts to Gary Drive as a result of non-local
3 traffic.

4 It was also mentioned -- Jim Bell referenced
5 earlier some residents that had asked that the Town
6 consider a one-way alternative. That was evaluated as
7 well. Couple points about one-way roads. They
8 operate best in pairs, meaning when they are separated
9 by an intersection or blocks. It also works best in
10 congested downtown areas, though the recent trend has
11 been to convert one-way streets back to two-way. And
12 that has happened in Downtown Rochester to some of the
13 one-way streets. And national studies show that
14 there's an increase in drivers' speed on one-way
15 streets and drivers being less attentive. That's due
16 to no conflicting traffic flow, so, no traffic coming
17 at you to be concerned about and the lack of
18 centerline markings.

19 Looking at those points and applying it to
20 Gary Drive, this would be a situation where you would
21 have one-way having to then merge into two-way. So
22 there would be a lack of a physical change. It would
23 not be two intersections separating that one-way from
24 a two-way. So that would be something that is a
25 concern of, you know, being -- confusing drivers,

1 especially those who are not familiar with the area.
2 From Route 31, since it would be a very short section,
3 about 300 feet, drivers would be able to visually see
4 where the two-way road begins. And the concern was
5 that they may be tempted to shoot the gap or go the
6 wrong way on that one-way if they saw no oncoming
7 vehicles, creating a dangerous situation.

8 Some of the two-way drive considerations
9 are, versus the one-way, is -- I think most paramount
10 is the safety and liability to the Town as the
11 overriding consideration in looking at any of those
12 alternatives. The two-way road is a proven design.
13 Whereas the one-way design, especially in this
14 scenario, would be somewhat unique due to that short
15 lane and lack of the intersection or blocks to segment
16 that. And because of that the concern is that that
17 one-way presents more of an opportunity for driver
18 error and/or increased speed.

19 We also worked with the New York DOT to have
20 them review the proposed alternative for that two-way
21 drive. And they did give us feedback on that and made
22 some adjustments. And they ultimately signed off on
23 their preferred two-way intersection alignment and
24 dimensioning of the roadway. So that would work in
25 unison with the Route 31 improvements that they have

1 currently under design.

2 We also took a hard look at environmental
3 considerations and the complete environmental review
4 through the State Environmental Quality Review Act
5 process. That included preparing and completing a
6 long environmental assessment form along with
7 supporting documentation. As part of that we were
8 evaluating impacts of the land, surface water, plants,
9 animals, transportation and other environmental
10 issues. Following a thorough look at that, a
11 determination was made that the Project, being a Gary
12 Drive extension, would not have a significant impact
13 on the environment or, in other words, a negative
14 calculation was declared. And the Board acted on
15 SEQRA at the October 27th, 2020, Board meeting.

16 So the current status of the Route 31
17 corridor is the DOT is in the planning and preliminary
18 design stages of the project to make paving and road
19 widening improvements between Owens Road and Route 19
20 that is tentatively planned for 2023 construction.
21 That's a project that is happening regardless of this
22 Gary Drive connection. But this has provided a unique
23 opportunity to the Town that this project would be
24 happening right now.

25 Their improvements would provide for a

1 continuous three-lane road section of pavement from
2 Owens to 19. Right now, there's a section kind of in
3 the middle there that's still two lanes. And their
4 project work would include improvements at that
5 Walmart entrance.

6 The DOT project provides the Town a unique
7 opportunity to work with them on this connection and
8 making sure it's a cohesive project that could occur
9 within the parameters of their improvements and a
10 well-planned and thought out project that would
11 benefit all parties.

12 And this graphic just shows the section of
13 31. That is the green highlighted area. This area is
14 currently two-lanes. That would now be three lanes,
15 that third lane being the middle turning lane.

16 The land that would be required for this
17 Gary Drive extension that's the subject of this
18 hearing tonight is shown on this map here. And it's
19 at the end of the existing Gary Drive there.
20 Dimensionally it is approximately 200 feet wide at
21 Route 31. And then up at the northern end where Gary
22 Drive is, it would be about 120 feet wide. So it's a
23 sliver of land that would be just slightly smaller
24 than a, you know -- than a -- probably the adjacent
25 parcel there next to it. That's the land that the

1 Town is looking for to be able to do the Gary Drive
2 extension improvements.

3 This rendering here shows just a concept
4 layout of the extension of Gary Drive out to 31 and
5 would align with the Walmart drive intersection and
6 would share that signal that's currently at that
7 intersection. Instead of it being a three-way, it
8 would now be a four-way signal to serve 31, Walmart
9 and Gary Drive.

10 And this is just a zoomed in look at that.
11 The improvements would propose one lane going into
12 Sweden Village, two lanes leaving with a dedicated
13 eastbound turn lane. There would be a 22-foot wide
14 pavement section with gutters very similar to what is
15 on Gary Drive right now. The sidewalk would be
16 extended all the way out to 31. As part of the DOT
17 Route 31 improvements, they would put a signalized
18 pedestrian crossing at 31 there. And that would allow
19 that safe pedestrian crossing of 31 to the south side
20 of 31 where sidewalks exist as well.

21 Some of the funding considerations for this
22 Project, the Town has secured a HUD grant to partially
23 fund this Project. That was \$175,500. The design
24 would be coordinated with DOT improvement projects
25 which would result in project efficiency and cost

1 savings.

2 The DOT as part of their project scope, they
3 have proposed to perform all the work within the
4 right-of-way to make this connection happen. And that
5 would include the signal improvements required for the
6 traffic and also the signal improvements for
7 pedestrian crossings.

8 The Town is proposing to use the Town
9 Highway Department for a good portion of the work
10 here. And that would include drainage improvements,
11 boxing out the road, paving. And then there may be
12 items that the Town would use County bid items such as
13 for gutter installation, sidewalks, possibly paving.
14 Those are all factors that will help minimize the cost
15 of this Project and the cost to local taxpayers.

16 So overall Project benefits, safety has
17 really been the driver from the very beginning when
18 the public has voiced a concern about having a safe
19 way to exit Sweden Village onto 31. This would
20 provide that controlled vehicular access point.

21 Second, being connectivity. This would
22 provide an extension of sidewalks from Sweden Village
23 and a safe, signalized pedestrian crossing that's ADA
24 accessible at a convenient location for the residents
25 of Sweden Village.

1 Point 3 would be coordination. The Project
2 would be designed in coordination with New York State
3 DOT and the Route 31 improvements for a seamless and
4 well thought out, uniform Project.

5 And the final point, the financial impact,
6 which I discussed in previous slides, would be
7 lessened based on the coordinated project with DOT.
8 The DOT incorporating -- well, all these improvements
9 within the right-of-way in their Project, the HUD
10 grant funding that the Town received, and the
11 assistance from the Town Highway Department.

12 With that I conclude my remarks and want to
13 thank you for your participation.

14 MR. BELL: Thank you, Jim. Just to
15 emphasize the public uses, benefits and purposes of
16 the Project include the expansion and extension of the
17 southern portion of Gary Drive, which will extend the
18 existing street to Brockport Spencerport Road, also
19 known as New York State Route 31, in order to
20 facilitate traffic circulation within that area of the
21 Town, and to benefit safe pedestrian connectivity to
22 the commercial zones from the residential zones.

23 I will now call the individual speakers in
24 order of the signup sheet. And when you approach the
25 podium to speak, please give your name and address.

1 The first person signed up is Ann Baltz.

2 MS. BALTZ: My name is Ann Baltz and I'm one
3 of the owners of the Property in question here.

4 And --

5 MR. BELL: Could you give your address
6 please? Could you please give your address before
7 you --

8 MS. BALTZ: PO Box 274, Brockport, New York.
9 So I want to thank you for clarifying the area to be
10 taken because it was very stressful to have a vague
11 and undefined area for us. It was a very big concern
12 for us. We do have a letter that we -- statement that
13 we have made, but some of that is probably not really
14 pertinent since you did clarify somewhat. So I'll
15 just read parts of it.

16 The Project does not seem to serve the
17 public use, benefit or purpose. The Project will
18 result in an increase in traffic and decrease in
19 vehicle safety on Gary Drive, which is currently a
20 safe, quiet, residential street. The existing Gary
21 Drive runs east from Hollybrook Road and then takes a
22 dramatic turn south just after Highview Circle.

23 The increase in the traffic on Gary Drive
24 caused by the Project will result in bottlenecks and
25 accidents at the sharp turn by drivers unfamiliar with

1 the area seeking to avoid Brockport Spencerport Road.
2 The existing quiet residential character of Gary Drive
3 will be destroyed by this Project, which will also
4 make the Property less marketable for development, --
5 our property less marketable.

6 Adding center turn lanes on Brockport
7 Spencerport Road will alleviate traffic and allow
8 vehicles to turn into driveways and cross streets.
9 Center turn lanes will also make it easier for
10 vehicles to merge into traffic from the driveways and
11 cross streets. The Town could therefore address any
12 perceived traffic issues on Brockport Spencerport Road
13 using the existing right-of-way and without
14 appropriating private property.

15 The Project will result in overall harm to
16 the residents of the Town and the neighborhood. The
17 noise and the danger from the increased traffic in
18 Gary Drive residential neighborhoods will have a
19 negative impact on the quality of life and decrease
20 property values.

21 The Project will have a negative impact on
22 the environment causing drainage issues and loss of
23 trees and habitats.

24 The Project is unnecessary because the Town
25 owns a right-of-way on Owens Road. Utilizing the

1 right-of-way onto Owens Road will decrease traffic
2 problems, reduce the impact on residential
3 neighborhoods, and have fewer significant impacts on
4 the environment.

5 Furthermore, there is an existing firehouse
6 on Owens Road. Extending the right-of-way to Owens
7 Road will allow for emergency vehicles access to the
8 residential neighborhoods directly.

9 We object to the Town taking the Property by
10 eminent domain. Furthermore, the notice is
11 deficient -- well, that was somewhat mitigated -- as
12 to its approximate location and the overall failure to
13 comply with the requirements of the New York State
14 Eminent Domain Procedure Law, the New York
15 Constitution and the United States Constitution. We
16 therefore request that this Board adopts a resolution
17 to discontinue this eminent domain proceeding. Thank
18 you.

19 MR. BELL: Do you wish to have what you just
20 read marked as an exhibit?

21 MS. BALTZ: Well, it is marked, I believe.
22 It's -- it was from Davidson Fink.

23 MR. BELL: All right.

24 MS. BALTZ: They -- they represent us.

25 MR. BELL: Thank you.

1 MS. BALTZ: So if anyone wants to see the
2 letter, they can get the exhibit.

3 MR. BELL: The next individual signed up is
4 Christine Mayor. And that is Christine with a "C."
5 Would you please give your address.

6 MS. MAYOR: I'm Christine Mayor at 179 Gary
7 Drive. I think most of you know where I stand,
8 obviously, in opposition of the extension, but I'll
9 repeat and be fairly brief.

10 I'm opposed to the two-way extension. I'm
11 disappointed and discouraged in our elected officials
12 for this Town, who claim an open-door policy, but you
13 wouldn't work with your community members on a
14 proposed compromise to the Gary Drive extension. I
15 think it's pathetic and reprehensible that the elected
16 leaders of this Town feel that their last-ditch effort
17 is to claim eminent domain, using taxpayer money on
18 this land, especially when there's a right-of-way that
19 already exists on the tax map at Owens Road. Thank
20 you.

21 MR. BELL: The next individual signed up is
22 David Baker.

23 MR. BAKER: Dave Baker. I don't live on
24 Gary Drive, but my family does. I have two grandkids.
25 They paid extra money to live on a cul-de-sac. You

1 mentioned the engineering thing that if you had a
2 one-way street and people wouldn't be familiar with an
3 area, they might cause an accident. Well, if you did
4 your study -- earlier you said that only people using
5 it will be the people in the neighborhood. So I don't
6 know why they wouldn't know the area.

7 There's going to be people cutting through
8 here. I've been -- I live on Sweden Walker and 31.
9 There's traffic, 3 o'clock, backed up to the light
10 almost. Naturally people are going to try to cut
11 through.

12 And also to dispel any rumors about the
13 property being zoned, I think, as an honorable guy,
14 you should put ten-year moratorium on zoning that
15 commercial because it seems like -- follow the money,
16 sometimes -- there's an Owens Road right-of-way, but
17 some of the Town Board members live closer to that
18 access point. That's what I got to say. Thank you.

19 MR. BELL: The next individual signed up to
20 speak is Mary Langer.

21 MS. LANGER: I'm Mary Langer. 4295 Sweden
22 Walker Road. I don't know anybody here. I don't know
23 anybody who lives on Gary Drive. But I saw the
24 eminent domain and I thought you were going to take
25 all 35 acres for 200 feet, which seemed very unfair to

1 the people. I also know that if I lived on Gary Drive
2 in those houses at the end of that street, I would be
3 furious.

4 And also if you guys think that all your
5 studies are going to keep people from cutting through
6 there, you're crazy. 27 seconds that they could save
7 is a lot to somebody who's sitting there waiting for
8 traffic that's up above. They're going to cut down
9 that road.

10 And also the only thing that this really
11 benefits is the people who want it and Sweden Village.
12 It's not making anything any safer for anybody because
13 nothing really -- because nothing's there now. Cars
14 can go by. I don't really care -- my most concern is
15 for the vagueness. After looking at the extension of
16 31 down there, the debacle that that is, I never want
17 to see you guys put anything out that isn't concrete,
18 every single foot put out. You have nothing. You
19 got, oh, it's going to be 200 feet here. It's going a
20 hundred feet down here. Doesn't say how much land
21 you're going to take on the side of it, how many trees
22 are going to be cut down, what the -- how far the
23 drainage is going to go back or any of that stuff.

24 I want to see it all printed out on a form
25 and you don't even have that. And for me to want to

1 even trust you guys anymore, I don't. Because I have
2 to drive on 31 every single day and see what a
3 disaster that is. That didn't help anything.

4 And all the studies that were done on that
5 thing didn't improve anything. Mostly I want to know
6 is why we don't have, according to the eminent domain,
7 exactly the amount of land that you're going to take.
8 And you even mention something about an alternate
9 route. Did that come up later when you found out that
10 you couldn't do it this way? Oh, well, we're just
11 going to change it a little bit and move it here. It
12 should be concrete. It should be black and white,
13 every single foot that you're going to take, not just
14 200 feet here, a hundred feet back here.

15 Where are the lights going to go? It should
16 all be right there and it's not. And I don't trust
17 you. That's really all I have to say.

18 MR. BELL: Thank you. The next individual
19 signed up is Megan Baker.

20 MS. BAKER: Hello. This is not my first
21 time speaking about this. I live at 183 Gary Drive.
22 My name is Megan Baker. I actually live in the part
23 of this development that will be affected by this
24 Project, unlike the Town Board members or family of
25 the Town Board members that you spoke of. I oppose

1 the use of eminent domain for the acquisition of the
2 property that you're discussing today on the grounds
3 that it's not necessary. The whole premise of this
4 Project was to provide a safe exit for residents.
5 There are safe exits for residents onto 19. There
6 are. They're -- they have traffic lights. I bet you
7 that you guys exit that way every time you have to
8 leave the track.

9 If you live on the other parts and you want
10 to exit Sherry, that's your choice to exit and make a
11 left-hand turn or make a right-hand turn. It exists.
12 I do it every single day. As noted multiple times
13 that all of us have brought to your attention, that
14 safety at that light at Walmart is ridiculous.
15 There's tons of accidents. I hear them everyday
16 because I live right there. So if you're saying it's
17 going to make it safer by putting more traffic at that
18 light, that just doesn't make sense.

19 Also the Town falsely stated to residents of
20 Sweden Village that you're obtaining this property
21 by -- that the Baltz were gifting you this property.
22 Clearly, that's not the case. And they were also
23 under false pretenses. So now you're trying to take
24 their land from them through eminent domain where
25 you're going to have to make just payments. So where

1 is that money coming from, the just payment that
2 you're going to have to make to them for the property?

3 And then the survey that you sent out, 117
4 residents responded. There's 400 people that live in
5 Sweden Village, not just 117. But I feel like
6 pointing that fact out doesn't mean that all people
7 within Sweden Village want this light to occur.

8 And just saying to everybody here, so
9 they're starting eminent domain now by taking the
10 Baltz's property. Where are they going to stop? Are
11 they going to come after your land next if they feel
12 like the Project may benefit them or benefit what
13 might come into the area to increase the tax revenue
14 here? You can bet that development right there is
15 going to put something in. And I agree with them
16 stating that you guys should make a promise that
17 you're not going to rezone that property commercial or
18 you want to know what's going to go in there?

19 Affordable housing. Sure. So I'm sure once all the
20 residents see that that's what's going to happen to
21 this land, then they will probably have a different
22 opinion. And that's all I have to say for today.

23 Thank you.

24 MR. BELL: That concludes the list of
25 individuals who signed up. Is there anyone else who

1 wants to make a public comment? Is there anybody else
2 before we --

3 MR. BAKER: I'm signed up also. James
4 Baker. It's right underneath her. If that's okay?

5 MR. BELL: Yes. Come on. You can come up
6 and speak.

7 MR. BAKER: I live with her. Gary Drive. I
8 think this began with a letter to us at the first
9 meeting that this was going to be hooking up with the
10 State as they had come through westward on 31 at
11 minimal cost because we didn't have the finances here
12 to pay for it. And now like, you know, hitting home
13 with her, a lot of people covered what I had to say,
14 but I don't know how it went from this small strip to
15 an entire 36 acres when we're told the reason we're
16 doing this Project at this time is to hook up with
17 money from the State that was put in west on 31. So
18 that's one issue.

19 Secondly is safety. I've probably very
20 rarely seen anybody walking on Crestview to Wegman's
21 as a pedestrian. So I think that we can maybe knock a
22 pedestrian access to Walmart off the list of benefits
23 to people that live on Gary Drive. I don't think
24 anybody from Sweden Village is going to walk there.
25

And opposed to that, I think there was a

1 couple of -- there was a recent robbery in our
2 neighborhood where a pedestrian did walk the other way
3 coming through, stole somebody's car and then went
4 through a couple people's houses on their way to steal
5 the car. And they were all on foot. So I don't know
6 how adding to that pedestrian -- where they're parking
7 at Walmart and then walking through our neighborhood.
8 It seems like an easy way for somebody to come and get
9 access to personal stuff.

10 And I don't -- I'm also finding out I did
11 not know that the Town owned the land already or has
12 access to the land that goes to the original Project
13 where the Board members live and your family lives
14 too. Like I don't see how when you said this would
15 benefit everybody -- you know, how it's looking like
16 it's going to benefit everybody of Sweden Village when
17 you already have access to somewhere that hooks up
18 more directly to your personal stuff. You know, then
19 you could probably see why some of us are upset.
20 That's all I got to say.

21 MR. BELL: Thank you. Is there anyone else
22 that would like to speak? Come forward.

23 MS. CASSIN: Sandra Cassin, 173 Gary Drive.
24 Sweden Village has existed for decades with the
25 traffic exiting Sherry Lane. The number of households

1 has not changed. So how's the exit on Sherry Lane
2 become a problem? Could it be the direct result of
3 overdevelopment on Route 31 from Walmart to Route 19?

4 When the Town engineer dismissed the one-way
5 exit only proposal, he stated the extension would also
6 provide access for any future development of the land
7 east of Gary. If I remember correctly, he -- you said
8 they can go out that way. It was never developed in 2
9 years or 15 years.

10 Let me ask you, how is that approximately 35
11 acres of extra traffic to an already overburdened road
12 helping? How is that in the public's best interest?
13 In my opinion, you know, I don't understand this. I
14 don't see this as being in the public's best interest.

15 I'm not going to go to the place with all
16 the family members. Not my business. But where I
17 will go to is Gary Drive. You keep calling it a T.
18 And you keep telling us because it's a T-road it's got
19 to be developed. Well, I'm sorry, Hickory Way is a
20 T-road too. Why are we subject to different rules?
21 Hickory Way is marked as a dead end. That's nothing
22 against any family members or anyone that lives there.
23 Just a question. A question. How is the Gary Drive T
24 different than any other intersection into 31?

25 So I guess my final thing is, you know, I

1 think going out to the Owens Road is safer for
2 everybody. Going to Owens is safer. You would have
3 less traffic. You wouldn't have all those congested
4 areas still. And they're right. There's accidents
5 there all the time. Adding all this isn't going to be
6 safer. I don't see it as in the public's interest.

7 And honestly, I think my last question here
8 is, can each Board member honestly say tonight that
9 they personally feel that eminent domain and the Gary
10 Drive extension are really in the best interest of the
11 Sweden residents? Thank you.

12 MR. HARTMAN: Wayne Hartman, 225 Hollybrook.
13 Well, I want to thank you for putting in the light.
14 I'm terrified when I take a left turn onto Sherry, but
15 I've been practicing for 40 years. And the people who
16 first move into the neighborhood, they have to learn
17 to make that left turn. It takes a lot of timing and
18 skill. And I hate to see young people do it. Very
19 dangerous. So I am so thankful you're going to put in
20 a light and pathway out south to get onto 31. Thank
21 you.

22 MR. CASSIN: John Cassin, 173 Gary Drive. I
23 concur with all the remarks that are in opposition to
24 the Project and the use of eminent domain. I'm
25 concerned about the safety issues that this road goes

1 through. We all know what the accidents are like on
2 31. It's a daily event especially around Owens,
3 especially at Walmart.

4 I would also like to point out to the Board
5 the increasing crime in the Town as every town right
6 now is facing. I'd like to make you aware that in the
7 first seven months of this year, the Sheriff
8 Department's calls to Walmart have increased
9 38 percent over the entire 2020 numbers. That's only
10 the first seven months. And we're not at the end of
11 the year yet. So obviously I think we can go much
12 higher. I think that's something you need to consider
13 in this. You don't want to open up Sweden Village to
14 that kind of access. Thank you for your time.

15 MR. BELL: Is there anyone else who would
16 like to speak? Anybody that wants to speak for a
17 second time can do so if they want. Anybody want to
18 speak again? All right.

19 A copy of the record of this hearing
20 including all written materials submitted will be
21 available for public inspection without cost at the
22 offices of the Town of Sweden located at 18 State
23 Street, Brockport, New York during normal hours of
24 operation. And, again, I went through the exhibits
25 earlier tonight that are part of the record including

1 those matters that were talked about by Jim Oberst.
2 And also, again, the map, legal description and design
3 layout of the Property here. Copies of the record and
4 exhibits shall be reproduced upon written request
5 and payment of the cost thereof to the Town Clerk's
6 Office. This hearing is now closed.

7 SUPERVISOR JOHNSON: All right. Any
8 additional business and announcements for the Board
9 this evening? Can I have a motion to adjourn?

10 MR. HOKE: So moved.

11 SUPERVISOR JOHNSON: All in favor, please
12 vote.

13 ALL COUNCILMEMBERS: Aye.

14 SUPERVISOR JOHNSON: Any opposed? All
15 right. Meeting adjourned. Thank you everyone.

16 (Public Hearing concluded at 8:37 p.m.)

17 (Exhibit J received and marked after the
18 conclusion of the public hearing on
19 December 1, 2021.)

20 (Exhibits K and L marked after the
21 conclusion of the public hearing.)

22 * * *

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24
25

1 REPORTER CERTIFICATE

2
3 I, Holly E. Castleman, do hereby certify
4 that I did report the foregoing proceeding, which was
5 taken down by me in a verbatim manner by means of
6 machine shorthand.

7 Further, that the foregoing transcript is a
8 true and accurate transcription of my said
9 stenographic notes taken at the time and place
10 hereinbefore set forth.

11
12 Dated this 30th day of November, 2021
13 at Sweden, New York.

14
15
16
17 *Holly E. Castleman*

18 Holly E. Castleman,
19 Court Reporter and
20 Notary Public
21
22
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24
25