

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, September 28, 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, Assessor Tammy Baker, Building/Code Enforcement Officer Lyle Stirk, Town Attorney James Bell, and Town Clerk Karen Sweeting.

Visitors present were Chris Hamlin, Jim Cenci, Don Grentzinger, Marcy Johnson, Kevin M. Johnson, Karen LoBracco, and Don Pophal.

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

PRIVILEGE OF THE FLOOR:

No comments.

CORRESPONDENCE:

1. John and Sandra Cassin – letter in support of opting out of cannabis dispensaries and on-site consumption sites
2. Daniel Kuhn – letter opposing opting out of cannabis dispensaries and on-site consumption sites

REPORTS OF DEPARTMENTS AND BOARD MEMBERS:

Building/Code Enforcement Officer Lyle Stirk provided the board with annual comparisons – permits issued, violations issued, and complaints received. They have ten vacant properties registered many of which are moving forward with building permits. They will start focusing on commercial vacancies as time allows. Mr. Stirk shared that the Villas of Brandon Woods will begin constructing 99 townhomes within 20-25 building units. Councilperson Hoke asked the time difference between dealing with a violation/complaint and issuing a permit. Mr. Stirk responded that it depends on how people respond to it. He briefly described some of the processes adding that every permit is different.

Assessor Tammy Baker reported that the annual conference will be held in Niagara Falls and she has decided to attend remotely. Sales are still high, and she should receive the trends next month. Discussion of equalization rates across Monroe County.

Town Clerk Karen Sweeting reported that the Board of Elections will now be paying the election inspectors beginning with the November election.

Town Attorney Jim Bell provided the board with updates on the draft local laws pertaining to the moratoriums – wind energy, battery storage systems, and solar energy. He hopes to have a draft ready for Board review by the end of October.

Finance Director Leisa Strabel reported that the Tentative Budget has been officially filed with the Town Clerk – copies were provided to the Board. Minimum wage has been set at \$13.20. The Snapshots will be delivered to homes this week. Sexual harassment training has concluded.

Councilperson Hayles attended the Seymour Library Board meeting. The auditors presented their findings – “unqualified opinion” which is what you want, no major concerns with internal controls and the financial statements reflect the finances of the library. The library board also approved the lease and operating agreement. Mrs. Hayles shared concerns with the proposed budget.

Councilperson Hayles reported that the community center programs have all resumed, including the URMH Healthy Living class. There is a new fee structure for some programs. Program registrations continue to increase. Mrs. Hayles shared several upcoming events – community health fair, two Halloween events (one at the Town Park and one at the SCCC), and a family fun run and carnival. The digital sign has been installed and will be custom fit to match the cladding.

Councilperson Sullivan reported that all the trails are completed and ready for use. The Splash Park is now closed for the season. Nietopski Field repair estimates are coming in. The scoreboard painting has been delayed due to availability of the lift. Lodge rentals are strong.

Councilperson Humby reported that she is finishing the cemetery maps this weekend. The Farmers Museum Committee met to share new ideas, ways to revitalize the building, and to start planning the Harvest Festival for 2022. Mrs. Humby reported that Dog Control is running smoothly.

Councilperson Hoke had no report for the court. The phone system upgrade has begun. The Sweden Traffic Safety Committee met and drafted a survey for residents. The new electronic signs have been placed. Mr. Hoke reported that he has been working closely with Lyle Stirk and the Building Department. Supervisor Johnson shared an article on short-term rentals.

Supervisor Johnson has received many comments regarding the Iroquois Rock Excavation renewal and the cannabis legislation. Mr. Johnson attended the 911 ceremony and the Supervisors’ Luncheon. Sheriff Baxter attended the luncheon to talk about the spike in crime and bail reform. Mr. Johnson took a tour of the quarry and observed a blast. The sidewalks have been completed at the Lodge – closing that grant out. The skate park equipment bid opening took place, the bids have been scored, and the awardee chosen. The senior addition bid documents will be submitted for approval. The capital road repairs are done – finished on time and within the budget. The water project is done and was completed under budget. The engineers are looking into allowable enhancements. Mr. Johnson is meeting with the Town Engineer and Jay Grasso to discuss future water district formations.

CONSENT AGENDA ITEMS:

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

*Discussion – RE: Resolution No. 113 – Granting Renewal of Excavation Permit to Iroquois Rock Products - Supervisor Johnson stated the Board and Iroquois Rock have taken remedial steps in addressing resident concerns. A joint letter was sent to Iroquois Rock’s top customers to ask that they stop using Swamp Road and they slow down. Speed enforcement has been taken on by the Sheriff and NYS Troopers. An additional stop sign has been placed and they are sweeping the road when needed. The resolution is for a six-month period to continue to monitor these issues.

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

- Approval of the minutes of the regular Town Board meeting held on September 14, 2021.
- RESOLUTION NO. 110 Authorize Additional Engineering MRB Group for Enhancements Lake Redman Road Water Project

WHEREAS, the Town of Sweden has substantially completed the construction of the Lake-Redman Road Watermain Improvement Project and is significantly under the budget agreed to by US Rural Development; and

WHEREAS, there may be an opportunity to use the remaining grant funds to enhance features within the Lake Road Redman Road Water Project at no additional cost to the taxpayers of the district; and

WHEREAS, if the remaining grant funds are not used to enhance features within the Lake Road Redman Road Water Project, Rural Development will retain those grant funds, and they will not be used to fund water projects in the Town of Sweden.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden approves additional engineering by MRB Group per the Lake Road Redman Road Project Budget under the “Additional Engineering Line” of the Rural Development Budget in order to design and pursue approvals for said enhancements.
- Sec. 2. That the Sweden Town Board hereby authorizes the Supervisor to sign any and all documentation needed to pursue said enhancements to the Lake-Redman Road Watermain Improvement Project.
- Sec. 3. That this resolution shall take effect immediately.

- RESOLUTION NO. 111 Authorizing Supervisor to Sign Agreement for Sale of Government Assets by Online Auction

WHEREAS, the Town of Sweden has the need to dispose of excess vehicles, machinery and equipment from time to time; and

WHEREAS, the current agreement with Auctions International, Inc., 11167 Big Tree Road, East Aurora, New York 14052, has expired.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the Supervisor to sign the Agreement for Sale of Government Assets with Auctions International Inc.
- Sec. 2. The term of this agreement shall be for a period of two (2) years, commencing on September 15, 2021 and expiring September 15, 2023.
- Sec. 3. That this resolution shall take effect immediately.

- RESOLUTION NO. 112 Niagara Mohawk Street Light Audit Agreement and Release

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. The Town of Sweden challenged charges for street lighting services during the period October 1, 2013 to present; and
- Sec. 2. Niagara Mohawk Power Corporation d/b/a National Grid agrees to refund the Town of Sweden \$2,772.81 across eight lighting districts and the general street lighting account.
- Sec. 3. That the Supervisor is authorized to sign any and all required documents.
- Sec. 4. That this resolution shall take effect immediately.

- RESOLUTION NO. 113 Granting Renewal of Excavation Permit to Iroquois Rock Products

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

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

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

WHEREAS, the Town Board held a public hearing at the Town Hall, 18 State Street, Brockport, New York on August 24, 2021 at 6:30 p.m. to consider granting the renewal of the excavation permit, as requested, and at said time and place heard all persons interested in the subject thereof; and

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

WHEREAS, earlier this year, on May 24, 2021 a public hearing was held at which many concerns were raised by residents resulting in the Sweden Town Board granting a three-month permit on June 23, 2021 which expires on September 29, 2021; and

WHEREAS, the Town Board now desires to grant a six-month renewal of the excavation permit to Iroquois Rock Products, Inc. while the corporation continues to address the concerns of the public raised at the August 24, 2021 public hearing.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the approval and granting of a six-month excavation permit renewal is sufficient to give the corporation time to address all concerns of the public raised at the August 24, 2021 public hearing, including but not limited to: cleanliness of the public roadway, overweight truck traffic on Swamp Road, adherence to traffic regulations and sufficiency of blasting notices.

Sec. 2. That Iroquois Rock Products, Inc. submit blasting and hydrologic survey reports to the Superintendent of Highways as required by Sweden Town Code Section 95-11(f).

Sec. 3. That the Town Board of the Town of Sweden hereby grants to Iroquois Rock Products, Inc. an Excavation Permit for a term of six (6) months from September 29, 2021 to March 29, 2022.

Sec. 4. That the excavation as described in the Application for which this excavation permit is granted shall be carried out in compliance with the Town of Sweden Regulations for Issuance of Excavation Permit.

Sec. 5. The Town Clerk shall cause copies of this Resolution to be posted on the Town Clerk's signboard and filed in the office of the Town Clerk.

Sec. 6. 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 9 dated September 29, 2021 in the amount of \$1,538,970.66.

General Fund: In the amount of \$55,253.71 as set forth in Abstract 9 dated September 29, 2021.

Highway Fund: In the amount of \$68,702.62 as set forth in Abstract 9 dated September 29, 2021.

Special Fund: In the amount of \$5,093.50 as set forth in Abstract 9 dated September 29, 2021.

Capital Fund: In the amount of \$1,409,920.83 as set forth in Abstract 9 dated September 29, 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 brief recess at 6:33 p.m.

PUBLIC HEARING:

Additional visitors present were Zack Fairchild, Village Trustee Annie Crane, John Zima, Tony Gianni, Village Mayor Margay Blackman, Joshua Tubiolo, Karen Tobin, Sarah Buchanan, Taylor Thomas, and Kris and Nancy Sanger. Others were present but did not sign in.

At 6:38 p.m. Supervisor Johnson called to order the public hearing. The purpose of the public hearing was to hear all persons for or against the adoption of a Local Law – Addition of Chapter 152 to the Sweden Town Code concerning the subject of opting out of adult use cannabis retail dispensaries and on-site consumption sites.

Supervisor Johnson waived the reading of the legal notice.

Supervisor Johnson clarified that the hearing is about whether the Town of Sweden, outside of the Village of Brockport, will opt-out of the new cannabis legislation which must be done by December 31, 2021.

Resident Karen LoBracco hopes the board will consider some advice/counsel from the Brockport Police Department and the Sheriff's Department. She understands that this is not about personal consumption but whether we want to have in the Town opportunities for people to buy and consume cannabis. The question is whether the Town wants to partake in the revenue from that.

Resident Zack Fairchild wanted to know the reason for opting out and why the Town would want to decline the revenue.

Karen Tobin stated she has worked in the regulating cannabis market for eight years advising Town Boards across the country. The market has the opportunity of generating a large amount of revenue. If you opt out now you may diminish revenue if you decide to opt in later because retailers will go elsewhere. She feels the Town of Sweden should opt in now.

Store owner Joshua Tubiolo said he gets many requests for cannabis and feels it is what residents want available in the community.

Karen Tobin said this topic is confusing, change is hard, and this is something that is not going away. The number of jobs and revenue is a bonus, participation is key. It will bring a lot of people to this town.

Supervisor Johnson explained there are several licenses under New York State, only two of which the Town has discretion – on-site consumption and retail dispensaries. The Town cannot prohibit or prevent the use of cannabis in the Town. The only questions the Town is dealing with are, will we allow on-site group consumption and will we allow points of sale (retail dispensaries) within the Town of Sweden.

Resident Zack Fairchild asked if those two “laws” will be tied together, adopt one but not the other. Supervisor Johnson explained that a Town either opts in or opts out. It is not one or the other. Mr. Fairchild asked if the Town has had any opposition. Supervisor Johnson indicated he has had a multitude of comments both for and against the issue. The Board is learning all they can and listening to resident comments before a decision is made. Town

Attorney Jim Bell added that if the local law to opt out is adopted it is subject to permissive referendum.

Karen Tobin is aware of the permissive referendum process stating that signatures must be gathered, and a vote taken typically at the November election. Ms. Tobin added that there have been no published regulations. The new Governor has put this issue at the top of her list. Ms. Tobin said, as a compromise, maybe give the state a little more time to come out with the regulations and decide closer to the end of the year.

Supervisor Johnson said that one of the big worries is the way it is being presented to the Towns. Will the State change the share of revenue that Towns will receive over the years? Zack Fairchild asked if it wouldn't be better to opt in now and at least get some of that share of revenue.

Councilperson Hoke shared that he is a veteran and retired police officer. He is not against where the state is going but wants to make sure that he represents the residents of the Town of Sweden. He would like to hear from as many residents as possible on this issue.

Joshua Tubiolo said that Colorado made so much revenue they sent refund checks back to their residents. What if New York decided to give Towns more?

Karen Tobin said this is a highly regulated industry. If the Town opted out, one of the provisions allows for delivery, the Town cannot stop delivery into the Town. The revenue goes to the originating Town. Ms. Tobin respects that the board wants to make an educated decision.

No other comments. Public hearing was closed at 6:56 p.m.

EXECUTIVE SESSION:

Councilperson Sullivan made a motion that was seconded by Councilperson Hoke to go into executive session at 6:57 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; Public Officer's Law Section 105(f) employment history of a particular person; 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 Sullivan to leave executive session and return to the regular meeting at 8:16 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 September 28, 2021 meeting of the Sweden Town Board at 8:17 p.m. Councilperson Sullivan seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk