

A regular meeting of the Town Board of the Town of Sweden was held at the Sweden Town Hall, 18 State Street, Brockport, New York, on Tuesday, July 26, 2022.

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

Visitors present were Chris Hamlin, Kevin Jenkins, Adam Huck, Connor Huck, Jen Flanagan, Mike Flanagan, Rich Miller, and Meredith Moore from Saturn Power, Inc.

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, our fighting men and women around the world, and especially the family of Anthony Mazurkiewicz.

**PRIVILEGE OF THE FLOOR:**

No comments.

**CORRESPONDENCE:**

No correspondence noted.

**REPORTS OF DEPARTMENTS AND BOARD MEMBERS:**

Superintendent of Highways, Brian Ingraham reported a CHIPS project on LaDue Road from Route 19 to Redman Road and completion of asphalt repairs in preparation of chip sealing on Campbell Road and Fairview Drive. Trees have been planted at the Sherry Lane open space park. The skate park lot is ready for construction. Assisted the Towns of Parma, Greece, Village of Churchville, and the Brockport School District with road and lot work.

Town Attorney Jim Bell provided updates on the Tracy Terrace code violations.  
Discussion.

Finance Director Leisa Strabel reported that environmental details are still being worked through for the skate park.

Councilperson Hoke commented on the Tracy Terrace code violations. He reported for the Building Department – 17 building permits issued, 2 open burn permits, 3 certificates of compliance, 1 certificate of occupancy, 1 conditional certificate of occupancy, and no violations (June 29, 2022 through July 26, 2022). Mr. Hoke and Mrs. Hayles are working closely with the Monroe County Sheriff on the 5K for the Harvest Festival.

Councilperson Sullivan reported meeting with Buildings and Grounds at the Town Park, Lodge rentals are strong, the Splash Park is well attended, and the Blizzards Soccer Tournament was a success. They are installing three metal cabinets at the baseball fields for storage. Challenger Baseball has finished their season. Approximately 65 players this year.

Councilperson Hayles reported that the Harvest Festival Committee is meeting frequently to organize vendors and events, focus is on marketing. Councilperson Humby and Phyllis Brudz have been organizing the 5K. Mrs. Hayles sent the Seymour Library draft survey to the boards for review. The annual four-board meeting with the Seymour Library Board, Clarkson Town Board, Village Board, and Sweden Board should be scheduled soon. The Seymour Library

Board Personnel Committee has been reviewing all the salaries and benefits of library employees.

Supervisor Johnson reported for Councilperson Humby. The Harvest Festival planning is going well. Mr. Johnson reported that the monthly highway department meetings have been on hold due to work schedules of the department. The delay in construction of the skate park is due to bioswales and drainage improvements, hoping for Fall grand opening. Mr. Johnson shared several infield issues with Nietopski Field. They are seeking quotes to rebuild the field. The senior addition is coming along, interior work in progress. The park area on Highview Circle is coming along, benches will be installed this Fall. Mr. Johnson will be meeting with the Town of Bergen to discuss Reed Road residents tapping into the Bergen water main forming a small district.

**PUBLIC HEARING:**

At 6:20 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 – Rescinding Chapter 80 – Conveyances of the Sweden Town Code.

Supervisor Johnson waived the reading of the legal notice and asked if anyone had any comments. Town Attorney Jim Bell explained that effective in January 2022, New York State took over the licensing process. The Town Code pertaining to conveyances is now antiquated and unnecessary. No other comments.

Public hearing was closed at 6:23 p.m.

**EXECUTIVE SESSION:**

Councilperson Hoke made a motion that was seconded by Councilperson Sullivan to go into executive session at 6:24 p.m. subject to Public Officer's Law Section 105(f) employment of a particular person. All voted in favor of the motion – four ayes. Motion adopted.

No action taken.

Councilperson Hayles made a motion that was seconded by Councilperson Hoke to leave executive session and return to the regular meeting at 6:47 p.m. All voted in favor of the motion – four ayes. Motion adopted.

**CONSENT AGENDA ITEMS:**

Supervisor Johnson asked that Resolution No. 89 – Notice of Intent to be Lead Agency in the SEQRA Process for the Rezoning Application of Saturn Power for 515 Holley Street from Residential to Industrial – be moved to Non-Consent Agenda AND Resolution No. 90 – Ordering a Public Hearing on Application to Rezone 515 Holley Street from Residential to Industrial – be moved to Non-Consent Agenda.

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

**VOTE BY ROLL CALL:**

Councilperson Hayles

Aye

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

ADOPTED

- RESOLUTION NO. 76 Authorizing Supervisor to Sign Seymour Library Joint Operating Agreement & Lease

WHEREAS, the Sweden Town Board has reviewed amendments to the Seymour Library Joint Operating Agreement and Seymour Library Lease and has determined that the amendments will serve the best interests of Sweden residents.

NOW THEREFORE BE IT RESOLVED:

Sec.1. The Sweden Town Board does hereby approve the amendments to the Seymour Library Joint Operating Agreement and Seymour Library Lease and authorizes the Supervisor to execute the documents.

Sec.2. This Resolution shall take effect immediately.

- RESOLUTION NO. 77 Budget Modifications

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is hereby authorized to make the following modification to the 2022 Town Budget:

\$4,000 from A.1622.100 Community Center Personnel to  
A.1621.401 Community Center Maintenance

\$3,500 from A.5182.400 Street Lighting Contractual to  
A.8810.400 Cemetery Contractual

\$8,000 from B5411.400 Sidewalk Construction Contractual to  
B.7140.400 Playground Sweden Village Contractual

\$1,000 from B5411.400 Sidewalk Construction Contractual to  
B.7410.100 Library Building Personnel

Sec. 2 That this resolution shall take effect immediately.

- RESOLUTION NO. 78 Authorizing Supervisor to Sign Service Contract with COP Security, Inc.

WHEREAS, the Sweden Town Justices have recommended that COP Security Inc. be engaged to provide security operations during certain court proceedings.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize and direct the Supervisor to sign the services contract with COP Security Inc.

Sec. 2. The term of this agreement shall be for a period of one (1) year, commencing on January 1, 2023 and expiring December 31, 2023.

Sec. 3. That this resolution shall take effect immediately.

- RESOLUTION NO. 79 Award Furniture Senior Room Addition

WHEREAS, the Recreation Director has requested the purchase of furniture for the Senior Room Addition; and

WHEREAS, the following quotes were received:

National Business Furniture	\$10,544.82
SchoolsIn	\$13,367.16

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden, upon recommendation of the Recreation Director, accepts quote from National Business Furniture for \$10,544.82.

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

- RESOLUTION NO. 80 Award Roofing Work Lakeview Cemetery Mausoleum

WHEREAS, the slate roof of the mausoleum has suffered damage due to weather and must be repaired to prevent further damage; and

WHEREAS, the Highway Superintendent attempted to secure multiple quotes but was not successful; and

WHEREAS, a quote was received from Upstate Roofing and Painting for \$6,800; and

WHEREAS, the Highway Superintendent recommends accepting this proposal.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden accepts the proposal from Upstate Roofing and Painting to replace approximately 30-35 pieces of slate and other materials.

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

- RESOLUTION NO. 81 Adopt Local Law 2 of 2022 – Rescinding Chapter 80 of the Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden is desirous of rescinding Sweden Town Code Chapter 80; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 18 State Street, Brockport, New York, on July 26, 2022 at 6:15 pm; 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 2 of 2022 is attached hereto and the Sweden Town Board does hereby adopt same rescinding Chapter 80 of the Sweden Town Code.

Sec 2. The Town Clerk is authorized and directed to file a complete copy of Local Law 2 of 2022 with the Secretary of State as required by law.

Sec 3. This resolution shall take effect immediately.

- RESOLUTION NO. 82 Amend Capital Project Budget  
Senior Room Addition

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board authorizes the following amendment to the budget for the Senior Room Addition:

A980 Revenues	
A4889 Other Culture Recreation Aid	\$24,440
A9901.900 Transfer to Other Funds	\$24,440
HB5031 Transfer from Other Funds	\$24,440
HB522 Expenditures	
HB1622.400 Community Center Contractual	\$24,440

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

- RESOLUTION NO. 83 Declaration of Intent to be Lead Agency  
Concerning Amending Chapter 175  
to the Sweden Town Code

WHEREAS, the Sweden Town Board is desirous of amending Chapter 175 to the Sweden Town Code concerning Shipping Containers; 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 determines that it is the most appropriate agency to insure the coordination of this action and will provide written notifications to interested agencies for the purposes of conducting a coordinated review in making a determination of significance thereon under the SEQRA regulations.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. The Sweden Town Board does hereby declare its intent to be lead agency for the Coordinated Review and Determination of Significance under SEQRA Regulations for the above entitled matter.

Sec. 2. This Resolution shall take effect immediately.

- RESOLUTION NO. 84 Authorizing a Public Hearing Amending Chapter 175 to the Sweden Town Code

WHEREAS, the Sweden Town Board is desirous of amending Chapter 175 to the Sweden Town Code concerning Shipping Containers; 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 is required to hold a Public Hearing on the matter before passage of this Local Law.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. The Sweden Town Board calls a Public Hearing to hear all persons for or against the adoption of amending Chapter 175 to the Sweden Town Code concerning Shipping Containers on Tuesday, August 23, 2022 at 6:15 p.m. at the Sweden Town Hall, 18 State Street, Brockport, New York, 14420.

Sec. 2. The Sweden Town Clerk is authorized and directed to cause an appropriate Notice of this hearing to be published in the official newspaper of the Town in accordance with Town Law §265.

Sec. 3. This resolution shall take effect immediately.

- RESOLUTION NO. 85 Authorize Purchase of One Hydraulic Plate Compactor

WHEREAS, the Highway Superintendent has recommended the purchase of one new hydraulic plate compactor; and

WHEREAS, a hydraulic compactor is available from NYS OGS Group 40625 award PGB-22792, Contract PC69406 through Southworth Milton, Inc., Boston, MA.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the purchase of one hydraulic plate compactor from Southworth Milton, Inc, Boston Mass for \$8,544.29 through NYS OGS Group 40625 Award PGB-22792, Contract PC69406.

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

- RESOLUTION NO. 86 Granting Approval of Amended Decommissioning Plan and Amended Financial Security - Mantisi/CVE Solar Project

WHEREAS, the Sweden Planning Board has previously granted approval for the construction of a 3.6MW-AC Solar Project known as the Wolf Solar Project located at 7484 Fourth Section Road, Brockport, New York, County of Monroe (hereinafter referred to as the solar project) as well as conditional approval of a special use permit for said solar project; and

WHEREAS, CVE North America Inc. through an affiliate (hereinafter referred to as CVE) has acquired said solar project; and

WHEREAS, the Sweden Planning Board having made a negative determination of environmental significance on the application for SEQRA purposes; and

WHEREAS, the Sweden Planning Board having granted the solar project owner Mantisi Solar LLC, the conditional approval of a special use permit as set forth hereinabove pending final approval of the Decommissioning Plan and financial security by this Board; and

WHEREAS, by Resolution dated May 24, 2022 the Sweden Town Board did approve the Decommissioning Plan and financial security from the solar project owner, said financial security being in the amount of Three Hundred Three Thousand Six Hundred Ninety-Three Dollars (\$303,693.00.00); and

WHEREAS, the solar project owner having deposited the aforesaid amount in cash deposit with the Town of Sweden and same is currently held by the Town of Sweden as and for the financial security; and

WHEREAS, the solar project owner is now desirous of providing a Decommissioning Bond in substitution/replacement of the currently held funds by the Town of Sweden,

same representing financial security and said Bond being in the amount of Three Hundred Three Thousand Six Hundred Ninety-Three Dollars (\$303,693.00); and

WHEREAS, an amended Decommissioning Plan recognizing the substitution/replacement of the financial security by a Decommissioning Bond having been proposed.

NOW THEREFORE BE IT RESOLVED:

- Sec. 1. The Sweden Town Board does hereby approve the amended Decommissioning Plan and financial security setting forth the substitution/replacement of the currently held funds by the Town of Sweden with a Decommissioning Bond in the amount of Three Hundred Three Thousand Six Hundred Ninety-Three Dollars (\$303,693.00).
- Sec. 2. The Sweden Town Board does hereby approve the form and content of the proposed Decommissioning Bond.
- Sec. 3. Sweden Town Supervisor Johnson is hereby authorized to sign the amended Decommissioning Plan.
- Sec. 4. Upon receipt by the Town of Sweden of an original fully signed copy of the amended Decommissioning Plan as well as the original Decommissioning Bond, the Town of Sweden will return the currently held cash deposit financial security of Three Hundred Three Thousand Six Hundred Ninety-Three Dollars (\$303,693.00) plus accrued interest to the date of return to the project company Mantsi Solar LLC.
- Sec. 5. This Resolution shall take effect immediately.

- RESOLUTION NO. 87 Granting Approval of Amended Decommissioning Plan and Amended Financial Security - Wolf/CVE Solar Project

WHEREAS, the Sweden Planning Board has previously granted approval for the construction of a 3.6MW-AC Solar Project known as the Wolf Solar Project located at 7484 Fourth Section Road, Brockport, New York, County of Monroe (hereinafter referred to as the solar project) as well as conditional approval of a special use permit for said solar project; and

WHEREAS, CVE North America Inc. through an affiliate (hereinafter referred to as CVE) has acquired said solar project; and

WHEREAS, the Sweden Planning Board having made a negative determination of environmental significance on the application for SEQRA purposes; and

WHEREAS, the Sweden Planning Board having granted the solar project owner Wolf Solar LLC, the conditional approval of a special use permit as set forth hereinabove



pending final approval of the Decommissioning Plan and financial security by this Board; and

WHEREAS, by Resolution dated May 24, 2022 the Sweden Town Board did approve the Decommissioning Plan and financial security from the solar project owner, said financial security being in the amount of Three Hundred Sixty-Two Thousand Two Hundred Thirty-Six Dollars (\$362,236.00); and

WHEREAS, the solar project owner having deposited the aforesaid amount in cash deposit with the Town of Sweden and same is currently held by the Town of Sweden as and for the financial security; and

WHEREAS, the solar project owner is now desirous of providing a Decommissioning Bond in substitution/replacement of the currently held funds by the Town of Sweden, same representing financial security and said Bond being in the amount of Three Hundred Sixty-Two Thousand Two Hundred Thirty-Six Dollars (\$362,236.00); and

WHEREAS, an amended Decommissioning Plan recognizing the substitution/replacement of the financial security by a Decommissioning Bond having been proposed.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. The Sweden Town Board does hereby approve the amended Decommissioning Plan and financial security setting forth the substitution/replacement of the currently held funds by the Town of Sweden with a Decommissioning Bond in the amount of Three Hundred Sixty-Two Thousand Two Hundred Thirty-Six Dollars (\$362,236.00).

Sec. 2. The Sweden Town Board does hereby approve the form and content of the proposed Decommissioning Bond.

Sec. 3. Sweden Town Supervisor Johnson is hereby authorized to sign the amended Decommissioning Plan.

Sec. 4. Upon receipt by the Town of Sweden of an original fully signed copy of the amended Decommissioning Plan as well as the original Decommissioning Bond, the Town of Sweden will return the currently held cash deposit financial security of Three Hundred Sixty-Two Thousand Two Hundred Thirty-Six Dollars (\$362,236.00) plus accrued interest to the date of return to the project company Wolf Solar LLC.

Sec. 5. This Resolution shall take effect immediately.

- RESOLUTION NO. 88 Authorizing Supervisor to Enter into Agreement for Assessment Services with Town of Clarkson

WHEREAS, the Town of Sweden and the Town of Clarkson desire to enter into an agreement for assessment services.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the Supervisor to sign an Agreement with the Town of Clarkson for Assessment Services.

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

- Approval of Assessor Tammy Baker’s request to attend a conference in Lake George from September 18 – 21, 2022.

NON-CONSENT AGENDA:

- Approval of the minutes of the regular meeting held on June 28, 2022.

MOTION made by Councilperson Hayles and seconded by Councilperson Hoke to approve the minutes of the regular meeting held on June 28, 2022.

VOTE BY ROLL CALL AND RECORD

Councilperson Hayles	<u>Aye</u>	
Councilperson Hoke	<u>Aye</u>	
Councilperson Humby	<u>Absent</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 Hayles made a motion that was seconded by Councilperson Sullivan authorizing payment of the bills in Abstract 7 dated July 27, 2022 in the amount of \$373,600.97.

General Fund: In the amount of \$86,750.86 as set forth in Abstract 7 dated July 27, 2022.

Highway Fund: In the amount of \$104,542.09 as set forth in Abstract 7 dated July 27, 2022.

Special Fund: In the amount of \$12,301.59 as set forth in Abstract 7 dated July 27, 2022.

Capital Fund: In the amount of \$170,006.43 as set forth in Abstract 7 dated July 27, 2022.

VOTE BY ROLL CALL AND RECORD:

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

- RESOLUTION NO. 89 Notice of Intent to be Lead Agency in the SEQRA

Process for the Re Zoning Application of Saturn Power  
for 515 Holley Street from Residential to Industrial

WHEREAS, the Town Board of the Town of Sweden has received an application to re-zone 515 Holley Street; and

WHEREAS, the property is currently zoned R1-2 Residential; and

WHEREAS, the applicant, Saturn Power, Inc., desires to re-zone to I-1 Heavy Industrial the approximate 5.6-acre property also identified as Tax Account No. .068-14-2-21 for the purpose of developing a Tier 2 Battery Energy Storage Facility; and

WHEREAS, the Town Board recognizes that there is a need and requirement under the State Environmental Quality Review Act to classify, fully assess and determine the environmental significance of the impact of the proposed project; and

WHEREAS, the Town Board recognizes that the other involved agencies, as identified under the SEQRA Regulations are the Town of Sweden Planning Board, the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Transportation (NYSDOT), the Corp. of Engineers, Monroe County Planning & Development, Monroe County Pure Waters (MCPW), the Monroe County Water Authority (MCWA), the Monroe County Department of Health (MCDOH), the Monroe County Department of Transportation, the Village of Brockport, the State University of New York at Brockport and thus the action of the proposed re-zoning is subject to a coordinated review under SEQRA.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. The Town Board of the Town of Sweden does hereby declare its intent to be designated the Lead Agency for the Coordinated Review and Determination of Significance under SEQRA for the above referenced action.

Sec. 2. The Town Clerk shall provide the previously identified involved agencies with a copy of the application and the EAF, together with a copy of this Resolution, and request of said involved agencies their concurrence therewith.

Sec. 3. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Hayles  
Seconded by Councilperson Sullivan

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Hayles	<u>Aye</u>
Councilperson Hoke	<u>Aye</u>
Councilperson Humby	<u>Absent</u>

Councilperson Sullivan  
Supervisor Johnson

Aye  
Abstain

ADOPTED

- RESOLUTION NO. 90                      Ordering a Public Hearing on Application to Rezone  
515 Holley Street from Residential to Industrial

WHEREAS, Saturn Power Inc., 140 Foundry Street, Baden, Ontario, Canada N3A 2P7 has submitted an application to rezone 515 Holley Street, tax account number 068.14-2-21, from R1-2 Residential to Heavy Industrial I-1; and

WHEREAS, a map of the property and legal description has been filed with the Town, and the required fee paid; and

WHEREAS, the Applicant’s purpose in requesting the re-zoning is to develop a Tier 2 Battery Energy Storage Facility on the site, a use which is restricted to Industrial Zones per Chapter 176 of the Sweden Town Code.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1.                      That the Town Board of the Town of Sweden will hold a public hearing at the Town Hall, 18 State Street, Brockport, New York on September 13, 2022 at 6:15 pm to hear all persons interested in the re-zoning of the 5.6-acre property, 515 Holley Street, from R1-2 Single Family Residence to I-1 Heavy Industrial.

Sec.2.                      That the property to be re-zoned is more particularly described as follows:

LEGAL DESCRIPTION

Description  
Lands Now or Formerly of  
Kathleen M. Miller  
Town of Sweden, County of Monroe, State of New York  
Area = 5.59 +/- Acres of Land

All that certain tract, piece, or parcel of land situate in Lot 1, Section 8, Township 3 of the Triangle Tract, Town of Sweden, County of Monroe, State of New York, lying southerly of Holley Street and northerly of the Falls Road Railroad Co., Inc. formerly the New York Central Railroad, and being more particularly bounded and described as follows:

Beginning at a point on the southerly road boundary of Holley Street as established as a 3-rod right-of-way at its point of intersection with the division line between the lands now or formerly of Kathleen M. Miller as described in Book 10474 at Page 534 (Parcel IV) on the west and the lands now or formerly of Shirley J. Smith and Thomas Gravanda as described in Book 10294 at Page 637 on the east and runs thence from said point of beginning along said division line south 00 Deg. 07 Min. 33 Sec. west 335.94 feet to its point of intersection with the common division line between the said lands now or formerly of Kathleen M. Miller on the south and the said lands now or formerly of Shirley J. Smith and Thomas Gravanda and lands now or formerly of County Line Property Management, LLC as described in Book 12441 at Page 503 on the north;

Thence north 88 Deg. 25 Min. 33 Sec. east along the last mentioned common division line 265.79 feet to its point of intersection with the division line between the said lands now or formerly of Kathleen M. Miller on the west and the lands now or formerly of RCM Elmwood LLC, RJM Elmwood LLC, HM Elwood LLC, and JJAR Elwood LLC as described in Book 10319 at Page 364 (Parcel I) on the east;

Thence south 00 Deg. 19 Min. 31 Sec. west along the last mentioned division line 274.12 feet to its point of intersection with the division line between the said lands now or formerly of Kathleen M. Miller on the north and the lands now or formerly of the Falls Road Railroad Co., Inc. as described in Book 8819 at Page 617 formerly the New York Central Railroad on the south;

Thence north 89 Deg. 09 Min. 14 Sec. west along the last mentioned division line 627.88 feet to its point of intersection with the division line between the said lands now or formerly of Kathleen M. Miller on the east and the lands now or formerly of Theresa E. Bibby as described in Book 10802 at Page 150 on the west;

Thence north 00 Deg. 02 Min. 12 Sec. east along the last mentioned division line 369.01 feet to its point of intersection with the common division line between the said lands now or formerly of Kathleen M. Miller on the south and the lands now or formerly of Michael R. Bark and Patricia A. Borrelli-Bark as described in Book 9619 at Page 132 and lands now or formerly of Adam Hixenbaugh and Ashley Hixenbaugh as described in Book 12365 at Page 324 on the north;

Thence north 87 Deg. 57 Min. 11 Sec. east along the last mentioned division line 200.00 feet to its point of intersection with the division line between the said lands now or formerly of Kathleen M. Miller on the east and the said lands now or formerly of Adam Hixenbaugh and Ashley Hixenbaugh on the west;

Thence north 00 Deg. 00 Min. 17 Sec. west along the last mentioned division line 212.82 feet to its point of intersection with the above mentioned southerly road boundary of Holley Street;

Thence along said southerly road boundary north 88 Deg. 25 Min. 33 Sec. east 164.39 feet to the point or place of beginning and containing 243,449 +/- square feet or 5.59 acres of land, more or less.

North orientation is referenced to grid north and based upon the New York State Plane Coordinate System, West Zone, NAD 83/2011 Epoch 2010.

Subject to any covenants, easements, or restrictions of record.

Note: Boundary lines and legal description provided to Fisher Associates by Saturn Power on June 1, 2022.

Sec. 4. That the Town Clerk is directed to cause a notice of this hearing to be posted and published as required by law.

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

MOTION for adoption of this resolution by Councilperson Sullivan  
Seconded by Councilperson Hayles

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

ADOPTED

ADDITIONAL BUSINESS AND ANNOUNCEMENTS:

No additional business or announcements.

ADJOURNMENT:

As there was no further business to come before the Board, Councilperson Hayles moved to adjourn the July 26, 2022 meeting of the Sweden Town Board at 6:53 p.m. Councilperson Hoke seconded the motion. All voted in favor of the motion – four ayes. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
Town Clerk