

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, February 27, 2007.

Town Board Members present were Supervisor Buddy Lester, Councilperson Rob Carges, Councilperson Pat Connors, Councilperson Tom Ferris, and Councilperson Danielle Windus-Cook. Also present were Director of Finance Leisa Strabel, Superintendent of Highways Fred Perrine and Town Clerk Karen M. Sweeting.

Visitors present were Lori Lessord from the Seymour Library, Attorneys Reuben Ortenberg and Kelly Pronti, developer Michael McLean, SUNY students Jessica Ibarra, Brianna Kachel and Tasia Handy, Engineer Adam Fisher, and residents Jim Hamlin and Tim Bates.

Supervisor Lester called the meeting to order at 7:30 p.m. and asked everyone present to say the Pledge to the Flag. Supervisor Lester then acknowledged the presence of the visitors and asked if there was anyone that would like to speak.

Resident Tim Bates commented on the road conditions in the Town of Sweden. Mr. Bates stated he was traveling through other Towns and noticed a difference in the conditions of the roads when he came into the Town of Sweden. Mr. Bates wanted to commend Superintendent of Highways Fred Perrine and his department for doing such a good job with snow removal. Mr. Bates stated that Sweden’s roads are well maintained.

Lori Lessord, President of the Seymour Library Board, reported that a new director for the Library has been hired – Cassandra Guthrie. She will begin her position May 1, 2007. Ms. Lessord stated that February programs were well attended.

APPROVAL OF MINUTES

Councilperson Carges made a motion that was seconded by Councilperson Connors to accept the minutes of the regular meeting held on February 13, 2007.

Councilperson Connors pointed out two clerical errors on page two and made a motion to make the proper corrections. Councilperson Carges seconded the motion. All voted in favor of the motion. Motion adopted.

Councilperson Carges made a motion that was seconded by Councilperson Connors to accept the amended minutes of the regular meeting held on February 13, 2007. All voted in favor of the motion. Motion adopted.

SUPERVISOR’S CORRESPONDENCE

2007 Received From:	Comments:
*1. Helen Simpson	Thank you for Certificate of Recognition
2. Dennis Roach, Supervisor Town of Hamlin	Permission for Town of Sweden to use radio frequency licensed to Town of Hamlin
*3. Sweden Senior Center	Invitation to attend Breakfast

RE: #2 Superintendent of Highways Fred Perrine explained that Towns are required to have a letter on file from other Towns to use radio frequencies.

RESOLUTIONS

RESOLUTION NO. 40

Wal-Mart Stores East, LP Granting to the Town of Sweden a Sidewalk Easement

WHEREAS, Wal-Mart Stores East, LP (“Wal-Mart”) is the owner of certain real property identified as tax parcel identification numbers 084.01-1-35, 084.01-1-14.12, 084.01-1-14.112, 084.01-1-14.2 and portions of 084.01-1-1.119 and 084.01-1-12 (the “Wal-Mart Tract”); and

WHEREAS, Wal-Mart Real Estate Business Trust submitted an application for subdivision approval and a final subdivision plan (the “Subdivision Plan”) to the Town of Sweden Planning Board (the “Planning Board”) evidencing its proposed subdivision of the Wal-Mart Tract; and

WHEREAS, Wal-Mart Real Estate Business Trust submitted an application and final site plan (the “Site Plan”) to the Planning Board in connection with construction of a Wal-Mart Supercenter on the Wal-Mart Tract; and

WHEREAS, the Planning Board, acting as State Environmental Quality Review Act (“SEQRA”) Lead Agency, engaged in a lengthy review process which culminated in the issuance of a SEQRA findings statement adopted by the Lead Agency on November 1, 2005; and

WHEREAS, by resolution dated January 23, 2006, the Planning Board granted Wal-Mart final site plan and subdivision approval; and

WHEREAS, a sidewalk is to be constructed and installed on a portion of the Wal-Mart Tract, which sidewalk will be owned and maintained by Wal-Mart; and

WHEREAS, Wal-Mart wishes to grant a sidewalk easement to the Town of Sweden. A copy of the “Sidewalk Easement Agreement” is attached hereto; and

WHEREAS, the Town of Sweden Town Board, after due review and consideration, further deems it appropriate to accept such sidewalk easement.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town of Sweden Town Board accepts the above-referenced easement agreement, descriptions and maps all of which are attached hereto and further authorizes the Town Supervisor, Nat O. Lester, III to sign such easement agreement on behalf of the Town of Sweden.

Sec. 2. That this resolution shall take effect immediately

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – February 27, 2007

Adopted

RESOLUTION NO. 41

Wal-Mart Stores East, LP Dedicating to the
Town of Sweden a Sixty (60) Foot Right-of Way

WHEREAS, Wal-Mart Stores East, LP (“Wal-Mart”) is the owner of certain real property identified as tax parcel identification number 084.01-1-14.112 (the “Wal-Mart Tract”); and

WHEREAS, Wal-Mart Real Estate Business Trust submitted an application and final site plan (the “Site Plan”) to the Town of Sweden Planning Board (the “Planning Board”) in connection with construction of a Wal-Mart Supercenter on the Wal-Mart Tract; and

WHEREAS, the Planning Board, acting as State Environmental Quality Review Act (“SEQRA”) Lead Agency, engaged in a lengthy review process which culminated in the issuance of a SEQRA findings statement adopted by the Lead Agency on November 1, 2005; and

WHEREAS, by resolution dated January 23, 2006, the Planning Board granted Wal-Mart final site plan and subdivision approval; and

WHEREAS, as a condition of the Town of Sweden issuing a Certificate of Occupancy for the Wal-Mart Supercenter, Wal-Mart was required to construct and dedicate to the Town of Sweden a 60 foot right of way (the “ROW”) on the Wal-Mart Tract; and

WHEREAS, the ROW has been constructed and inspected by the Town of Sweden engineer; and

WHEREAS, Wal-Mart desires to dedicate the ROW, a legal description and drawing of which are attached hereto, to the Town of Sweden; and

WHEREAS, the Town of Sweden will own and maintain the ROW; and

WHEREAS, the Town Board, after due review and consideration, further deems it appropriate to accept Wal-Mart’s offer of dedication of the ROW subject to the conditions set forth below and the Town’s engineer consultant has indicated his approval of the Town Board’s acceptance of such dedication.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town of Sweden Town Board hereby accepts the dedication of the ROW subject to the following conditions:

1. Wal-Mart must file a petition with the Town Board for the establishment of a lighting district to include the Wal-Mart Tract.
2. Wal-Mart is responsible for maintenance of the light poles contained within the ROW until such time as a lighting district which includes such light poles is established.
3. Wal-Mart must obtain releases from the Association for the Blind and Visually Impaired – Goodwill Industries of Greater Rochester, Inc. (“ABVI”)

for the two (2) easements granted by Wal-Mart to ABVI which presently encumber the ROW.

- 4. Wal-Mart is to comply with the attached preliminary punchlist prepared by MRB Group dated February 26, 2007 (the "Preliminary Punchlist").

The Wal-Mart Project site will be inspected in the spring of 2007 to ensure that all items identified on the Preliminary Punchlist as requiring completion have been completed.

Sec. 2. That this resolution shall take effect immediately

MOTION for adoption of this resolution by Councilperson Connors

Seconded by Councilperson Ferris

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – February 27, 2007

Adopted

RESOLUTION NO. 42

Naming of the Extension to Transit Way

WHEREAS, the Town Board has authorized the Supervisor to accept the dedication of the extension to Transit Way, agreeing to accept delivery of the deed for same from Wal-Mart Stores East, LP; and

WHEREAS, in the early winter months of 1807, Nathaniel Poole became one of the first permanent settlers of the Town of Sweden by erecting a cabin on the east side of Lake Road, which at the time was a narrow trail running through the Town of Sweden; and

WHEREAS, the Town Board of the Town of Sweden, upon due reflection, has decided to pay tribute to one of Sweden's earliest permanent settlers by naming the extension to Transit Way, Nathaniel Poole Trail.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden names the extension to Transit Way, Nathaniel Poole Trail.

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

MOTION for adoption of this resolution by Councilperson Connors

Seconded by Councilperson Windus-Cook

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – February 27, 2007

Adopted

RESOLUTION NO. 43

Adopt Local Law No.1 of 2007 – Amending Local Law No. 5 of 2005 and Sweden Town Code Chapter 164, Section 1 - Aged Exemptions

WHEREAS, the Town Board of the Town of Sweden would like to amend Local Law No. 5 of 2005 to raise the income limit to \$34,400; and

WHEREAS, the Town Board of the Town of Sweden would like to amend the Sweden Town Code Chapter 164, Section 1 to include the most recent updates enacted by the Legislature of Monroe County; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board pursuant to the provisions of Section 265 of Town Law, at the Town Hall, 18 State Street, Brockport, New York, on February 27, 2007, at 7:15 PM., to hear all persons interested in the adoption of Local Law No. 1 of 2007 - Amending Local Law No. 5 of 2005 and Sweden Town Code Chapter 164, Section 1 – Aged Exemptions; and

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

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That Local Law No. 5 of 2005 is hereby amended to read as follows:

If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of **THIRTY FOUR THOUSAND FOUR HUNDRED & no/100 DOLLARS (\$34,400)**.....

Sec. 2. That the Sweden Town Code, Chapter 164, Section 1 is hereby amended to read as follows:

A. Pursuant...the extent of 50% of the assessed valuation thereof. *The maximum income for purposes of the 50% exemption shall be equal to \$26,000. The eligible income level will then increase \$1,000 annually through 2009 for incomes up to \$29,000.*

B. *The Town of Sweden has the further option of giving exemptions of less than 50% to persons age 65 or over whose incomes are more than \$26,000. Under this option, called the “sliding-scale option”, a qualifying owner can have a yearly income as high as \$34,400 and a 5% exemption in places that are using the maximum limit. The eligible income levels will then increase \$1,000 annually through 2009, such that there will be a graduated reduction in exemption for incomes more than \$29,000 but less than \$37,400.*

Sec. 3. That the Town Board of the Town of Sweden hereby adopts Local Law No. 1 of 2007 - Amending Local Law No. 5 of 2005 and Sweden Town Code Chapter 164, Section 1 – Aged Exemptions.

Sec. 4. That the Town Clerk is authorized and directed to file a complete copy of Local Law No.1 of 2007 with the Secretary of State, as required by law.

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

MOTION for adoption of this resolution by Councilperson Connors
Seconded by Councilperson Carges

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – February 27, 2007

Adopted

RESOLUTION NO. 44 Adopt Local Law No.2 of 2007 – Amending Local Law No. 6 of 2005 and Sweden Town Code Chapter 164, Section 5 - Disabled Exemptions

WHEREAS, the Town Board of the Town of Sweden would like to amend Local Law No. 6 of 2005 to raise the income limit to \$34,400; and

WHEREAS, the Town Board of the Town of Sweden would like to amend the Sweden Town Code Chapter 164, Section 5 to include the most recent updates enacted by the Legislature of Monroe County; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board pursuant to the provisions of Section 265 of Town Law, at the Town Hall, 18 State Street, Brockport, New York, on February 27, 2007, at 7:20 PM., to hear all persons interested in the adoption of Local Law No. 2 of 2007 - Amending Local Law No. 6 of 2005 and Sweden Town Code Chapter 164, Section 5 – Disabled Exemptions; and

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

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That Local Law No. 6 of 2005 is hereby amended to read as follows:
.... Under this option, called the “sliding-scale” option, a qualifying owner can have a yearly income as high as **THIRTY FOUR THOUSAND FOUR HUNDRED & no/100 DOLLARS (\$34,400)**.....

Sec. 2. That the Sweden Town Code, Chapter 164, Section 5 is hereby amended to read as follows:
A. Change income limit from \$24,000 to **\$26,000** and add “**The eligible income level will then increase \$1,000 annually through 2009 for incomes up to \$29,000.**”

B. Change income limits from \$24,000 to **\$26,000** and from \$32,400 to **\$34,400** and add **“The eligible income levels will then increase \$1,000 annually through 2009, such that there will be a graduated reduction in exemption for incomes more than \$29,000 but less than \$37,400.”**

Sec. 3. That the Town Board of the Town of Sweden hereby adopts Local Law No. 2 of 2007 - Amending Local Law No. 6 of 2005 and Sweden Town Code Chapter 164, Section 5 – Disabled Exemptions.

Sec. 4. That the Town Clerk is authorized and directed to file a complete copy of Local Law No.1 of 2007 with the Secretary of State, as required by law.

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

MOTION for adoption of this resolution by Councilperson Ferris
Seconded by Councilperson Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – February 27, 2007

Adopted

RESOLUTION NO. 45 Authorize Supervisor to Sign Fireworks Exhibition Agreement with Young Explosives Corporation for Sweden Clarkson Community Center

WHEREAS, the Sweden Clarkson Community Center holds an annual fireworks display in July and intends to apply for a Fireworks Permit for 2007; and

WHEREAS, the Sweden Clarkson Community Center desires to contract with Young Explosives Corporation to furnish the exhibition of fireworks for the July event.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Sweden Town Board hereby authorizes the Supervisor to sign the Fireworks Exhibition Agreement from Young Explosives Corporation.

Sec. 2. That the Sweden Town Board agrees and accepts all terms and conditions stated within the Fireworks Exhibition Agreement **subject** to the written approval of the Town Attorney.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – February 27, 2007

Adopted

RESOLUTION NO. 46 Authorize Salary –Recreation Leader - Spade

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the salary for Breanne Spade, Recreation Leader (Provisional) to be \$23,660 effective as of February 17, 2007.
- Sec. 2. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Connors
Seconded by Councilperson Ferris

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – February 27, 2007

Adopted

APPROVAL FOR PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Carges made a motion that was seconded by Councilperson Ferris authorizing payment of the bills in Abstract 2 dated February 28, 2007 in the amount of \$224,300.10. All voted in favor of the motion. Motion adopted.

General Fund: In the amount of \$94,690.47 as set forth in Abstract 2 dated February 28, 2007.
Highway Fund: In the amount of \$90,534.94 as set forth in Abstract 2 dated February 28, 2007.
Special Fund: In the amount of \$39,074.69 as set forth in Abstract 2 dated February 28, 2007.

DISCUSSION AND ANNOUNCEMENTS

Workshop meeting scheduled for Tuesday, March 6, 2007 at 7:00 p.m.

REPORTS

Councilperson Carges reported that the recreation brochure is scheduled for printing this week and should be available soon.
 Councilperson Connors had no report.
 Councilperson Ferris reported that he received notification from Nancy Duff the Nutrition Program Site Manager at the Senior Center that the center has received national

accreditation. The Sweden Senior Center is the first in the county to secure accreditation. Mr. Ferris recognized Nancy Duff and her staff for all their hard work.

Councilperson Windus-Cook had no report.

Supervisor Lester had no report.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Connors moved to adjourn the February 27, 2007 meeting of the Sweden Town Board at 7:55 p.m. Councilperson Ferris seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk