

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, August 23, 2022.

Town Board Members present were Supervisor Kevin Johnson, Councilperson Patricia Hayles, Councilperson Rhonda Humby, and Councilperson Gary Sullivan. Councilperson Randall Hoke 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 Kevin Jenkins, Holly Stettner, Kasey Stettner, Seymour Library Director Jennifer Caccavale, Geoffrey Gross, Kevin Gross, Jim Cenci, Bill Zayas, Karen LoBracco, Bernie LoBracco, Michele Johnson, Russell Johnson, Michael Pierce, and Don Pophal. The following arrived throughout the meeting: Pat Galinski, Scott Maar, Carol Gravetter, Lynne Gardner, Eileen O'Hara, Martha Clasquin, Christa Filipowicz, Mike Schaffer, Tom Guarino, Leslie Zink John Lapierre, Kristen Sharpe, Libby Caruso, John Culhane, Shawn Halquist, and Margay Blackman. Others were present but did not sign in.

Supervisor Johnson called the meeting to order at 6:00 p.m. and asked everyone present to say the Pledge to the Flag and remain standing for a moment of silence to remember our fighting men and women around the world and our first responders.

PRIVILEGE OF THE FLOOR:

No comments.

CORRESPONDENCE:

Request from Town Historian Christine Hunt to attend a conference in Syracuse from September 22 – 24, 2022.

REPORTS OF DEPARTMENTS AND BOARD MEMBERS:

Superintendent of Highways Brian Ingraham reported updates to CHIPS projects on LaDue Road, Campbell Road, Fairview Drive, Hartshorn Place, and Country View Terrace. They assisted the Town of Riga, Town of Clarkson, Town of Hamlin, and the Village of Brockport with road work. They performed site work for the construction of the new skate park.

Councilperson Hayles reported that the Seymour Library Board will present the 2023 proposed budget tonight. The survey has been launched and over 400 responses have been received so far. Harvest Festival planning continues. The ROTC cadets and women's basketball team are participating in the 5K. The mounted patrol will be in attendance. Mrs. Hayles volunteered at the rabies clinic on August 13th.

Councilperson Sullivan reported that Lodge rentals are still strong. The Splash Park was closed for a few days due to needed repairs. Skate park construction has begun. Mr. Sullivan reported that he is the liaison between the Town and the Sweden Community Foundation. They sold bricks at the recent Brockport Arts Festival.

Councilperson Humby reported that Summer Camp is almost done with an average of 55 children in attendance. Swim lessons will be offered again. The new senior addition should be finished soon. A ribbon cutting will be scheduled, and they are planning the first event for Veteran's Day in November. The Fall Scoreboard is out with new programming – youth football and K-2 basketball. Mrs. Humby reported that the free rabies clinic was a success – 285

vaccinations were administered which included over 40 walk-ins. New York State performed their annual inspection - passed. It was noted that the Hamlin Dog Shelter had one of the highest rates of redemption. Dog Control handled nine calls.

Supervisor Johnson reported that excavation is underway on the new skate park and the concrete mix has been approved. Buildings and Grounds are obtaining quotes for reconstructive repairs to Nietopski Field in the Fall. The senior addition is nearly complete and very impressive. Ribbon cutting tentatively scheduled for October 5th at 6:00 p.m. Order forms for bricks to support the skate park are available at the Town Hall and Community Center.

Supervisor Johnson conducted interviews with Building/Code Enforcement Officer Lyle Stirk for the open Fire Marshal position. The Lake Road/Redman Road water project is complete. Nineteen properties on Reed Road will receive a letter next week announcing that they will be able to tap into the Bergen waterline through an inter-municipal agreement. The deadline to sign up is September 23rd. Sidewalk installation on Crestview should start in the Spring. The Town of Sweden and the Town of Clarkson are now sharing an Assessor at a cost savings for each town.

PUBLIC HEARING:

At 6:18 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 – Amending Chapter 175 “Zoning” of the Sweden Town Code in relation to shipping containers.

Supervisor Johnson waived the reading of the legal notice. He stated that this is a growing issue across New York State and has been discussed at Supervisor’s meetings. Town Attorney Jim Bell stated that the wording of this local law was challenging, he has reviewed the comments received to date and would be open to amendments to the proposed law.

Kasey Stettner inquired about placing a shipping container on his vacant property approximately four years ago and was told there were no regulations. It is located 100 feet from all property lines, not viewable from the road, and was purchased to store equipment. His assessment of the property recently increased 60% due to the placement of the shipping container and other improvements. This proposed law, if passed, will cause a large financial burden. He proposed allowing the containers with certain restrictions and/or requirements. He feels the shipping container is the only way feasible to secure his equipment.

Holly Stettner spoke in favor of shipping containers. She asked how this proposal came forward. She was only able to find discussion at the May 2021 meeting and described those minutes. Ms. Stettner agrees that many Towns are dealing with the same issue and instead of banning shipping containers they have passed laws that allow residents to co-exist peacefully. She offered the following examples: setback requirements, screening from view, and “grandfathering” those shipping containers already placed. She suggested that if banned, the Town reimburse those that currently have containers the cost of removal. She asked that the Board carefully consider this proposed law.

Michele Johnson, a resident for 30 + years, placed a storage container to keep farm feed safe from rodents and secure storage of equipment. She is in favor of shipping containers because they serve a purpose.

Russ Johnson stated that due to a neighbor complaint, he did move his container. His concern are the thefts in the neighborhood and cited several recent thefts. Mr. Johnson is in favor of the containers and several of the rules proposed during the hearing.

Bill Zayas is in favor of shipping containers. He currently has a container. He commented on several property maintenance issues in the Village of Brockport and felt that should be addressed.

Kasey Stettner added that many who have shipping containers have a large piece of property. The containers safely house equipment and tools. He asked the Town not to ban containers completely because of one or two complaints. If he must remove the container, will the Town reduce the assessment.

Supervisor Johnson clarified that the Assessor acts independently, and residents can dispute their assessments. Mr. Johnson also stated that the Town is not the Village. Any issues with property maintenance violations must be taken to the Village.

Several attendees offered comments but did not state their name.

Supervisor Johnson stated that this is a growing concern among many Towns and prefers to act pro-actively. You can not have a public hearing unless you have a proposed law. He understands this is not a wide-spread issue in the Town yet.

Councilperson Sullivan stated that the Board is gathering information and he appreciates everyone’s comments. He understands that the containers serve a purpose and protect property.

Michael Pierce stated that if the containers provide security, that helps law enforcement. No other comments.

Public hearing was closed at 6:46 p.m.

CONSENT AGENDA ITEMS:

Supervisor Johnson asked that Resolution No. 101 – Adopt Local Law ___ of 2022 – Amending chapter 175 of the Sweden Town Code (shipping containers) – be moved to Non-Consent Agenda.

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

VOTE BY ROLL CALL:

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

- RESOLUTION NO. 91 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 to the Sweden Town Code, and

WHEREAS a proposed Local Law has been drafted in relationship to amending Chapter 175 to the Sweden Town Code regarding shipping containers; 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. 92 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. 93 Authorize Supervisor Sign Intermunicipal

Agreement with Town of Bergen for
Reed Road Outside Users

WHEREAS, the Town of Bergen Water Improvement Benefit Area No. 1 (WIBA No. 1) Project included the installation of 10-inch diameter water main on the south side of Reed Road from West Sweden Road approximately 6,950 linear feet to the east; and

WHEREAS, various Reed Road property owners in the Town of Sweden have expressed a desire to hook into the Bergen WIBA No. 1 water main installed as part of their project; and

WHEREAS, the Town of Bergen has the authority and may grant permission to an individual property owner in the Town of Sweden outside the boundaries of Bergen WIBA No. 1 to secure municipal water subject to certain terms and conditions; and

WHEREAS, the Town of Sweden “Outside Users” will share in the Bergen WIBA No. 1 Equivalent Dwelling Unit (EDU) charge at the same rate as property owners within the Bergen WIBA No. 1; and

WHEREAS, the eligible Sweden properties are listed on Schedule A, hereto attached.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. The Town Board of the Town of Sweden has no objection to its Reed Road property owners entering into an “Outside User Agreement” with the Town of Bergen providing access to the Bergen water main, providing that each interested Sweden property owner complete an application and acknowledge agreement to the terms and conditions with the Town of Bergen as an outside user.

Sec. 2. That the Town of Bergen will bill the Town of Sweden a service charge for each Sweden property that has entered into the “Outside User Agreement” in an amount equivalent to the EDU charge Bergen properties pay each year.

Sec. 3. That the Town of Sweden will levy onto each Sweden property that has entered into the “Outside User Agreement” the annual EDU charge and those charges will be remitted to the Town of Bergen.

Sec. 4. That the Supervisor is authorized to sign the Intermunicipal Agreement and any other necessary documents.

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

- RESOLUTION NO. 94 Adopt Employee Handbook Changes

WHEREAS, the Town Board of the Town of Sweden has revised Employee Handbook Section 5 Vacation Leave.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. The Town Board of the Town of Sweden does hereby adopt the changes to Section 5 of the Town of Sweden Employee Handbook.

Sec. 2. That the changes and new policies will be effective as of September 1, 2022.

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

- RESOLUTION NO. 95 Authorize Sale of Equipment

WHEREAS, the Superintendent of Highways has recommended the sale of several pieces of equipment through Auctions International.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the sale of the following equipment through Auctions International:

- 2011 Ford F-350 pick-up truck
- 1985 stone plate tamper
- Ramco Band Saw
- 350BC-2 Cummins engine (military surplus equipment)
- (2) Clark M290 tractors with wabco CT-4 scraper earth movers attached (military surplus equipment – park)
- Sherwin Williams paint striper
- Skid steer hydro turn snowplow
- 917A flail mower

Sec. 2. The Town reserves the right to reject any and all bids.

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

- RESOLUTION NO. 96 Authorizing 2022 Town Funds & Single Audit

WHEREAS, Mengel Metzger Barr & Co., LLP, has submitted a proposal for a Town Funds Audit Justice Court Audit and a Single Audit for year end December 31, 2022.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden accepts the proposal of Raymond F. Wager, Certified Public Accountants, a division of Mengel Metzger Barr & Co., LLP, for a Town Funds Audit for the fiscal year ending December 31, 2022 at a cost of \$13,950.

Sec. 2 That the Town Board of the Town of Sweden accepts the Justice Court Audit proposal at a cost of \$2,195.

Sec. 3. That the Town Board of the Town of Sweden accepts the Single Audit proposal at a cost of \$2,995.

Sec. 4. That the Supervisor is authorized to execute the necessary documents.

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

- RESOLUTION NO. 97 Authorizing Supervisor Sign Lease Between Town of Sweden and Lifetime Assistance

WHEREAS, Lifetime Assistance, Inc., a not-for-profit corporation having its principal place of businesses located at 425 Paul Road Rochester, NY 14624, leases the Town of Sweden facility known as the Sweden Senior Center, 133 State Street, Brockport, NY 14420 in two separate lease arrangements; and

WHEREAS, the lease for the day habilitation program of 409 square feet expires October 31, 2022; and

WHEREAS, the Town Board of the Town of Sweden wishes to renew the lease on the same terms with the allowable rent increase.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town enters into a lease agreement with Lifetime Assistance, Inc. for lease of the property known as the Sweden Senior Center, 133 State Street, Brockport, NY 14420 for the terms and conditions specified in said agreements.

Sec. 2. That Town Board of the Town of Sweden authorizes the Supervisor to sign the lease agreements and all necessary documents.

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

- RESOLUTION NO. 98 Authorizing Fall Clean-up Days for 2022 by the Highway Department

WHEREAS, the Town Highway Superintendent has recommended to the Town Board that special fall clean-up days be set for the Town of Sweden; and

WHEREAS, the Highway Superintendent has also recommended that this be for brush pick up only and no other items will be accepted.

NOW THEREFORE, BE IT RESOLVED:

Sec. 1. That the Highway Superintendent is hereby authorized to execute said operation for pick up of brush within the Town of Sweden on the following days: October 24, 2022 through October 28, 2022.

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

● RESOLUTION NO. 99 Appoint Recreation Assistant PT

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

WHEREAS, Recreation Director Jill Wisnowski has recommended hiring Natalie Ventura.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Natalie Ventura and as a recreation assistant part-time for a maximum of 28 hours per week.

Sec. 2. That the hourly rate of pay is \$13.20 with a start date on or after September 6, 2022.

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

● RESOLUTION NO. 100 Appoint Recreation Assistants - Pool

WHEREAS, the Recreation Department is offering swim programs and lessons; and

WHEREAS, there is a need for lifeguards and swim instructors.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint:

Alexander Stoker
Indigo Pardun
Marissa Salonen-Roperti
Jack Parmele
Ryan Richardson
David Kurtz

Sec. 2. That the rate of pay is \$17.00 per hour with a start date on or after September 7, 2022.

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

- Approval of Town Historian Christine Hunt's request to attend a conference in Syracuse from September 22 – 24, 2022.

EXECUTIVE SESSION:

Councilperson Sullivan made a motion that was seconded by Councilperson Humby to go into executive session at 6:49 p.m. subject to Public Officer's Law Section 105(f) employment of a particular person in the Building Department and a particular person in the

Highway Department. All voted in favor of the motion – four ayes. Motion adopted.

No action taken.

Councilperson Hayles made a motion that was seconded by Councilperson Humby to leave executive session and return to the regular meeting at 7:03 p.m. All voted in favor of the motion – four ayes. Motion adopted.

NON-CONSENT AGENDA:

- Approval of the minutes of the regular meeting held on July 26, 2022.

MOTION made by Councilperson Hayles and seconded by Councilperson Sullivan to approve the minutes of the regular meeting held on July 26, 2022.

VOTE BY ROLL CALL AND RECORD

Councilperson Hayles	<u>Aye</u>	
Councilperson Hoke	<u>Absent</u>	
Councilperson Humby	<u>Abstain</u>	
Councilperson Sullivan	<u>Aye</u>	
Supervisor Johnson	<u>Aye</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 Humby authorizing payment of the bills in Abstract 8 dated August 24, 2022 in the amount of \$717,919.12.

General Fund: In the amount of \$57,591.43 as set forth in Abstract 8 dated August 24, 2022.

Highway Fund: In the amount of \$209,230.45 as set forth in Abstract 8 dated August 24, 2022.

Special Fund: In the amount of \$9,822.49 as set forth in Abstract 8 dated August 24, 2022.

Capital Fund: In the amount of \$441,274.75 as set forth in Abstract 8 dated August 24, 2022.

VOTE BY ROLL CALL AND RECORD:

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

RESOLUTION NO. 101

Adopt Local Law __ of 2022 – 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 August 23, 2022; 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 ___ of 2022 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 __ of 2022 with the Secretary of State as required by law.

Sec 3. This Resolution shall take effect immediately.

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

Discussion: Councilperson Hayles made a motion that was seconded by Councilperson Sullivan to TABLE the resolution.

VOTE BY ROLL CALL AND RECORD TO TABLE:

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

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 August 23, 2022 meeting of the Sweden Town Board at 7:05 p.m. Councilperson Humby seconded the motion. All voted in favor of the motion – four ayes. Motion adopted.

**The Seymour Library Board presented the proposed 2023 Budget to members of the Sweden Town Board, Clarkson Town Board, and Brockport Village Board.

Respectfully submitted,

Karen M. Sweeting
Town Clerk