

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 10, 2015.

Town Board Members present were Supervisor Robert Carges, Councilperson Robert Muesebeck, Councilperson Rebecca Donohue and Councilperson Donald Roberts, Jr. Councilperson Danielle Windus-Cook was absent. Also present were Finance Director Leisa Strabel, Superintendent of Highways Brian Ingraham, Town Attorney Jim Bell and Town Clerk Karen Sweeting.

Visitors present were Deputy Village Mayor Bill Andrews, Seymour Library Director Carl Gouveia, Peter Sharpe and Justin Sullivan.

Supervisor Carges called the meeting to order at 7:05 p.m. after the conclusion of the public hearing and asked everyone present to say the Pledge to the Flag.

Supervisor Carges acknowledged the visitors and asked if anyone wanted to address the board. No one spoke.

APPROVAL OF MINUTES

Councilperson Roberts made a motion that was seconded by Councilperson Donohue to accept the minutes of the Public Hearing – Local Law 1 of 2015 held on January 27, 2015. All voted in favor of the motion – four ayes. Motion adopted.

Councilperson Donohue made a motion that was seconded by Councilperson Muesebeck to accept the minutes of the regular Town Board meeting held on January 27, 2015. All voted in favor of the motion – four ayes. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

(*Board has copies)

2015	Received From:	Comments:
*1.	Todd Dobson, Buildings & Grounds	Request to purchase park mower
*2.	Robert Somers, NYS Department Agriculture & Markets	Notice of Intent – Advance of funds for Route 531 Terminus Improvement Project

RE: #1 Councilperson Muesebeck made a motion that was seconded by Councilperson Roberts to approve the request of Todd Dobson to purchase a park mower. All voted in favor of the motion – four ayes. Motion adopted.

DEPARTMENTAL REPORTS

January 2015 departmental reports were received and reviewed by the Town Board from the following departments: Building Department, Phyllis Brudz; Finance Director, Leisa Strabel; and Town Clerk, Karen M. Sweeting.

REPORTS

Superintendent of Highways Brian Ingraham reported that the highway department has been extremely busy with snow removal. There are no issues with the volume of salt on hand as of yet.

Town Attorney Jim Bell participated in a deposition for the town.
Councilperson Donohue had no report.

Councilperson Roberts attended the Route 531 information meeting held in Spencerport along with Supervisor Carges. They have made a decision on the plan and anticipate moving forward with construction in the Fall of 2016.

Councilperson Muesebeck reported that the Sweden Community Foundation is anxious to get moving on the lodge project at the Town Park.

Finance Director Leisa Strabel reported to the board that the CDBG application has been submitted and the AUD will be done by the end of the week.

Supervisor Carges attended the Brockport Chamber of Commerce awards dinner. Mr. Carges commented on the Route 531 meeting stating that the proposed plan will not decrease the amount of traffic in our community but the plan hopes to decrease the number of accidents at the Washington Street intersection. Mr. Carges attended the Clarkson Town Board meeting with Recreation Supervisor Jill Wisnowski and recreation staff member Deanna Irvine.

RESOLUTIONS

RESOLUTION NO. 25

Appoint Recreation Assistants PT
Stevens, Donovan

WHEREAS, there are vacancies for part-time Recreation Assistants at The Center; and

WHEREAS, Recreation Leader Jill Wisnowski has recommended hiring Beverly Stevens and Cindy Donovan.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Beverly Stevens and Cindy Donovan as Recreation Assistants PT for a maximum of 20 hours per week.

Sec. 2. That the hourly rate of pay is \$9.50 with a start date of February 23, 2015.

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

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Supervisor Carges

Discussion: The board members discussed standard starting pay, the budget for the Center and FTE's.

MOTION made by Councilperson Roberts and seconded by Councilperson Donohue to TABLE the resolution until further discussion can take place. All voted in favor of the motion – four ayes. Motion adopted.

TABLED

RESOLUTION NO. 26

Amend Sweden Town Code Chapter 73 Cemeteries
(Adopt Local Law 2 of 2015)

WHEREAS, the Town Board of the Town of Sweden adopted Chapter 73 Cemeteries of the Sweden Town Code governing Lakeview Cemetery on January 2, 2003; and

WHEREAS, the Town Board of the Town of Sweden considers amendments to the Town Code from time to time; and

WHEREAS, the Town Board of the Town of Sweden held a public hearing regarding proposed amendments to Chapter 73 Cemeteries of the Sweden Town Code on February 10, 2015 at 7 pm at the Sweden Town Hall, 18 State Street and all persons wishing to speak regarding the proposed amendments were heard.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby adopt amendments to the Sweden Town Code Chapter 73 Cemeteries as attached in Appendix A.

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

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Councilperson Roberts

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Donohue	<u>Aye</u>
Councilperson Muesebeck	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Councilperson Windus-Cook	<u>Absent</u>
Supervisor Carges	<u>Aye</u>

Submitted – February 10, 2015

Adopted

RESOLUTION NO. 27 Authorize Dog Park Construction from Park Reserve Fund

WHEREAS, a Parks and Recreation Reserve Fund was established on December 29, 2004 for the purpose of making improvements to town-owned parks and recreation facilities; and

WHEREAS, the Town Board of the Town of Sweden wishes to construct a dog park within the Sweden Town Park, 4745 Redman Road; and

WHEREAS, the costs will include engineering, site work, fence installation.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize expenditures for engineering, site work and fence installation from the Parks and Recreation Reserve Fund for Type capital improvements; namely the construction of a dog park.

Sec. 2. That pursuant to Section 6-C of the General Municipal Law, this expenditure is subject to permissive referendum.

Sec. 3. That the Town Clerk is directed to publish a public notice as required by law.

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

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Councilperson Roberts

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Donohue	<u>Aye</u>
Councilperson Muesebeck	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Councilperson Windus-Cook	<u>Absent</u>
Supervisor Carges	<u>Aye</u>

Submitted – February 10, 2015

Adopted

EXECUTIVE SESSION

Councilperson Muesebeck made a motion that was seconded by Councilperson Donohue to go into executive session at 7:26 p.m. to discuss assessment litigations with Fox Five, LLC and legal matters relative to the resolution reducing the number of justices. All voted in favor of the motion – four ayes. Motion adopted.

No action taken.

Councilperson Muesebeck made a motion that was seconded by Councilperson Donohue to leave executive session and return to the regular meeting at 8:00 p.m. All voted in favor of the motion – four ayes. Motion adopted.

RESOLUTION NO. 28

Reducing the Number of Sweden Town Justices From Three (3) to Two (2)

WHEREAS, the position of Sweden Town Police Justice was created by a New York State legislative enactment, chapter 34 of the Laws of 1899, passed and becoming law on February 28, 1899 (a copy of which is attached hereto as Exhibit “A”); and

WHEREAS, the aforesaid law having been amended by New York State legislative enactment in chapter 123 of the Laws of 1899, passed and becoming law on March 23, 1899 (a copy of which is attached hereto as Exhibit “B”); and

WHEREAS, reference is hereby made to People Ex Rel. Holmes v. Lane, Appellate Division Fourth Department, 53 App. Div. 531 (1900), a case dealing with, among other things, the abolishment of the Brockport Village Police Justice Office, the above noted legislation and related jurisdictional issues (a copy of which is attached hereto as Exhibit “C”); and

WHEREAS, the Sweden Town Justices Court is currently presided over by Sweden Town Police Justice Mark Depferd, Sweden Town Justice Robert P. Connors and Sweden Town Justice Kevin G. Johnson; and

WHEREAS, the current term of office for Sweden Town Police Justice Mark Depferd expires on December 31, 2015; and

WHEREAS, the Sweden Town Board has investigated and reviewed whether the continuation of said Sweden Town Police Justice position and/or the continuation of having three (3) presiding Justices over the Sweden Town Court is necessary and effective; and

WHEREAS, it being recognized that the Village of Brockport has established a Brockport

Village Justice Court, independent of the Sweden Town Court, and presided over by justices other than those identified hereinabove; and

WHEREAS, the Sweden Town Board has determined that it would be in the best interests of the Town of Sweden to reduce the number of Town Justices from three (3) to two (2) in that there is presently no need for three (3) Justices to handle the volume of matters in the Sweden Town Court; and

WHEREAS, the Town of Sweden is a Town of the first class subject to the provisions of Town Law §60-a(2) stating in sum or substance that in the event the Town Board determines that it would be in the best interests of the Town, such Town Board may, by the adoption of a Resolution, subject to permissive referendum, reduce the number of Town Justices; and

WHEREAS, Article VI, §17(d) of the New York State Constitution mandates in sum or substance that any such elimination of the aforesaid Sweden Town Police Justice position cannot take effect until the expiration of the term of the incumbent (in this case December 31, 2015); and

WHEREAS, reference is also made to New York State Attorney General Opinions 78-153, 79-248, 81-92, 83-59 and 97-55, all confirming the ability of the Town of Sweden to reduce the number of Town Justices from three (3) to two (2) as set forth herein.

NOW, THEREFORE, PURSUANT TO TOWN LAW §20(1)(B), TOWN LAW §60-A(2) AND ALL OTHER RELEVANT STATUTES, LAWS AND CASES OF THE STATE OF NEW YORK REASONABLY RELATED HERETO, IT IS HEREBY RESOLVED AS FOLLOWS:

Sec. 1. The office and judicial position of Sweden Town Police Justice, currently occupied and held by Justice Mark Depferd, is hereby eliminated so that the number of Sweden Town Justices in the Town of Sweden shall be reduced from three (3) to two (2) effective January 1, 2016.

Sec. 2. In accordance with Town Law §60-a(2) this Resolution shall not become operative or effective unless and until thirty (30) days have elapsed after the adoption of this Resolution and no Petition protesting against this Local Law (Resolution) signed and authenticated as required by law has been filed with the Town Clerk of the Town of Sweden, or, if such Petition is so filed, a proposition for approval of this Resolution has been submitted at the next general election or a special election for that purpose pursuant to said section and received by the affirmative vote of a majority of the voters voting thereon.

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

MOTION made by Councilperson Muesebeck and seconded by Councilperson Roberts to TABLE the resolution. All voted in favor of the motion – four ayes. Motion adopted.

TABLED

DISCUSSION AND ANNOUNCEMENTS

No discussions or announcements.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Muesebeck moved to adjourn the February 10, 2015 meeting of the Sweden Town Board at 8:05 p.m. Councilperson Donohue seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk