

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 25, 2014.

Town Board Members present were Supervisor Robert Carges, Councilperson Rebecca Donohue, Councilperson Robert Muesebeck, Councilperson Donald Roberts and Councilperson Danielle Windus-Cook. Also present were Director of Finance Leisa Strabel, Town Attorney Jim Bell, Superintendent of Highways Brian Ingraham, Building Inspector Walt Windus, Deputy Town Clerk Kathy Roberts, Town Architect/Planning Board member David Strabel, Town Historian Kathleen Goetz and Town Clerk Karen M. Sweeting.

Visitors present were Jessica Simboli, John and Alice Seymour, Barb Windus, Kevin McCarthy, Robert Sweeting, Hank Earle, Pete Hare, Pam Ketchum, John Keiser, Judy Waldock, Thomas Mangan, Joan Hamlin, Annie Crane, Village Deputy Mayor Bill Andrews, Marcy Stickles, Linda Ketchum, Karen Carges, Helen Smagorinsky, Alicia Fink, Frank Barker, Catherine White, Josephine Matela, Robert and Shamra Westbrook, Pat and Tom Pawlaczyk, Ann Butler, Steve Maier, Jacqueline Davis, Kaley Donaldson, John Maier, Village Trustee Carol Hannan, Harry Snyder, Rosa Rich, Scott Galliford, Christine Hunt, Richard Fenton, Lori and Gary Skoog, Monica Beck, Village Mayor Margay Blackman, Mary Edwards, J.W. Cook, Cheryl Blount, Ena Farley, Rhett King, Barbara Sparhuber, Harry Shifton, Helen Maier, Marie Bell, Sri Ram Bakshi, Mark Kristansen, Jackie Morris, Kelly Salomone and son Joe, David Markham and Jim Foote. Others were present but did not sign in.

Supervisor Carges called the meeting to order at 7:00 p.m. and asked everyone present to say the Pledge to the Flag.

Annie Crane read a prepared statement by Pat and Archie Kutz. As business owners on Main Street in the Village, they support the 60 Clinton Street project and exemption. They expressed their confidence in the developer, Greg O'Connell and commented on the possibility of the restoration taking place during the Town's Bicentennial year.

Sri Ram Bakshi referred to comments made at the meeting of February 11, 2014. He wanted people to realize the difference between the 485-b and 421-m laws – exemption versus abatement. The developer is asking for an abatement and would be paying taxes on the current value of the property. He feels that the property will continue to deteriorate if the abatement is not approved by the Town Board. Many residents have devoted their time and efforts to the restoration of the property.

Bill Andrews thought the local law used the term “exemption” but they were asking the Town Board to approve an “abatement”.

Mary Edwards of the Clarkson Historical Society stressed the importance of this restoration project.

Jessica Simboli stated she is in favor of development and revitalization. She does not agree, at this point, with the proposed law because there are too many unanswered questions.

Rhett King referenced comments from the February 11th meeting of Benton Hart and Councilperson Windus-Cook. He mentioned DEC soil and water reports and the unsafe structure of the building. The decision should be based on the community as a whole, not just the few present for the meeting.

Linda Ketchum, representing the Pro-Brockport group, said there were over 200 online signatures with comments posted in favor of the abatement.

John Keiser offered his public sector versus private sector analysis referring to Councilperson Windus-Cook's comments from the February 11th meeting. He added that the

board's fiduciary responsibility should be to maximize the value of the property and to take action.

Gary Skoog commented on several phrases that were being used – unfair, outside developer, unsafe, etc. An “outside” investor should not be refused when willing to purchase and enhance a property because they are not from the community. Mr. Skoog detailed what the Greater Brockport Development Corporation followed to ensure the stabilization of the structure.

Barb Windus asked if the county would be participating in some type of exemption. Bill Andrews answered county taxes would not be included – only Village, school and if approved Town.

Richard Fenton realizes how difficult this decision is and also that other entities in the Town are currently receiving some sort of abatement already. The property is currently tax exempt. If the project moves forward, the property would be taxed at its current assessed value, so tax dollars would be collected. He feels this is an opportunity for the Town and Village boards to come together and benefit the community.

Robert Westbrook feels that the arguments of the proponents are clear and persuasive. He mentioned comparability of the investment and felt that the investor in this case was an unusual investor. The developer is interested in maintaining the character of the area. Mr. Westbrook commented on the safety of the community and utilizing more than just the police department. Development of the Clinton Street area would also enhance safety. He felt the resolution on the agenda for this meeting was placing “prohibitive obstacles” to this project moving forward.

Thomas Mangan stated that he has submitted FOIL requests to the Town and NYS asking for information on tax exemptions. He detailed some of the information he has obtained.

Pam Ketchum felt that taxpayers are already “subsidizing” the tax “breaks” of area businesses such as WalMart. As a real estate agent she is concerned with the negative image the Clinton Street area has on the Village. Mrs. Ketchum detailed her restoration projects and added that she wants her properties to be an asset to the neighborhood. She asked the Town Board members to let the work begin.

APPROVAL OF MINUTES

Councilperson Roberts made a motion that was seconded by Councilperson Muesebeck to accept the minutes of the regular meeting held on February 11, 2014. All voted in favor of the motion. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

No correspondence noted.

REPORTS

No reports.

RESOLUTIONS

RESOLUTION NO. 28

Authorizing Purchase of One 2015 Kenworth T370 Single Axel Cab/Chassis Truck Plus Attachments through Onondaga County Contract Award

WHEREAS, the Highway Superintendent has recommended the purchase of one 2015 Kenworth T370 Single Axel Cab/Chassis Truck and attachments consisting of: hook lift, plow and controls, wing and salter under the Onondaga County Contract

Award (Bid Reference 7823). Supplier: Kenworth Group Northeast, Inc., 100 Commerce Drive, Buffalo, NY 14218.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the purchase of a 2015 Kenworth T370 Single Axel Cab/Chassis Truck for \$82,414; and hook lift, plow and plow controls, wing and salter controls for \$66,614 under the Onondaga County Contract Award (Bid Reference 7823) from Kenworth Group Northeast, Inc., 100 Commerce Drive, Buffalo, NY 14218.

Sec. 2. That upon delivery of the truck, the invoice will be paid from the Highway Equipment Reserve per Resolution No. 29 of 2014.

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

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

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>Aye</u> |
| Supervisor Carges | <u>Aye</u> |

Submitted – February 25, 2014

Adopted

RESOLUTION NO. 29 Authorize Purchase of 2015 Kenworth Truck and Attachments From Highway Equipment Reserve

WHEREAS, a Reserve was established for Highway Equipment on December 13, 2005; and

WHEREAS, the Highway Superintendent has recommended the purchase of a 2015 Kenworth T370 Single Axel Cab/Chassis Truck plus attachments through the Onondaga County Contract Award (Bid Reference 7823); and

WHEREAS, the Director of Finance has confirmed that there are funds available in the Highway Equipment Reserve for the purchase of the truck and attachments.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of up to \$150,000 from the Highway Equipment Reserve for the purchase of a 2015 Kenworth T370 Single Axel Cab/Chassis Truck plus attachments consisting of hook lift, plow and controls, wing and salter under the Onondaga County Contract Award (Bid Reference 7823).

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 Roberts
Seconded by Councilperson Muesebeck

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>Aye</u> |
| Supervisor Carges | <u>Aye</u> |

Submitted – February 25, 2014

Adopted

RESOLUTION NO. 30

Re: 60 Clinton Street
Brockport, New York
Tax Number 068.52-1-1
Real Property Tax Law §421-m

WHEREAS, the Greater Brockport Development Corporation (hereinafter referred to as GBDC) is the owner of property located in the Village of Brockport, Town of Sweden, the Brockport Central School District and more commonly referred to as 60 Clinton Street, Brockport (hereinafter referred to as the subject property); and

WHEREAS, a verbal request having been made to the Sweden Town Board by William Andrews, Deputy Mayor for the Village of Brockport and GBDC Board of Director member, requesting that the Sweden Town Board adopt a local law exempting from local taxation the subject property pursuant to Real Property Tax Law §421-m; and

WHEREAS, upon information and belief the Village of Brockport having passed a local law granting RPTL §421-m exemption status to the subject property; and

WHEREAS, upon information and belief, the Brockport School District having passed a Resolution granting RPTL §421-m exemption status to the subject property; and

WHEREAS, on February 24, 2014 the Sweden Town Board having received a copy of a Purchase and Sale Agreement relating to the subject property dated February 10, 2014 by and between GDBC as seller and Gregory O'Connell as buyer; and

WHEREAS, the Sweden Town Board has before it a proposed Local Law for contemplation and vote relating to the subject property; and

WHEREAS, the text of the current draft of the Local Law is available in the offices of the Sweden Town Clerk during regular business hours and on the Sweden Town website, subject to review and modification based upon the terms and conditions set forth hereinbelow; and

WHEREAS, in order to adopt said Local Law, the Sweden Town Board is required to hold and conduct a public hearing thereon; and

WHEREAS, the scheduling and notice of any such public hearing is contingent upon the terms and conditions set forth hereinbelow.

NOW THEREFORE BE IT RESOLVED:

Sec. 1 Prior to the notice and scheduling of any public hearing, the Sweden Town Board is to receive for review and/or approval the following, same to be received by the Sweden Town Board no later than sixty (60) days from the date of this Resolution:

- a) All engineering and architectural plans, designs, maps, writings and construction contracts contemplated or created in furtherance of the purchase and sale as set forth in any contract. ~~requested in subparagraph "a" hereinabove.~~
- b) All applications with any governmental agency for site plan approvals, permits, applications or permissions to take any action on the subject property and/or contract.
- c) All communications, confirmation of remediation and similar environmental status paperwork relating to the subject property involving any remediation contractors, the New York State Department of Environmental Conservation, the Village of Brockport, GBDC and/or any purchaser.
- d) All correspondence, approvals or applications relating to the subject property and the contract between GBDC, the purchaser and the New York State Division of Canal and Waterways.
- e) All state, federal and/or local applications, communications, acceptances, rejections, writings or other indicia of grants, loans or subsidies sought or applied for by anyone in conjunction with the contract. ~~requested in subparagraph "a" hereinabove.~~

Sec. 2. Upon timely receipt of the information hereinabove identified, the Sweden Town Board may make modifications and changes, if any, to the proposed Local Law, set the date for a public hearing to be held at the Town Hall, 18 State Street, Brockport, New York to hear all persons for or against the adoption of said Local Law and authorize the Sweden Town Clerk to cause a notice of the public hearing to be published in the official newspapers of the Town of Sweden as required by the Town Law.

Sec. 3. The Sweden Town Board reserves the right to rescind this Resolution, modify the proposed Local Law, present it in the current form and/or to not go forward with a public hearing in the event that the information sought hereinabove is either not approved by the Sweden Town Board or is not received in a timely fashion.

Sec. 4. This Resolution is to take effect immediately.

*Motion made by Councilperson Muesebeck and seconded by Councilperson Roberts to amend said resolution upon the recommendations made by Town Attorney Jim Bell as follows:

Sec. 1 (a) remove {requested in subparagraph "a" hereinabove.}

Sec. 1 (e) remove {requested in subparagraph "a" hereinabove.}

All voted in favor of the motion. Motion adopted.

See discussion below

MOTION for adoption of this resolution as amended by - NO MOTION MADE

Seconded by

VOTE BY ROLL CALL AND RECORD AS AMENDED:

Councilperson Donohue

Councilperson Muesebeck

Councilperson Roberts
Councilperson Windus-Cook
Supervisor Carges

Submitted, February 25, 2014

***Councilperson Donohue stated that upon her review of the new legislation she was interested in seeing more information from the developer and the projects applicability to the new law. She also requested more time to research the 485-b section of law.

Councilperson Muesebeck stated that he did not have a lot of the information shared with the board prior to his term beginning in January. His concern is the length of time involved in the 421-m section as opposed to the 485-b section. He has listened to many pros and cons and is not comfortable with the new legislation.

Councilperson Roberts agrees with Councilperson Muesebeck. He has seen businesses come and go in the community and is concerned with the length of the abatement.

Supervisor Carges stated he has struggled for seven months with this decision and was concerned as to why no other towns have adopted the law. He added that in the past other developers have come to the Town Board requesting zoning changes and have presented concept plans. It would be easier for the Town Board to make a decision if they were presented with the information requested in the above resolution.

Councilperson Muesebeck added that the Town Board just received notice that a purchase offer drafted in September 2013 was just signed February 10th with the condition that it would be null and void if the Town Board did not pass the proposed law by the end of the month. He didn't feel as though the Town Board has been given all the information needed to make a decision.

Supervisor Carges said he was also concerned with a section of the law dealing with the eligibility of the tenants and the town responsible for reviewing the criteria. He had too many questions with the proposed local law to feel comfortable moving forward at this time.

APPROVAL FOR PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Muesebeck made a motion that was seconded by Councilperson Roberts authorizing payment of the bills in Abstract 2 dated February 26, 2014 in the amount of \$881,420.52. All voted in favor of the motion. Motion adopted.

General Fund: In the amount of \$811,599.27 as set forth in Abstract 2 dated February 26, 2014.

Highway Fund: In the amount of \$69,726.87 as set forth in Abstract 2 dated February 26, 2014.

Special Fund: In the amount of \$94.38 as set forth in Abstract 2 dated February 26, 2014.

DISCUSSION AND ANNOUNCEMENTS

No further discussion or announcements.

ADJOURNMENT

As there was no further business to come before the Board, Supervisor Robert Carges adjourned the February 25, 2014 meeting of the Sweden Town Board at 8:16 p.m.

Respectfully submitted,

Karen M. Sweeting
Town Clerk