

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, June 24, 2014.

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

Visitors present were John Passafiume and Mark Porter from the Brockport Eagles, Katrina Sherwood, Scott Wilson, Kristy Sherman, Becca Markel, Steven Hall, Eric Toepper, Tracy Robb and Kristina Gabalski from the Suburban News.

Supervisor Carges called the meeting to order at 7:10 p.m. after closing the public hearing and asked everyone present to say the Pledge to the Flag.

Supervisor Carges acknowledged the visitors and asked if anyone had any comments.

Representatives from the Brockport Eagles Football club asked the Town Board for approval to place a storage POD near the end-zone of the football field at the Town Park during the months of August, September and October for storage use and concessions during games. A tent would be put up near the unit during games to sell concessions. Supervisor Carges wanted more information on the size of the POD before a decision was made.

Parents of children participating in the recreation soccer program through SCCC expressed several concerns to the Town Board. Councilperson Roberts will form a committee that will address the concerns.

No other comments.

APPROVAL OF MINUTES

Councilperson Muesebeck made a motion that was seconded by Councilperson Roberts to accept the minutes of the regular meeting held on May 27, 2014. All voted in favor of the motion – three ayes. Councilperson Donohue abstained due to her absence from such meeting. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

Received from the NYS Department of Public Service informing the town they have ordered gas facilities to conduct a risk assessment of natural gas distribution systems.

DEPARTMENTAL REPORTS

May 2014 departmental reports were received and reviewed by the Town Board from the following departments: Building Department, Phyllis Brudz; Finance Director, Leisa Strabel; Dog Control, Kathy Beaumont; and Town Clerk, Karen M. Sweeting.

REPORTS

Superintendent of Highways Brian Ingraham reported county work on East Avenue - drainage and culvert pipe repairs and also pot-hole repairs on Swamp Road. Mr. Ingraham met with Supervisor Carges and Town Engineer Jim Oberst to discuss the road at the Town Park.

Councilperson Donohue attended the Memorial Day Veterans event and the Bicentennial Strawberry Social. Mrs. Donohue discussed the Village grant for trails and is involved in a steering committee to designate the use of the grant.

Councilperson Roberts also attended the Bicentennial event – Cruise In and Strawberry Social. Mr. Roberts has started gathering information on the concerns at the SCCC and will be contacting parents of participants to form a committee as mentioned above.

Town Attorney Jim Bell detailed the court proceeding involving Resolution No. 58 below.

Councilperson Muesebeck reported that the Cruise In and Strawberry Social event was a success and thanked the Lions Club for their participation and assistance.

Finance Director Leisa Strabel reported that the state audit continues. Mrs. Strabel informed the board that as a requirement of Obama Care, she sent a letter to all employees of the potential rate increase.

Supervisor Carges reported that he took a tour of Medline.

RESOLUTIONS

RESOLUTION NO. 58 Authorizing Release of Escrow Funds to the Estate of Eugene Jason

WHEREAS, on March 24, 2009 the Town Board of the Town of Sweden redeemed M&T Bank Letter of Credit No. SB-909551-2000 for the Woods at Sable Ridge Subdivision; and

WHEREAS, the redeemed funds have been held by the Town of Sweden in an interest bearing account at M&T Bank since the redemption; and

WHEREAS, the Estate of Eugene Jason has claimed ownership of those funds; and an Order to Show Cause was filed in Erie County Surrogate’s Court returnable on today’s date requesting, among other things an Order from the Court advising and directing the Town of Sweden as to the disposition of said funds; and

WHEREAS, Erie County Surrogate’s Court has determined that the funds do belong to the Estate of Eugene Jason.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That upon receipt of the Erie County Surrogate’s Court Order, the Supervisor is hereby directed to release the funds to the Estate of Eugene Jason as ordered, currently in the amount of \$1,684,506.54.
- Sec. 2. That the release of funds shall include the proceeds of the redemption and all accumulated interest on the date of the release.
- Sec. 3. That upon release of the funds, the M&T Bank account shall be closed.
- Sec. 4. 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 Aye
- Councilperson Muesebeck Aye
- Councilperson Roberts Aye

Councilperson Windus-Cook Absent
Supervisor Carges Aye
Submitted – June 24, 2014

Adopted

RESOLUTION NO. 59 Accepting Audit of Court Records

WHEREAS, the Town Board of the Town of Sweden retained Christopher Trento, Certified Public Accountant, to perform an audit of the Sweden Town Court records and dockets for the fiscal year ending December 31, 2013; and

WHEREAS, Mr. Trento submitted a report of the 2013 court audit on May 13, 2014; and

WHEREAS, the Sweden Town Board has had the opportunity to review the court audit report.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden accepts the findings of Christopher Trento, Certified Public Accountant pertaining to the 2013 Sweden Town Court records and dockets.

Sec. 2. That the Director of Finance is authorized to forward a copy of Mr. Trento’s report to the NYS Office of Court Administration.

Sec. 3. 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 Aye
Councilperson Muesebeck Aye
Councilperson Roberts Aye
Councilperson Windus-Cook Absent
Supervisor Carges Aye

Submitted – June 24, 2014 Adopted

RESOLUTION NO. 60 Time Warner Cable Franchise Renewal

WHEREAS, an application has been duly made to the Town Board of the Town of Sweden by Time Warner Cable Northeast LLC (“Time Warner”), a partnership organized under the laws of the State of New York doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, and holder of a cable television franchise in the Town of Sweden for the approval of an agreement to renew Time Warner’s cable television franchise for an additional fifteen (15) years. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and

WHEREAS, a public hearing was held by the Sweden Town Board at the Sweden Town Hall on Tuesday, June 24, 2014 at 7 pm and all persons wishing to speak were heard.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. Time Warner has substantially complied with the material terms and conditions of its existing franchise and with applicable law.
- Sec. 2. The quality of the Time Warner services, including signal quality, response to customer complaints and billing practices has been in light of community needs.
- Sec. 3. Time Warner has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal.
- Sec. 4. Time Warner can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.
- Sec. 5. That the Town Board of the Town of Sweden hereby renews the cable television franchise of Time Warner in the Town of Sweden for fifteen (15) years commencing on the date of approval by the Public Service Commission.
- Sec. 6. That this Franchise Renewal Agreement replaces the original franchise agreement.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

- Councilperson Donohue Aye
- Councilperson Muesebeck Aye
- Councilperson Roberts Aye
- Councilperson Windus-Cook Absent
- Supervisor Carges Aye

Submitted – June 24, 2014

Adopted

RESOLUTION NO. 61 Authorize Propane Fixed Price Program

WHEREAS, the Town of Sweden purchases propane to heat buildings at the Sweden Town Park; and

WHEREAS, Hometowne Energy has submitted a fixed price program of \$2.049 for the purchase of up to 2,150 gallons of propane.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Sweden Town Board hereby authorizes the Supervisor to sign the Hometowne Energy Propane Fixed Price Program Contract.
- Sec. 2. 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 Aye

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

Submitted – June 24, 2014

Adopted

RESOLUTION NO. 62 Authorize Town Park Road Repairs from 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 have a portion of the Park Road repaired/reconstructed; and

WHEREAS, the Town Engineer has estimated the cost to be less than \$200,000.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of up to \$200,000 from the Parks and Recreation Reserve Fund for Type capital improvements; namely the reconstruction of a portion of the Park Road per specifications prepared by the Town Engineer.

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 – June 24, 2014

Adopted

RESOLUTION NO. 63 Authorize Wage Increase – Coia

WHEREAS, the Recreation Supervisor has recommended a wage increase for Part Time Recreation Assistant Dorothy Coia.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes an increase in the hourly rate of pay for Dorothy Coia to \$12 per hour.

Sec. 2. That this resolution shall take effect retroactively to June 9, 2014.

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>Absent</u>
Supervisor Carges	<u>Aye</u>

Submitted – June 24, 2014

Adopted

RESOLUTION NO. 64 2014 Standard Work Day and Reporting

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town of Sweden location code 30156 hereby establishes the following (see Schedule A) as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials.

Sec. 2. 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>Absent</u>
Supervisor Carges	<u>Aye</u>

Submitted – June 24, 2014

Adopted

RESOLUTION NO. 65 Authorize Purchase of One 2015 Ford F250 Pickup Truck

WHEREAS, the Highway Superintendent has recommended the purchase of one 2015 4 X 4 Ford F250 super cab pickup truck with Western snow plow; and

WHEREAS, the truck may be purchased through the Chautauqua County Bid E-12-13PFTH.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1 That the Town Board of the Town of Sweden hereby authorizes the purchase of a 2015 Ford F250, 4 X 4, super cab pickup truck with Western snow plow through

the Chautauqua County Bid E-12-13PFTH, the supplier being Van Bortel Ford, Inc., in the amount not to exceed \$32,467.95 (complete).

Sec. 2 That upon delivery of the truck and invoice, the Supervisor shall pay said invoice from the Highway Fund.

Sec. 3 That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Roberts
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>Absent</u>
Supervisor Carges	<u>Aye</u>

Submitted – June 24, 2014

Adopted

APPROVAL FOR PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Donohue made a motion that was seconded by Councilperson Muesebeck authorizing payment of the bills in Abstract 6 dated June 25, 2014 in the amount of \$90,889.64. All voted in favor of the motion – four ayes. Motion adopted.

General Fund: In the amount of \$65,122 as set forth in Abstract 6 dated June 25, 2014.

Highway Fund: In the amount of \$20,600.03 as set forth in Abstract 6 dated June 25, 2014.

Special Fund: In the amount of \$5,167.61 as set forth in Abstract 6 dated June 25, 2014.

DISCUSSION AND ANNOUNCEMENTS

Councilperson Donohue mentioned that Brockport Rotary Club was seeking areas of need. The board discussed a couple of options.

EXECUTIVE SESSION

Councilperson Muesebeck made a motion that was seconded by Councilperson Roberts to go into executive session at 8:30 p.m. to discuss a legal matter. 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 9:12 p.m. All voted in favor of the motion – four ayes. Motion adopted.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Muesebeck moved to adjourn the June 24, 2014 meeting of the Sweden Town Board at 9:13 p.m. Councilperson Donohue seconded the motion. All voted in favor of the motion – four ayes. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk