

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, January 13, 2004.

BOARD MEMBERS PRESENT

Councilperson Rob Carges
Councilperson Patricia Connors
Councilperson Thomas Ferris
Councilperson Danielle Windus-Cook
Supervisor Lester - absent

OTHERS IN ATTENDANCE

Director of Finance Leisa Strabel
Town Attorney Jim Bell
Assessor Alan Bader
Town Clerk Janet Olivieri

Visitors:

Jim Hamlin, 50 Park Avenue
Julie and Frank Lapinski, 4016 Sweden Walker Road.

Deputy Supervisor Carges called the meeting to order at 7:30 p.m. and asked everyone present to say the Pledge to the Flag. Deputy Supervisor Carges acknowledged the presence of the visitors and asked if there were any comments or questions. Mr. Lapinski questioned two items in the correspondence.

APPROVAL OF MINUTES

- Minutes from the Public Hearing and Regular Meeting held on December 9, 2003 will be voted on at the next Regular Meeting.
- On motion by Councilperson Connors seconded by Councilperson Windus-Cook the Board unanimously approved the minutes of the Public Hearing held on December 30, 2003. Motion carried.
- On motion by Councilperson Connors seconded by Councilperson Windus-Cook the Board unanimously approved the minutes of the Regular Meeting on December 30, 2003. Motion carried.
- On motion by Councilperson Windus-Cook seconded by Councilperson Connors the Board unanimously approved the minutes of the Organizational Meeting on January 2, 2004. Motion carried.

CORRESPONDENCE

SUPERVISOR'S CORRESPONDENCE

2004	Received From:	Comments:
1.	Sue Holm, St. Luke's Episcopal Church 1/8	Invitation to 7 th Annual Ecumenical Remembrance Celebration, Monday, January 19 th , 7 PM
2.	Kathleen Roberts 1/12	Letter of resignation effective January 12 th

- | | | |
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| 3.* | Gay Lenhard, Chairperson,
Intermunicipal Cooperation
Committee, MC Council of
Government
12/30/03 | Update regarding pooled Workers
Compensation for local governments |
| 4. | Laura Landers, CPA, Freed Maxick
& Battaglia, PC
1/1 | Invitation to seminar on theft and fraud
January 21 st , 8:30 AM |
| 5.* | Steven Gould, Chief Engineer,
Monroe County Water Authority
12/19/03 | Confirm that the Water Authority is installing a
new water main without the Town pursuing the
formation of a water district |
| 6. | Jason Foote, Chatfield Engineers
12/22/03 | Revised plans for White Road water main
installation |
| 7. | Copy of letter from Kenneth Naugle
to Roland Yaeger
12/16/03 | Regarding request for project support for
Sweden-Walker Road water main extension |
| 8. | Channing Philbrick
12/10/03 | Offer to host discussion regarding franchise
agreements with Time Warner |
| 9.* | Anthony Nanula, Deputy
Comptroller, NYS Office of State
Comptroller
12/13/03 | List of average estimated cost thresholds for
determining the necessity of State Comptroller
approval for special district actions in the year
2004 |
| 10.* | James Bell,
1/13 | Correspondence regarding proposed resolution
and settlement agreement in the matter Frontier
Telephone V. Town of Sweden |

* Board has copies

DEPARTMENT REPORTS

- Assessor Alan Bader commented on the December and Year End reports for the building department.
- Councilperson Carges reported in Superintendent of Highways Perrine's absence that the Highway employees are keeping up with the ice and snow. Black ice is the worst problem so they have begun putting sand and liquid de-icer on the roads for additional safety.

BOARD REPORTS

- Councilperson Connors reported that she attended a Cemetery meeting on January 13th at the Town Hall.
- Councilperson Ferris reported that Recreation Director Nealon attended a risk management seminar hosted by the New York State Recreation and Parks Society. Dr. Jewell's has requested that the Town review aspects of the park for risk. Fencing around the Skate Park needs to be evaluated.
- Councilperson Windus-Cook reported that she attended a Cemetery meeting on January 13th at the Town Hall. Excellent ideas were discussed for possible Town revenue. Councilperson Windus-Cook also attended a meeting with Chris Trento, auditor, to discuss the checks and balance system for the Community Center.

- Councilperson Carges reported that he attended the Cemetery meeting and the meeting with Chris Trento regarding the revenue stream at the Community Center. Councilperson Carges stated that, if weather permits, the work on the Gallup Road water line project will begin in a few weeks.

EXECUTIVE SESSION

On motion by Councilperson Connors seconded by Councilperson Ferris the Board unanimously agreed to recess to Executive Session to discuss a personnel issue regarding a Court Clerk and litigation for the David Paul matter at 8:20 p.m. Leisa Strabel and Janet Olivieri were asked to participate.

On motion by Councilperson Windus-Cook seconded by Councilperson Ferris the Board unanimously agreed to move out of Executive Session at 9:00 p.m..

I, Janet L. Olivieri, Town Clerk of the Town of Sweden do hereby certify that the Town Board, in Executive Session, discussed the item reflected in the foregoing motion, and that no formal action was taken.

Janet L. Olivieri, Town Clerk

RESOLUTION NO. 18

Appoint Clerk PT -
Gage

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Trevor Gage as Clerk PT at the Community Center for 21 hours per week at a rate of pay of \$6 per hour.

Sec. 2. That the start date will be January 10, 2004.

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

MOTION for adoption of this resolution by Councilperson Windus-Cook
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>Absent</u>

Submitted – January 13, 2004

Adopted

RESOLUTION NO. 19

Appoint Recreation Assistant PT - Scott

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint David Scott as Recreation Assistant PT for 24 hours per week at a rate of pay of \$10 per hour.

Sec. 2. That the start date will be January 10, 2004.

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>Absent</u>

Submitted – January 13, 2004

Adopted

RESOLUTION NO. 20

SEQR Determination Town Code
Amendment –
New Chapter Entitled Parks

WHEREAS, the Town Board of the Town of Sweden, Monroe County, New York, proposes an amendment to the Code of the Town of Sweden creating a new chapter entitled Parks; and

WHEREAS, to aid the Town Board in determining whether such amendment and other actions of the Town in connection therewith (the “action”) may have significant effect on the environment, the Town Board has caused to be prepared an environmental assessment form or similar information (“EAF”), a copy of which is attached; and

WHEREAS, the Town Board has duly reviewed the EAF and other related documents, the recommendations from the Town of Sweden Environmental Conservation Board, Town of Sweden Planning Board, Town of Sweden Recreation and Park Advisory Council, as well as the Monroe County Department of Planning & Development, with respect to the above

referenced action and duly considered the impacts which may be expected to result from such action with the criteria set forth in Section 617.11 of SEQR regulations.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. It is hereby determined that the action proposed constitutes an “Unlisted Action” as said quoted term is defined in 6 NYCRR 617 of the SEQR regulations.

Sec. 2. The Town Board declares that the action to adopt the amendment to the Code of the Town of Sweden will not have a significant adverse effect on the environment.

Sec. 3. The Supervisor is directed to sign the Environmental Determination of Significance Form and attachment thereto.

Sec. 4. That the Town Clerk is directed to file copies of the Environmental Determination of Significance and attachment thereto with a copy of this resolution in the office of the Clerk of the Town of Sweden where the same shall be available for public inspection during regular business hours.

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

MOTION for adoption of this resolution by Councilperson Windus-Cook
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>Absent</u>

Submitted – January 13, 2004

Adopted

RESOLUTION NO. 21

Adopt Amendment to the Code of the Town of Sweden - Parks

WHEREAS, the Town of Sweden now owns park property and recognizes the need for regulations governing the use of the park; and

WHEREAS, the Sweden Town Board, after careful review and study, has considered the proposed amendment to the Code of the Town of Sweden entitled Parks; and

WHEREAS, the Town Board of the Town of Sweden has considered comment made by interested agencies and by the public at the Public Hearing held on January 13, 2004, at the Sweden Town Hall, 18 State Street, Brockport, New York.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby amend the Code of the Town of Sweden by adding a new chapter entitled Parks, said chapter containing the following sections:

- Section 1. Title
- Section 2. Purpose
- Section 3. Administration; jurisdiction
- Section 4. Definitions
- Section 5. Hours
- Section 6. Permits
- Section 7. Park lodges and pavilions
- Section 8. Camping
- Section 9. Acts requiring permit
- Section 10. Regulations
- Section 11. Traffic rules
- Section 12. Parental responsibility
- Section 13. Compliance with police or official agency
- Section 14. Enforcement; appearance tickets
- Section 15. Penalties for offenses; liability for damages

Sec. 2. The complete text is attached hereto and marked "Schedule A."

Sec. 3. That the Town Clerk is hereby authorized and directed to give notice as required by Section 264 of the Town Law.

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

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

Discussion: The Board discussed the recommendations from the Environmental Conservation Board and made the determination not to make any changes to the code.

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>Absent</u>

RESOLUTION NO. 22

Authorizing Engineering Services for
Backflow Prevention Device Report – Park
Concession Stand

WHEREAS, MRB Group has submitted a proposal to provide engineering services necessary to provide the Town of Sweden Park – Restroom/Concession Building.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. The Town Board of the Town of Sweden does hereby accept the proposal from the MRB Group to provide engineering services for the backflow prevention device report at a cost not to exceed \$1,200 and does hereby direct the Supervisor to execute all necessary documents.

Sec. 2. That the Town Board understands that there may be additional review fees that are the responsibility of the Town.

Sec.3. 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>Absent</u>

Submitted – January 13, 2004

Adopted

RESOLUTION NO. 23

Settlement of Pending Tax Certiorari
Litigation between FRONTIER
TELEPHONE OF ROCHESTER,
INC.,
V. TOWN OF SWEDEN

WHEREAS: The TOWN OF SWEDEN is currently a respondent in certain pending litigation under Article 7 of the Real Property Tax Law in Monroe County Supreme Court, Index Numbers 98/04268, 99/03509, 00/04294, 03/8137: and

WHEREAS: FRONTIER TELEPHONE OF ROCHESTER, INC. (hereinafter referred to as FRONTIER)is the petitioner in the aforesaid legal proceedings; and

WHEREAS: The TOWN OF SWEDEN has reached a disposition and settlement concerning the aforesaid legal proceedings as more specifically set forth in a written Settlement Agreement; and

WHEREAS: The TOWN OF SWEDEN is desirous of executing the Settlement Agreement for purposes of disposition and settlement in the abovementioned legal proceedings.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. The attorney for the TOWN OF SWEDEN, JAMES D. BELL, ESQ., is hereby authorized to take whatever action is necessary to effectuate the execution of the Settlement Agreement and otherwise dispose of this matter.

Sec. 2. After execution, the Sweden Town Attorney is authorized to attend to the recording of same in the Monroe County Clerk's Office.

Sec. 3. This resolution shall take effect immediately.

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

Discussion: Councilperson Ferris commented Frontier Telephone of Rochester, Inc., failed to file for the year 2002. Attorney Bell responded that because they did not file they will not be able to in the future. The Village of Brockport has also adopted this settlement agreement.

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>Absent</u>

Submitted – January 13, 2004

Adopted

DISCUSSION AND ANNOUNCEMENTS

- The Board discussed the Association of Town of the State of New York 2004 training school and annual meeting to be held at the Hilton New York & Towns in New York City on February 15-18, 2004. The Board invited Alan Bader to attend this meeting.
- Councilperson Carges volunteered to be the Payroll/Personnel contact person.

- The Board decided to post Town Board Work Session dates, first and third Tuesday of the month, on the board outside the Town Hall.

ADJOURNMENT

On motion by Councilperson Windus-Cook seconded by Councilperson Ferris the Board unanimously agreed to adjourn at 9:06 p.m.

Respectfully submitted,

Janet L. Olivieri
Town Clerk