

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, October 25, 2011.

Town Board Members present were Supervisor John Milner, Councilperson Robert Carges, Councilperson Pat Connors, Councilperson Rebecca Donohue and Councilperson Michael Myers. Also present were Director of Finance Leisa Strabel, Superintendent of Highways Fred Perrine, Town Attorney Jim Bell, and Town Clerk Karen M. Sweeting.

Visitors present were residents Jim Hamlin and Mary Pat Musselman.

Supervisor Milner called the meeting to order at 7:30 p.m. and asked everyone present to say the Pledge to the Flag. Supervisor Milner then acknowledged the presence of the visitors and asked if anyone would like to speak.

Resident Mary Pat Musselman expressed her disappointment in the closing of the Refuse/Recycling Center effective December 31, 2011. Mrs. Musselman commented on the letter that was sent to residents. She disagrees with the cost comparison to curbside collection and felt that by closing the center the Town is taking an option away from the residents.

Councilperson Connors offered some options. Councilperson Carges added that the Town has lost approximately \$100,000 over the past five (5) years and the number of permits sold has declined. Councilperson Connors stated that it is hard to justify losing this amount of money each year and that the taxpayers are subsidizing the cost for the few that utilize the center. Mrs. Connors explained that the decision to close the center was a difficult one and options have been discussed for several months.

No other comments.

APPROVAL OF MINUTES

Councilperson Myers made a motion that was seconded by Councilperson Connors to accept the minutes of the regular meeting held on October 11, 2011. All voted in favor of the motion. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

2011	Received From:	Comments:
*1.	Phyllis Brudz, Building & Planning	Request for Walter Windus, Richard Dollard, William Hertweck and Arnold Monno to attend GFLRPC Fall 2011 Regional Local Government Workshop
*2.	Charles Sanford, Fire Marshal	Extra duties
*3.	Jack Milner, Sweden Community Foundation	Monetary donation for electronic scoreboard
*4.	Craig McAllister, Planning Board	Leave of Absence

*Board has copies

RE: #1 Councilperson Connors made a motion that was seconded by Councilperson Carges to approve the request of Phyllis Brudz for Walter Windus, Richard Dollard, William Hertweck and Arnold Monno to attend the GFLRPC Fall 2011 Regional Local Government Workshop. All voted in favor of the motion. Motion adopted.

RE: #3 A resident of the Town of Sweden donated the money to the Sweden Community Foundation for the sole purpose of purchasing a scoreboard for the Town Park. Councilperson Carges made a motion that was seconded by Councilperson Connors to accept the donation. All voted in favor of the motion. Motion adopted.

REPORTS

Superintendent of Highways Fred Perrine reported that fall brush pick up is complete and leaf collection will continue weather permitting. There have been weather delays effecting the light pole installation at the Town Park. Mr. Perrine reported what was yet to be done prior to the road dedication for Persistence Path and Mull Lane and would like to get a gate installed entering the Town Park. Mr. Perrine met with the Town Engineer and a NYS DOT representative to discuss sidewalks on Redman Road.

Councilperson Donohue attended an open house event at the Market Street Firehouse, toured the Food Shelf at St. Luke’s Episcopal Church, sat in on the Comprehensive Plan Review Committee meeting and is following up on some items from the Building Review Committee meeting.

Councilperson Myers attended a talk on historic homes on Park Avenue given by Kathy Goetz. Mr. Myers attended the SSAI meeting where upcoming events were discussed.

Councilperson Connors attended the Comprehensive Plan Review Committee meeting. The Rochester Community Design Center gave a presentation to the committee.

Councilperson Carges mentioned that he noticed many out-of-state cars in the parking lot of the community center for the annual cat show. He was impressed that so many attended that event.

Finance Director Leisa Strabel reported that the Buildings and Grounds Department took delivery of the new truck replacing a truck that was sold for an amount greater than the one purchased.

Supervisor Milner reported that he attended a Comprehensive Plan Review Committee meeting and the SCCC staff meeting.

RESOLUTIONS

RESOLUTION NO. 105

Appointing Election Inspectors to Act as a Board of Registration for the Mandatory Referendum on the Establishment of the Brockport Fire District

WHEREAS, the Sweden Town Board as required by NYS Town Law Section 84 and by Resolution on September 27, 2011 has set November 15, 2011 during the hours of 9 am to 5 pm at the Sweden Town Hall as the day for “Personal Registration of Voters”; and

WHEREAS, the Sweden Town Board by Resolution on September 27, 2011 has set November 29, 2011 as the day for a special town election to establish the Brockport Fire District; and

WHEREAS, NYS Town Law Section 83 and Section 84 require the Sweden Town Board to select from the list of election inspectors from the Monroe County Board of Elections, not less than two (2) nor more than (4) to constitute a Board of Registration for the “Personal Registration of Voters” and to act as election inspectors for the special town election.

NOW THEREFORE BE IT RESOLVED:

Sec.1 That the Sweden Town Board hereby appoints the following individuals to constitute a Board of Registration for the “Personal Registration of Voters” on November 15, 2011 during the hours of 9 am and 5 pm:

Steven Necaster
Carol Sealy
Carol Taif
Charilla Conner

Sec.2 That the Sweden Town Board hereby appoints the following individuals to act as election inspectors for the special town election on November 29, 2011 during the hours of 8 am and 9 pm:

Steven Necaster
Phyllis Brudz
Carol Taif
Charilla Conner

Sec. 3 That the Sweden Town Board grants the authority to the Sweden Town Clerk to arrange for substitute election inspectors if necessary.

Sec.4 That the rate of pay be set at \$10 per hour.

Sec.5 That the Sweden Town Clerk is directed to forward a copy of this resolution to the Monroe County Board of Elections.

Sec.6 That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Connors
Seconded by Councilperson Myers

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges Aye
Councilperson Connors Aye
Councilperson Donohue Aye
Councilperson Myers Aye
Supervisor Milner Aye

Submitted – October 25, 2011

Adopted

RESOLUTION NO. 106

Adopt Fund Balance Policy

WHEREAS, the State of New York and the Governmental Accounting Standards Board has established by Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions for fund balance reporting; and

WHEREAS, reserve funds, essentially a legally authorized savings account for particular specific purposes, are an important component in the Town’s financial planning for specific expenses, future projects, acquisitions and other lawful purposes; and

WHEREAS, the Town may establish and maintain fund balances in accordance with New York State laws, and the Town will also consider rules and/or opinions issued by the New York Sate Comptroller when they are not in conflict with the law; and

WHEREAS, the Finance Director has the authority to reclassify the existing Fund Balance Reserve accounts and establish new financial account numbers to conform with the new Town Reserve Fund Policy; and

WHEREAS, the Town Reserve Fund Policy shall read as follows:

In accordance with GASB Statement No. 54, the Town reserve funds must be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The Town may engage independent experts and professionals, including but not limited to auditors, accountants and other financial and legal counsel as necessary to monitor reserve fund activity and prepare reports that may be required.

Government Fund Type Assignment (GASB 54)

The Town shall comply with the reporting requirements of Article 3 of General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) Statement Number 54 Fund Balance Reporting and Governmental Fund Types Definitions.

- A. Restricted Fund Balances – Restricted fund balances consist of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation.
- B. Committed Fund Balances – Committed fund balances consist of amounts that are subject to a purpose constraint imposed by a formal action of the Town Board.
- C. Assigned Fund Balances – Assigned fund balances consist of amounts that are subject to a purpose constraint that represent an intended use established by the Town Board. Assigned funds represent amounts intended to be used for a specific purpose. Assigned fund balances require same level of authority to remove the constraint.
- D. Unassigned Fund Balances – Amounts that are available for any purpose.

SPENDING POLICY FOR FUND BALANCES

The Town Board and Director of Finance will assess the current financial condition of the Town and then determine the order of application of expenditures to which fund balance classification will be charged.

PERIODIC REVIEW

The Town Board and Director of Finance will periodically review all restricted, committed, assigned and unassigned fund balances. The Board shall utilize the information to discuss reserve fund balances and to adequately maintain necessary funds for the Town's long-term financial planning. The Board will be mindful of its role and responsibility as a fiduciary of public funds when acting on reserve fund issues.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden adopts the Fund Balance Policy as submitted.

Sec. 2 That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Carges
Seconded by Councilperson Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – October 25, 2011

Adopted

RESOLUTION NO. 107 Authorize Payment from Workers Compensation Reserve

WHEREAS, a Workers Compensation Reserve was established on April 11, 2006 for the purpose of covering claim liabilities/judgments in excess of the deposits paid into the Municipal Workers Compensation Pool; and

WHEREAS, claims in excess of the deposits paid into the Municipal Workers Compensation Pool have arisen.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of \$116,946 from the Workers Compensation Reserve for payment of said claims.
- 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 Connors
Seconded by Councilperson Myers

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – October 25, 2011

Adopted

RESOLUTION NO. 108 Establishing Capital Reserve (Information Technology)

NOW THEREFORE BE IT RESOLVED:

- Sec. 1. That pursuant to Section 6-c of the General Municipal Law, as amended, the Town Board of the Town of Sweden does hereby establish a Capital Reserve Fund to finance the purchase of information technology, including both software and hardware.
- Sec.2. That surplus monies from the general fund balance are hereby appropriated for the Reserve for Information Technology and the Director of Finance is authorized to transfer from surplus general funds the sum of \$10,000.
- Sec. 3. That the Director of Finance is hereby directed to deposit monies of this reserve fund in a separate bank account to be known as the Information Technology Reserve Fund.
- Sec. 4. That the Supervisor is authorized to invest, from time to time, the monies of this fund pursuant to Section 11 of the General Municipal Law.
- Sec. 5. That such additional sums as may hereafter be appropriated shall become part of the fund.
- Sec. 6. That no expenditure shall be made from this fund, except upon authorization of this board pursuant to Section 6-C of the General Municipal Law, and subject to permissive referendum if required by law.
- Sec. 7. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Carges
 Seconded by Councilperson Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

- Councilperson Carges Aye
 - Councilperson Connors Aye
 - Councilperson Donohue Aye
 - Councilperson Myers Aye
 - Supervisor Milner Aye
- Submitted – October 25, 2011 Adopted

RESOLUTION NO. 109 Approving 2012 Preliminary Budget and
Ordering Hearing on General Budget for 2012

WHEREAS, the Budget Officer has filed the Tentative budget for 2012 with the Town Clerk and the Town Board has given it due consideration.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board hereby approves the 2012 Budget Officer’s Tentative Budget, as amended, and filed herewith in the Office of the Town Clerk as the 2012 Preliminary Budget
- Sec. 2. That a summary of the entire proposed budget is as follows:

<u>PURPOSE</u>	<u>TOTAL BUDGET</u>
<u>Operating & Maintenance:</u>	
General Government	\$ 1,481,773
Public Safety	93,586
Health	1,200
Transportation	1,351,430

Economic Assistance	57,006
Culture & Recreation	751,673
Home & Community	208,550
Employee Benefits	739,188
Debt Service	<u>156,365</u>
TOTAL:	\$ 4,840,771
<u>Other-Special Improvement Districts:</u>	<u>576,426</u>
TOTAL BUDGET APPROPRIATIONS	\$ 5,417,197

- Sec. 3. That the Town Board shall hold a public hearing at 7:00 p.m. at the Town Hall, 18 State Street in said Town on the Thursday the 10th day of November 2011 for the purpose of hearing comments, either written or verbal from all interested persons in favor of or against the Preliminary Budget for 2012 or any item therein.
- Sec. 4. That the Town Clerk is directed to publish notice of public hearing on the Preliminary Budget, which notice shall state: (1) the time, place and purpose of the hearing; (2) Sec. 2. of this resolution; (3) that a copy of the detailed Preliminary Budget is available for inspection by any interested person at the office of the Town Clerk during regular office hours; and (4) the compensation proposed to be paid to all elected town officials pursuant to Town Law, Sec. 108.
- Sec. 5. That this resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – October 25, 2011

Adopted

RESOLUTION NO. 110

Change Date of November 8, 2011
Regular Town Board Meeting

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby changes the date of the regularly scheduled November 8, 2011 Town Board meeting to November 10, 2011 at 7:30 pm.
- Sec. 2. That the location of the regular Town Board meeting remains the Sweden Town Hall.
- Sec. 3. That the Town Clerk is directed to publish a notice of the change in the official newspaper.
- Sec. 4. That this resolution shall take effect immediately

MOTION for adoption of this resolution by Councilperson Connors
 Seconded by Councilperson Myers

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – October 25, 2011

Adopted

RESOLUTION NO. 111

Authorize Salary Increase Brudz

WHEREAS, recent personnel changes in the building and planning department have led to a reorganization of job duties; and

WHEREAS, Phyllis Brudz’s duties have been increased.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden authorizes an increase in Ms. Brudz’s hourly rate to \$17.60.
- Sec. 2. That the raise will be retroactive to September 26, 2011.
- Sec. 3. That this resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – October 25, 2011

Adopted

RESOLUTION NO. 112

Authorize Supervisor to Sign Deposit Agreement for Villas at Brandon Woods Subdivision Section One B (Wood Trace)

WHEREAS, the Town of Sweden requires a two-year maintenance bond upon the dedication of public works to the Town; and

WHEREAS, the Town Engineer determines the amount of the maintenance bond to be posted by the developer; and

WHEREAS, the Town Board of the Town of Sweden can accept a cash escrow deposit in lieu of a maintenance bond if the Town Board so desires; and

WHEREAS, Philip R. Nothnagle, owner of the Villas at Brandon Woods Subdivision, has requested to make a cash escrow deposit in lieu of a maintenance bond for the dedication of the certain facilities in the Villas at Brandon Woods Subdivision Section One B (Wood Trace); and

WHEREAS, the Town Engineer has determined the amount of \$12,982.48 to be sufficient for a maintenance bond/ escrow deposit for the Villas at Brandon Woods Subdivision Section One B (Wood Trace) dedication; and

WHEREAS, the Town Attorney has reviewed the proposed Deposit Agreement between Philip R. Nothnagle and the Town of Sweden and found the agreement to be acceptable.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Sweden Town Board hereby authorizes the Supervisor to execute the deposit agreement between the Town of Sweden and Philip R. Nothnagle for the proposed dedicated facilities in the Villas at Brandon Woods Subdivision Section One B (Wood Trace).

Sec. 2. That the Finance Director is directed to deposit the Nothnagle escrow monies into a trust account.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – October 25, 2011

Adopted

RESOLUTION NO. 113

Authorize Disbursement & Closure
of Hassall Escrow

WHEREAS, on June 24, 2009 a deposit agreement between Jack W. Hassall and the Town of Sweden was executed regarding monies to be held in escrow to guarantee installation of improvements on Wood Trace as part of the Villas at Brandon Woods Subdivision as approved by the Sweden Planning Board; and

WHEREAS, said improvements have been installed to the satisfaction of the Town Engineer and the Town Highway Superintendent; and

WHEREAS, a portion of the original escrow remains on deposit with the Town of Sweden and is eligible to be released; and

WHEREAS, the Town of Sweden has been presented with an Assignment of Cash Deposit executed by Jack W. Hassall transferring the rights to the remaining escrow monies to Phil Nothnagle, LLC.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Sweden Town Board hereby authorizes the Finance Director to release the remaining Hassall Escrow monies of \$19,852.72 from the trust account.
- Sec. 2. That the Town of Sweden General Fund be reimbursed \$1,468.95 from the escrow monies for unpaid engineering fees for the Villas at Brandon Woods Subdivision project.
- Sec. 3. That the Finance Director issue a check for \$18,383.77 to Phil Nothnagle, LLC as the balance of the Hassall escrow account per the Assignment of Cash Deposit.
- Sec. 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Connors
Seconded by Councilperson Myers

Discussion:

VOTE BY ROLL CALL AND RECORD:

- Councilperson Carges Aye
- Councilperson Connors Aye
- Councilperson Donohue Aye
- Councilperson Myers Aye
- Supervisor Milner Aye

Submitted – October 25, 2011

Adopted

RESOLUTION NO. 114

Accepting Dedication of Wood Trace of
Section 1B The Villas at Brandon Woods In
the Town of Sweden

WHEREAS, Phil Nothnagle, LLC a business corporation of the State of New York, with its principle place of business at 217 West Main Street, Rochester, NY 14614, desires to convey to the Town of Sweden, the fee title to lands to be known as Wood Trace, which lies in Section 1B of the Villas at Brandon Woods; and

WHEREAS, acceptance of the dedication has been recommended by the Town Superintendent of Highways, and the Town Board has been advised by the Superintendent that the roadways, as installed, meet Town specifications; and

WHEREAS, the Town Board desires to accept the dedication of the roadways in the best interest of the health and safety of its residents and in keeping with the subdivision approvals of the Planning Board and the transportation needs and demands of the Town.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town of Sweden hereby agrees to accept delivery of the deed and transfer documents, dated _____, dedicating lands to be known as Wood Trace, lying in Section 1 B of the Villas at Brandon Woods, and authorizes the

Town Superintendent of Highways to begin operation and provide maintenance of the roadway in accordance with applicable statutes and regulations.

Sec. 2. That the Town Attorney is directed to record the deed and transfer documents, on behalf of the Town of Sweden, in the Monroe County Clerk’s office.

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

MOTION for adoption of this resolution by Councilperson Connors
Seconded by Councilperson Myers

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Myers	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – October 25, 2011

Adopted

APPROVAL FOR PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Carges made a motion that was seconded by Councilperson Connors authorizing payment of the bills in Abstract 10 dated October 26, 2011 in the amount of \$104,902.76. All voted in favor of the motion. Motion adopted.

General Fund: In the amount of \$88,110.90 as set forth in Abstract 10 dated October 26, 2011.
Highway Fund: In the amount of \$16,743 as set forth in Abstract 10 dated October 26, 2011.
Special Fund: In the amount of \$48.86 as set forth in Abstract 10 dated October 26, 2011.

DISCUSSION AND ANNOUNCEMENTS

**Motion made by Councilperson Connors and seconded by Councilperson Carges to approve the use of the Image Cast machines from Monroe County Board of Elections for use during the Special Town Election (mandatory referendum for the Brockport Fire District) to be held on November 29, 2011. All voted in favor of the motion. Motion adopted.

The December 29, 2011 Town Board meeting will be held at 5:00 p.m.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Connors moved to adjourn the October 25, 2011 meeting of the Sweden Town Board at 8:40 p.m. Councilperson Donohue seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk