

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 27, 2009.

Town Board Members present were Supervisor John Milner, Councilperson Rob Carges, Councilperson Patricia Connors, Councilperson Michael Myers, and Councilperson Danielle Windus-Cook. Also present were Finance Director Leisa Strabel, Highway Superintendent Fred Perrine, and Town Clerk Karen Sweeting.

Visitors present were Dave Weever and residents Jim Hamlin and Rick Popen.

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 acknowledged the presence of the visitors and asked if anyone had any comments or questions for the Town Board. No one spoke.

APPROVAL OF MINUTES

Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to accept the minutes of the Public Hearing – Moratorium on Wind Towers/Turbines/Spire held on October 13, 2009. All voted in favor of the motion. Motion adopted.

Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to accept the minutes of the regular Town Board meeting held on October 13, 2009. All voted in favor of the motion. Motion adopted.

REPORTS

No Board reports.

RESOLUTIONS

RESOLUTION NO. 124 Authorize Improvements at Park 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 of Sweden was awarded a \$296,000 Environmental Protection Agency grant through the Office of New York State Parks, Recreation and Historic Preservation; and

WHEREAS, the grant is a matching grant with the Town's share of funding being held in the Parks and Recreation Reserve Fund.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of up to \$296,000 from the Parks and Recreation Reserve Fund for Type capital improvements; namely installation of improvements at the Sweden Town Park as agreed to in the grant contract between the Town of Sweden and the Office of New York State Parks, Recreation and Historic Preservation.

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 Carges

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges Aye

Councilperson Connors Aye

Councilperson Myers Aye

Councilperson Windus-Cook Aye

Supervisor Milner Aye

Submitted – October 28, 2009

Adopted

RESOLUTION NO. 125

Authorizing Supervisor to Sign
Maintenance Agreement with
Imperial Door Controls, Inc.

WHEREAS, the maintenance agreement between Imperial Door Controls, Inc. and the Town of Sweden will expire on October 31, 2009; and

WHEREAS, the Town Board desires to extend the agreement for the proposed one year.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize and direct the Supervisor to sign the Maintenance Agreement between the Town of Sweden and Imperial Door Controls, Inc.

Sec. 2. The term of this agreement shall be for a period of one (1) year, commencing on November 1, 2009 and ending on October 31, 2010 at an annual cost of \$145 for each location.

Sec. 3. That the maintenance agreement will cover automatic door labor only to include travel time during business hours; special parts discounts; and two inspection visits per year to adjust, clean, lubricate and tune equipment.

Sec. 4. That this new agreement does hereby supersede the current agreement due to expire on October 31, 2009.

Sec. 5. 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 Aye

Councilperson Connors Aye

Councilperson Myers	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – October 27, 2009

Adopted

RESOLUTION NO. 126

Bond Resolution Authorizing General Obligation Bonds of the Town of Sweden To Finance Water System Capital Improvements Within the Town, Authorizing the Issuance of Bond Anticipation Notes in Contemplation Thereof, the Expenditure Of Sums For Such Purpose, and Determining Other Matters in Connection Therewith.

WHEREAS, the Town of Sweden Swamp Road/Salmon Creek Road Extension to Sweden Consolidated Water District is a Water District Extension of the Town of Sweden, New York, duly established by the Town Board pursuant to the Town Law;

WHEREAS, the cost of the improvements authorized will not exceed the cost thresholds that require approval of the Office of the State Comptroller;

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on September 29, 2009, has duly issued a negative declaration and has determined that the implementation of the unlisted action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF SWEDEN, NEW YORK, (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Sweden shall undertake the acquisition and construction of water improvements for the Town of Sweden Swamp Road/Salmon Creek Road Extension to Sweden Consolidated Water District, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$124,020 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost to the Town of Sweden of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$412,020, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide (i) up to \$124,020 of such maximum cost by issuance of obligations as herein authorized, and \$288,000 of such cost will be provided by the Sweden Consolidated Water District pursuant to the Town Law.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of

objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Sweden.

Section 7. The faith and credit of the Town of Sweden, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefited or user charges therefore, in the manner provided by law, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an *ad valorem* tax, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Sweden together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of

said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

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 Myers	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – October 27, 2009

Adopted

RESOLUTION NO. 127

Award Bid “V” Hopper Stainless Steel
Material Spreader, Auger Conveyor Type

WHEREAS, the Town Clerk advertised for bids pursuant to law for the purchase of a “V” Hopper Stainless Steel Material Spreader Auger Conveyor Type, and the following bid was received and opened on October 26, at 10:00 a.m.:

<u>Supplier</u>	<u>Amount of Bid</u>
George & Swede Sales and Service 7155 Big Tree Road Pavilion, NY 14525	\$10,179.00

WHEREAS, the Superintendent of Highways recommends awarding the bid to George & Swede Sales and Service, 7155 Big Tree Road, Pavilion, NY 14525, for the “V” Hopper Stainless Steel Material Spreader Auger Conveyor Type, for a bid price of \$10,179.00.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board, upon the recommendation of the Superintendent of Highways, awards the bid for the “V” Hopper Stainless Steel Material Spreader Auger Conveyor Type to George & Swede Sales and Service for a total bid price of \$10,179.00.

Sec. 2. That upon delivery of said equipment the Supervisor shall pay the invoice from the 2009 Highway Equipment Budget.

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 Myers	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – October 28, 2009

Adopted

RESOLUTION NO. 128

Authorizing Purchase of One 2010 Ford 450, 4-wheel Drive Dump Truck from NYS Bid Pricing

WHEREAS, the Highway Superintendent has recommended the purchase of one 2010 Ford 450, 4-Wheel Drive Dump Truck under the New York State Equipment Contract No.20774-PC63652. Supplier: VanBortel Ford, 7325 Rt 96, Victor, NY 14564.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the purchase of a 2010 Ford 45, 4-wheel drive dump truck under the New York State Contract No.20774-PC63652, the supplier being VanBortel Ford, 7325 Rt. 96, Victor, NY 14564 in an amount not to exceed \$42,000.
- Sec. 2. That upon delivery of the truck, the Supervisor is authorized to pay the invoice from the Highway Equipment Budget Line.
- 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 Myers	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Milner	<u>Aye</u>

Submitted – October 27, 2009

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 Windus-Cook authorizing payment of the bills in Abstract 10 dated October 28, 2009 in the amount of \$165,599.58. All voted in favor of the motion. Motion adopted.

General Fund: In the amount of \$116,048.29 as set forth in Abstract 10 dated October 28, 2009.

Highway Fund: In the amount of \$14,878.21 as set forth in Abstract 10 dated October 28, 2009.

Special Fund: In the amount of \$34,673.08 as set forth in Abstract 10 dated October 28, 2009.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Connors moved to adjourn the October 28, 2009 meeting of the Sweden Town Board at 7:46 p.m. Councilperson Myers seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk