

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, November 12, 2003.

Town Board Members present were Supervisor Nat O. Lester III, Councilperson Rob Carges, Councilperson Patricia Connors, Councilperson Carl Wheat, and Councilperson Danielle Windus-Cook. Also present were Director of Finance Leisa Strabel, Superintendent of Highways Fred Perrine, Assessor Alan Bader, and Town Attorney James Bell

Visitors present were Julie and Frank Lapinski, 4016 Sweden Walker Rd., Jim Hamlin, 50 Park Ave., Dewey Marshall, Clarkson Councilperson.

Supervisor Lester called the meeting to order at 7:30 PM. and asked everyone present to say the Pledge to the Flag. He called for public comment. There was none.

APPROVAL OF MINUTES

Councilperson Connors made a motion to accept the minutes of the Public Hearing held on October 28, 2003. Councilperson Windus-Cook seconded the motion. All voted in favor of the motion. Carried.

Councilperson Wheat made a motion to approve the minutes of the regular Town Board meeting held on October 28, 2003. Councilperson Connors seconded the motion. All voted in favor of the motion. Carried.

SUPERVISOR'S CORRESPONDENCE

2003	Received From:	Comments:
*1	David W. Schantz, Treasurer Mon. Co. Supervisor's Assoc. 10/29	Assessing 2003 dues to Monroe County Supervisor's Association
*2	Linda Hall Secretary, Seymour Library Board 10/29	Seymour Library Board Minutes 9/16/03
*3	Gerald J. Mecca, Mon. Co. Dept. of Finance	Monroe Co. Sales Tax Distribution for 3 rd quarter 2003. \$75,869.02
4	Carl Coapman, Sweden Town Justice 11/03	Judicial Immunity
5	Supervisor Lester, 11/04	Memo to Town Attorney James Bell re: judicial immunity
6	Monroe Co. Stormwater Coalition, 11/05	Stormwater Coalition Fact Sheet
7	Rochester Trolley & Rail Corp. 11/05	Newsletter containing mission and vision
*8	Jeffrey Haber, NYS Association of Towns 11/06	Training School & Annual Meeting February 15-18, 2004
*9	Leisa Strabel, Sweden Finance Director, 11/07	Request to attend 2004 Assoc. of Towns training January 12 – 14, 2004, Rochester NY (Includes request for newly elected Tom Ferris)
10.	Monroe County Council of Governments 11/07	Agenda of November 18, 2003, minutes of 9/16 meeting, meeting schedule 2004
11	Charles E. Schumer, US Senate,	Info re: Family Justice Center Initiative. Grant

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| | 11/10 | money available |
| 12. | Charles Bastian, bpd Municipal Finance, 11/11 | Bond Project timeline Gallup Rd Water Project |
| *13 | J. Dennis Chasse, 11/11 | Copy of letter sent to Sweden Planning Board re: proposed Wal Mart store |
| 14 | Robert N. King, Monroe Co. Cooperative Extension 11/12 | Meeting re: farmland preservation options 11/18/03 Henrietta Town Hall |
| | *Board has copies | |

Re: No. 9. Councilperson Carges made a motion, which Councilperson Wheat seconded, allowing Leisa Strabel to attend the Association of Towns training. Also to be included is Councilperson elect, Tom Ferris. All voted in favor of the motion. Carried.

Re. No. 4. Town Attorney James Bell is proposing a resolution to address the issue.

DEPARTMENTAL REPORTS

Assessor Alan Bader reported that the fieldwork is under way for the annual update to the Townwide Assessment. November 22nd is the proposed date for the grand opening of Tim Horton's restaurant. There have been inquiries pertaining to the empty Ames Plaza building.

The Town Attorney reported that the easement is complete for Skidmore Drive. There is a need for an executive session to discuss litigation.

The following Departmental Reports for the month of October were submitted and reviewed: Building Department, Dog Control, Fire Marshal, Justice Court, Tax Receiver, and Town Clerk

REPORTS

Councilperson Carges reported that work on the air conditioning and heating at the Community Center should be reducing the energy costs.

Councilperson Connors reported that the Senior Center is looking for a new cook to replace Joyce McCullough who is retiring. They have received eighteen applications. Interviews will be set up soon.

Councilperson Wheat had no report.

Councilperson Windus-Cook met with Marleen Cain and Fred Perrine to work on park rules. The block work on the concession stand in the Sweden Town Park is up. The effort is to get it enclosed before bad weather.

Supervisor Lester met with Mr. Westbrook of Capen Road in regards to the fact that Mr. Paul is still running a business at his Capen Road property.

RESOLUTIONS

RESOLUTION NO. 137

Accepting Proposal for Services-MRB
Construction Phase Gallup Rd. Watermain

WHEREAS: The Town of Sweden proposes to extend the Sweden Consolidated Water District to Gallup Road, Gordon Road and Skidmore Drive; and

WHEREAS: MRB group PC performed the design and approval phase of the project; and

WHEREAS: Bids were taken for this project thus ending the design phase and starting the construction phase; and

WHEREAS: MRB group PC has submitted a proposal for this next phase.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby accepts the MRB group PC proposal of \$15,500 to perform construction administration and construction observation services for the Gallup Road/Gordon Road/Skidmore Drive Watermain Project.

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 Wheat	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted: November 12, 2003

Adopted

RESOLUTION NO. 138

Accepting Proposal for Engineering
Services White Road Water Main Project
Chatfield Engineers

WHEREAS: The White Road Water Main project is completed; and

WHEREAS: Residents on Redman Road just north and south of the White Road intersection are desirous of connecting to the water main; and

WHEREAS: The Town of Sweden Highway Department is ready complete this phase of the Water Main Project; and

WHEREAS: Chatfield Engineers has submitted a proposal to provide engineering services for the project.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby accepts the proposal submitted by Chatfield Engineering to perform the following services in regards to this project: survey, design phase services, permits and approvals, inspection, and record drawings.
- Sec. 2. That the estimated engineering hours and fees would be a total estimated amount of \$750.00.
- Sec. 3. 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 Wheat	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted: November 12, 2003

Adopted

RESOLUTION NO. 139

Budget Modifications

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is hereby authorized to make the following modifications to the 2003 Town Budget:

- \$952 from A1010.4 Town Board (Cont. Exp.) to
A1310.4 Dir of Finance (Cont. Exp.)
- \$1,584 from A1410.2 Town Clerk (Equip.) to
A1355.2 Assessment (Equip.)
- \$454 from B1310.4 Finance (Cont. Exp.) to
B1311.4 Finance Service (Cont. Exp.)
- \$52 from B7140.1 Playgrounds (Pers. Services) to
B7140.4 Playgrounds (Cont. Exp.)
- \$30,000 from DB5110.4 General Repairs (Cont. Exp.) to
DB5130.2 Machinery (Equip.)
- \$14,024 from DB5130.4 Machinery (Cont.) to
DB5130.2 Machinery (Equip.)
- \$772 from DB 5140.4 Mis. Brush & Weeds (Cont. Exp.) to
DB5140.1 Mis. Brush & Weeds (Pers. Services)

\$1,548 from DB5140.4 Mis. Brush & Weeds (Cont. Exp.) to
 DB5147.1 County Road Mowing (Pers. Services)
 \$5,810 from A1420.4 Attorney (Cont.) to
 A9010.8 State Retirement
 \$549 from B9060.8 Hospital and Medical Insurance to
 B9010.8 State Retirement
 \$4,239 from DB9060.8 Hospital and Medical Insurance to
 DB9010.8 State Retirement
 \$2,566 from B7410.4 Library Contractual to
 B1420.4 Attorney Contractual
 \$2,000 from B9060.8 Hospital and Medical Insurance to
 B1420.4B Attorney Contractual
 \$6,140 from B8160.4 Refuse and Garbage Contractual
 B1420.4 Attorney Contractual
 Increase A1355.4 Assessment Contractual \$2,263
 Increase A5031 Interfund Transfers \$2,263

Sec. 2 That this resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Wheat	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – November 12, 2003

Adopted

RESOLUTION NO. 140

Authorizing Spending and Transfer
From Reserve for Townwide Reassessment Updates

WHEREAS: a reserve fund known as “Townwide Reassessment Updates” Reserve Fund has been duly established; and

WHEREAS: the Town is allowed to use the monies for the expenses of performing periodic assessment updates; and

WHEREAS: it has been deemed that a reassessment will be conducted in 2004 and that some of the preliminary work has already begun.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the transfer of \$2,263.00 from the Reserve for Townwide Reassessment Updates Fund to the Town of Sweden General Fund.

Sec. 2. That the monies transferred be utilized solely for the purpose of performing an assessment update.

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

Motion for adoption of this resolution by Councilperson Connors
Seconded by Councilperson Wheat

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Wheat	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – November 12, 2003

Adopted

RESOLUTION NO. 141 Amend Building Control Fees-Garage Sale Permit

WHEREAS, Local Law 2-2003 was adopted and filed with the Department of State to regulate garage sales in the Town of Sweden; and

WHEREAS, a permit fee needs to be established and added to the Rules and Regulations for Building Control Fees.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby establish the nonrefundable fee for a garage sale permit to be \$15.00 and that such fee will be added to the Rules and Regulations for Building Control Fees.

Sec. 2. That this resolution shall take effect immediately.

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

Discussion: Councilperson Carges made a motion to amend the nonrefundable fee to \$5.00. Councilperson Connors seconded the motion. Motion was carried. The resolution was adopted with Councilperson Wheat and Supervisor Lester voting yes as long as the dollar amount was reviewed again at the Organizational meeting in January 2004.

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
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Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Matthew F. Minor to the Board of Assessment Review and that he will be required to complete the necessary training and certification to remain a member.

Sec. 2. That the term of membership is from October 1, 2003 to September 30, 2008.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Wheat	<u>Aye</u>
Councilperson Windus Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – November 12, 2003

Adopted

RESOLUTION NO. 144

Calling for a Public Hearing Regarding the
Adoption of Local Law No .4, 2003 – Amending
Sec 2 (a) of Local Law No. 2, 2002

WHEREAS; the Sate Legislature has authorized municipalities to fix income limitations between \$3000 and \$24,000 for qualified persons aged 65 years or over for real property tax exemption; and

WHEREAS: Local Law No. 2 of 2002 raised the limit to \$21,500; and

WHEREAS: The Town Board of the Town of Sweden would like to amend Local Law No. 2 of 2002 to raise the income limit to \$24,000.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden shall hold a public hearing at the Town Hall, 18 State Street, Brockport, NY, on the 9th day of December 2003, at 7:15 PM to hear all persons for or against the adoption of Local Law No.4 of 2003 – Amending Section 2 (a) of Local Law No. 2 of 2002.

Sec. 2. That the Town Clerk is authorized and directed to cause a notice of this hearing to be published in the official newspaper of the town, in accordance with Section 265 of Town Law.

Sec. 3. 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	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Wheat	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – November 12, 2003

Adopted

RESOLUTION NO. 145

Calling for a Public Hearing Regarding the Adoption of Local Law No.5, 2003 – Amending Sec 1 of Local Law No. 3 of 2002

WHEREAS: The State Legislature has authorized municipalities to fix the income limitations between \$3,000 and \$24,000 for qualified persons with disabilities for real property tax exemption; and

WHEREAS: Local law No. 3 of 2002 raised the limit to \$21,500; and

WHEREAS: The Town Board of the Town of Sweden would like to amend Local Law No. 3 of 2002 to raise the income limit to \$24,000.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden shall hold a public hearing at the Town Hall, 18 State Street, Brockport NY, on the 9th day of December 2003, at 7:15 PM to hear all persons for or against the adoption of Local Law No. 5 of 2003 amending Section 1 of Local Law No. 3 of 2002.

Sec. 2. That the Town Clerk is authorized and directed to cause a notice of this hearing to be published in the official newspaper of the Town, in accordance with Section 265 of Town Law.

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

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

Discussion: Brockport Central School has adopted the same limits.

VOTE BY ROLL CALL AND RECORD:

Councilman Carges	<u>Aye</u>
Councilwoman Connors	<u>Aye</u>
Councilman Wheat	<u>Aye</u>
Councilwoman Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – November 12, 2003

Adopted

RESOLUTION NO. 146

Adopting 2004 Town of Sweden Budget

WHEREAS, the Town Board has met at the time and place specified in the notice of public hearing on the Preliminary Town Budget for 2004, and heard all persons desiring to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Preliminary Budget for 2004, as amended, and as hereinafter set forth and filed in the Office of the Town Clerk be adopted as the Annual Budget for the Town of Sweden for the fiscal year commencing January 1, 2004, and ending December 31, 2004.

Sec. 2. That the several amounts stated in the column entitled "Adopted" be and are appropriated for the objects and purposes specified, that all amounts stated in the summary as "Amounts to be raised by Tax" be and are the tax levy for the year 2004, and that salaries of elected officers as stated shall be fixed at the amounts shown effective January 1, 2004.

Sec. 3. That the Town Clerk is directed to publish notice that a summary of this enacted budget is available for public inspection during normal business hours in the Town Clerk's Office.

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

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

Discussion: Councilperson Carges made a motion that the amendments to the preliminary budget as presented be accepted for the final budget. Councilperson Windus-Cook seconded the motion. All voted in favor of the motion. Carried.

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Wheat	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted: November 12, 2003

Adopted

DISCUSSION AND ANNOUNCEMENTS

The Town Clerk reported for the record that the mandatory referendum to make the Tax Receiver's position appointed was voted down, 841 yes to 959 no, in the November 4, 2003 election.

There will be a workshop meeting on November 19, 2003 at 6:30 PM.

At 8:20 PM Councilperson Carges made a motion to go into executive session to discuss a legal matter and also a situation that could possibly bring about litigation. Councilperson Wheat seconded the motion. All voted in favor of the motion. Carried.

At 9:30 PM Councilperson Carges moved to go out of executive session. Councilperson Wheat seconded the motion. All voted in favor of the motion. Carried.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges made a motion that was seconded by Councilperson Wheat to adjourn the November 12, 2003, meeting of the Sweden Town Board at 9:32 PM. All voted in favor of the motion. Motion carried.

Respectfully submitted,

Gail A. DeToy
Town Clerk