

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 14, 2006.

Town Board Members present were Supervisor Buddy Lester, Councilperson Rob Carges, Councilperson Patricia Connors, Councilperson Tom Ferris, and Councilperson Danielle Windus-Cook. Also present were Director of Finance Leisa Strabel, Superintendent of Highways Fred Perrine, Town Attorney Jim Bell, Receiver of Taxes Kathy Roberts and Town Clerk Karen Sweeting.

Visitors present were residents Jim and Joan Hamlin, Robert Connors, Jim and Marilyn Secord, Mary Ella Mulligan, Bob Canham, Evelyn and Martin Spink, Robert Jubenville, Dora Jones, Donovan Dunn, Don Roberts, Dorothy Mae Kanous, Sherri Bryant, and Tim Bates; and Spencerport residents June and Dale Smith. Others were present but did not sign in.

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

Bob Canham (scheduled on the agenda) deferred to Marilyn Secord. Mrs. Secord felt that the Town Board was insensitive to the Senior Center's mission statement. She stated that the Senior Center is committed to providing quality programs for seniors that she felt were all tied together through the nutrition program. Mrs. Secord stated that as senior citizens they insist on being heard. Mrs. Secord feels that by taking away the on-site preparation of meals it is like removing the "kitchen of a home". She asked that the Town Board find the funds to keep the Nutrition Program the way it is.

Several residents offered comments relative to the Nutrition Program change for 2007. Discussion took place between residents and board members.

Resident Donovan Dunn presented a copy of a petition relative to Congressman Mark Foley to the Town Board for review.

No other comments.

#### APPROVAL OF MINUTES

Councilperson Ferris made a motion that was seconded by Councilperson Windus-Cook to accept the minutes of the Public Hearing – Special Districts Budget 2007 held on October 24, 2006. All voted in favor of the motion. Motion adopted.

Councilperson Connors made a motion that was seconded by Councilperson Ferris to accept the minutes of the Public Hearing – 2007 Preliminary Budget held on October 24, 2006. 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 24, 2006. All voted in favor of the motion. Motion adopted.

#### SUPERVISOR'S CORRESPONDENCE

2006	Received From:	Comments:
1.	Steve Gleason, Chief Financial Officer for Monroe County Dept. of Finance	Monroe County Sales Tax Distribution for Third Quarter 2006
2.	Christopher Conway, Recreation Assistant	Request for Certified Parks and Recreation Professional certification
3.	Mark Juba, Boy Scout Program	Thank you for use of Sweden Town Park

- Chairman, Light House District facilities for Boy Scout Fall Camporee
- 4. Kathleen Roberts, Receiver of Taxes Resignation
- 5. Seymour Library Invitation to Open House Celebration
- 6. Jeffrey Mathews, Chair, Request for nominee to serve as representative  
Environmental Management Council to the EMC

\*Board has copies

Town Clerk Karen Sweeting submitted a letter recommending the appointment of Kathy Roberts as Deputy Town Clerk.

RE: #2 Councilperson Carges made a motion that was seconded by Councilperson Connors to grant the request of Christopher Conway for the Certified Parks and Recreation Professional certification. All voted in favor of the motion. Motion adopted.

RE: #4 Councilperson Carges made a motion that was seconded by Councilperson Connors to accept the resignation of Kathy Roberts as Receiver of Taxes. All voted in favor of the motion. (Resolution #178 appointing Mrs. Roberts as Deputy Town Clerk.)

RE: #6 Town Board asked that Kathy Harter and Michael Sodoma remain the Town representatives to the EMC.

DEPARTMENTAL REPORTS

October 2006 departmental reports were received and reviewed by the Town Board from the following: Receiver of Taxes, Kathleen Roberts; Finance Director, Leisa Strabel; Building Inspector, James Butler; Dog Control, Kathy Beaumont; and Town Clerk, Karen Sweeting.

RESOLUTIONS

RESOLUTION NO. 168 Adopting 2007 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 2007, and heard all persons desiring to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Preliminary Budget for 2007, 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, 2007, and ending December 31, 2007.

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 2007, and that salaries of elected officers as stated shall be fixed at the amounts shown effective January 1, 2007.

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 Connors  
Seconded by Councilperson Carges

Discussion: \*\*See Councilperson Ferris' statement and Board discussion below.

## 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>Aye</u>

Submitted – November 14, 2006

Adopted

## \*\*Statement of Councilperson Ferris – Resolution No. 168

I'd like to thank Supervisor Lester and my fellow board members for all the hard work they put in on the 2007 budget process; your tending the bottom line has resulted in a tax *decrease* for the upcoming year, and as fiduciaries for the Sweden taxpayer, you've done an admirable job. I'd like to thank the Department heads; Highway Superintendent, Fred Perrine, Recreation Director Dave Scott, Town Assessor Tony Effaldano, Town Code Enforcement Officer, Jim Butler, Town Clerk Karen Sweeting, the Honorable Judge William Cody, and Sweden Senior Center Director, Nancy Duff for providing their insights into their respective department budgets and providing the board with all of the information we needed to achieve the proposed 2007 budget. Special thanks has to go to Leisa Strabel, the Town Finance Director for the untold number of hours she logged in making sense of all the information which has ultimately formed the basis of this proposed budget.

Turning to the proposed 2007 budget, it should first be noted that despite the static nature or, in some cases, outright retreat of federal and state monies enjoyed by town boards of the past, despite the rising cost of providing services across the board and from department to department and despite the fact that most of our neighboring communities are faced with rising tax rates this year, the Sweden taxpayer will see a *decrease* in the property tax rate in 2007 with passage of this budget. It is also very important to highlight the fact that *the same services the Sweden taxpayer enjoyed in 2006 will still be available in 2007*. No services have been cut to achieve this budget. Let me reiterate this point because it is so important: **NO SERVICES PREVIOUSLY ENJOYED BY THE SWEDEN TAXPAYER IN 2006 HAS BEEN CUT IN THE 2007 BUDGET.**

Statements have been made, some positive and some negative, by individuals, some Sweden town residents and some not, about a change to the federally funded, county administered senior lunch program. We need not look any further than the local papers or to read the minutes from the public hearing on the proposed budget held here a couple of weeks ago to get a flavor of those comments. Unfortunately, there is a lot of misinformation being bandied about by some individuals who have prominently placed themselves on the "frontline" of the issue regarding a change in the way the lunchtime meal is served at the Senior Center. The Supervisor, I, and my fellow board members do not object to *honest* criticism or different opinions on any facet of the proposed budget, indeed, we welcome *honest* debate on any issue contained in our budget. However, we do object to some of the bombastic and hyperbolic statements made by those individuals who have misrepresented material facts about the change in the way the lunch program is currently being operated. The fiction portrayed by some is that the seniors will be eating a "boxed lunch" shipped in from parts unknown and halfway across the globe, the vegetables "soggy" and the meat as tough as "shoe leather" and cold.

**HERE ARE THE FACTS:** First, the entrée and dessert portion of the meals will be made at the ABVI kitchen in Rochester and curried to the Senior Center in insulated containers no more than 30 minutes from portal to portal so as to provide a fresh and warm entrée. Second, the vegetable portion of the meal will still be made at the Senior Center like it always has so as to eliminate the chance of serving "soggy" vegetables. Third, these meals *will*

not be boxed contrary to popular, yet erroneous belief, and *will be served* on the dinnerware that the Senior Center patrons currently eat their lunches on. Indeed, as it currently stands, some food prepared by ABVI has been served.

How does the proposed change in the way meals are served at the Senior Center affect the Sweden taxpayer? Currently the Town of Sweden caters a federally funded and county administered senior lunch program. We have personnel, paid for by Sweden tax dollars, who prepare daily lunches for anyone over the age of 60 interested in participating in the program. Under the terms of the program, the town cannot charge any individual a per meal charge and the county currently only recommends patrons pay \$2.00 per meal. Last year the contributions averaged about \$1.72 per meal, not even meeting the county recommended minimum donation. Additionally, under the federal program the Town cannot refuse to serve any individual over 60 who wishes to have lunch under this program whether they are taxpaying residents of Sweden or not. Monroe County reimburses the Town of Sweden up to \$4.00 per meal served under this program, which is offset by the donations received. In other words, the \$4.00 county reimbursement is a ceiling on total reimbursement for these meals and not in addition to the donations. The cost to the Sweden taxpayer to produce these meals is on average, \$7.00 per meal. Approximately 100 lunches are prepared at the Sweden Senior Center per day, and of those meals, approximately 25% are actually consumed by Sweden residents. *Under the current administration of the lunch program, the Sweden taxpayer is paying approximately \$1,500.00 per week.*

Under the federal nutrition program previously described, ABVI can produce the same nutritious lunches mandated by the Monroe County Office of the Aging, which regulates not only what ABVI makes but what is currently made at the Sweden Senior Center, for \$4.00 per meal.

These are the facts. Supervisor Lester, I, and my fellow board members have patiently listened to the concerns expressed to us personally and those concerns expressed at the public hearing. Not one cogent argument has been made that maintaining the current administration of the lunch program will benefit the taxpayer in the Town of Sweden. We are satisfied that the recommended shift in the administration of the lunch program to ABVI will meet the needs of the patrons of the current lunch program. For all of these reasons I feel an obligation to make this particular change on behalf of the taxpayers in this town.

The budget proposed for 2007 is robust and serves the Sweden taxpayers well.

**\*\*Discussion – Resolution No. 168**

Supervisor Lester added that he understands that the quality of the food from ABVI is a big concern for the seniors who participate in the lunch program. The menu will remain the same and the change will result in savings to the Sweden taxpayer. Mr. Lester asks that the seniors give ABVI a chance.

Councilperson Carges stated that he has served on the board the longest of the current members. He has seen many improvements and additions to the Senior Center during his term. Mr. Carges is upset by comments that the current board does not support the Senior Center; the Town Board has to answer to all Sweden residents. Mr. Carges also asked that the seniors give ABVI a chance.

RESOLUTION NO. 169

Declaring Corporal Jason Dunham Week  
in the Town of Sweden

WHEREAS, Western New York resident Jason Dunham enlisted in the United States Marine Corps at the age of 17; and

WHEREAS, Corporal Jason Dunham was chosen to become a squad leader shortly after he was assigned to Kilo Company, Third Battalion, Seventh Marine Regiment in September 2003; and

WHEREAS, Corporal Dunham extended his enlistment in 2004 to remain with his squad in Iraq throughout its scheduled tour in the war zone; and

WHEREAS, on April 14, 2004, at the age of 22, Corporal Dunham was leading a 14-man foot patrol in Karabilah, Iraq when he was attacked by an insurgent; and

WHEREAS, Corporal Dunham engaged the attacker in hand-to-hand combat until the insurgent pulled out a grenade; and

WHEREAS, Corporal Dunham shouted a warning to his men, pulled off his Kevlar-lined helmet and placed it over the grenade, then covered the grenade and helmet with his body; and

WHEREAS, Corporal Dunham saved the lives of his men that day; and

WHEREAS, Corporal Dunham paid the ultimate sacrifice eight days later, dying of his injuries at Bethesda Naval Medical Center; and

WHEREAS, President George Bush has announced his intention to bestow the Medal of Honor, the nation’s highest award, posthumously on Corporal Jason Dunham; and

WHEREAS, Corporal Jason Dunham will be only the second person awarded the Medal of Honor for service during the War in Iraq.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. The Town Board of the Town of Sweden hereby proclaims the week of November 20 through November 26, 2006 as “Corporal Jason Dunham Week” in the Town of Sweden and calls upon all citizens and civic organizations to pause and remember the heroism and valor exhibited by Corporal Jason Dunham.

Sec. 2. That copies of this Proclamation shall hang in all Town of Sweden buildings during the week of November 20 through November 26, 2006.

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>Aye</u>

RESOLUTION NO. 170

Authorize Joint Grant Application With Village of Brockport For Bucket Truck Purchase

WHEREAS, the Village of Brockport and the Town of Sweden have public works/highway department projects and work tasks that require the use of a bucket truck such as tree trimming and building maintenance; and

WHEREAS, the municipalities are regularly looking at ways to maximize taxpayer savings in the greater Sweden community; and

WHEREAS, the Village has notified the Town that the current bucket truck in the Village of Brockport transportation fleet which is utilized by the Town of Sweden is in mechanically poor condition and warrants full replacement; and

WHEREAS, action item #9 in §6-26 of the Joint Town/Village Comprehensive Plan calls for the continued use of and expansion of the sharing of equipment; and

WHEREAS, the municipalities are seeking a state grant through the New York State Department of State Shared Municipal Services Incentive Grant program to cover 90% of the cost of the purchase of this specialized piece of equipment;

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby support and authorize a grant application of \$150,000 to the Department of State Shared Municipal Services Incentive program for the purpose of purchasing a bucket truck.

Sec. 2. That the 10% match required of the grant will be split in a 67/33 ratio between the Village and Town respectively.

Sec. 3. That the Supervisor is authorized to execute all necessary documents in relation to the grant application.

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

MOTION for adoption of this resolution by Councilperson Ferris  
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>Aye</u>

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 171

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 monies in the Townwide Reassessment Updates Reserve Fund are to be used for the expenses of performing periodic assessment updates; and

WHEREAS, such work has been undertaken and payment for services are now due; and

WHEREAS, the Townwide Reassessment Updates Reserve Fund is nearly depleted.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the transfer of the balance of 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 the Finance Director is directed to close the Reserve for Townwide Reassessment Updates Fund.
- Sec. 4. That this resolution shall take effect immediately.

Motion for adoption of this resolution by Councilperson Windus-Cook  
Seconded by Councilperson Carges

Discussion:

VOTE BY ROLL CALL AND RECORD:

- Councilperson Carges Aye
- Councilperson Connors Aye
- Councilperson Ferris Aye
- Councilperson Windus-Cook Aye
- Supervisor Lester Aye

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 172

Authorizing Supervisor to Accept Proposal for Auditing Services for 2007

WHEREAS, the following proposal has been received for auditing services for 2007 from Christopher Trento, CPA for \$7,225.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Supervisor is hereby authorized to accept the proposal of Christopher Trento, Certified Public Accountant, 41 Main Street, Brockport, NY 14420 for auditing services for 2007.
- Sec. 2. That this resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

- Councilperson Carges Aye

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

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 173

Authorize Supervisor to Sign Lease Agreement for Fitness Equipment

WHEREAS, the Sweden/Clarkson Recreation Director has recommended that the Town lease the following pieces of fitness equipment: four treadmills, two elliptical trainers and a cybex body trainer; and

WHEREAS, the proposed lease is for 48 monthly payments of \$806; and

WHEREAS, the Town of Sweden will be able to purchase the equipment at the end of four years for \$1.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Sweden Town Board hereby authorizes the Supervisor to sign a lease agreement with the Bank of Blue Valley, PO Box 26128 Overland Park, Kansas 66225 for the aforementioned fitness equipment.

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

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

Discussion: Supervisor Lester made a motion that was seconded by Councilperson Carges to add as follows:

Sec. 3. That this lease agreement is subject to the Town Attorney’s approval.

All voted in favor of the amendment. Motion adopted.

VOTE BY ROLL CALL AND RECORD AS AMENDED:

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

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 174

Notice of Intent to be Lead Agency in the SEQRA Process for the Incentive Zoning Application for HIGHLANDS AT BRANDON WOODS in the Town of Sweden, Monroe County, New York

WHEREAS, the Town Board of the Town of Sweden has received an application for Incentive Zoning approval of a mixed use located at the previously subdivided site known as Highlands at Brandon Woods; and



WHEREAS, in connection with said application, pursuant to Town of Sweden Code §175-22, the Town Board considered the application and found that the proposal may have merit and referred the application to the Town of Sweden Planning Board for an advisory opinion; and

WHEREAS, the Planning Board has, on October 23, 2006, issued its advisory opinion indicating the beneficial and negative aspects of the proposed incentive zoning and setting forth suggested means of amelioration of negative aspects; and

WHEREAS, pursuant to Town of Sweden Code §175-22, the Town Board is required to make a determination under the State Environmental Quality Review Act (SEQRA), and toward that end the applicant has submitted an Environmental Assessment Form (EAF), Part 1; and

WHEREAS, pursuant to Sweden Code §175-22 E (2), the applicant is required to submit an Environmental Assessment Form, Part I, to the Town Board, after referral by the Planning Board; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Town Board is required to make a determination as to the applicability of SEQRA at the earliest practicable time; and

WHEREAS, the current proposal qualifies as a Type I action pursuant to 6 NYCRR §617.4; and

WHEREAS, pursuant to Sweden Code §175-22 E (3), the Town Board is required to establish itself as Lead Agency for all applications for incentive zoning; and

WHEREAS, the Town Board of the Town of Sweden, after due deliberation, finds that a public hearing is required and that it may be in the best interests of the Town to schedule a public hearing to solicit public comment upon the proposed project; and

WHEREAS, the Town Board recognizes that there is a need and requirement under the State Environmental Quality Review Act to classify, fully assess and determine the environmental significance of the impact of the proposed project; and

WHEREAS, the Town Board recognizes that the project is a Type I Action under the State Environmental Quality Review Act (SEQRA) Regulations, 6 NYCRR §617.4; and

WHEREAS, the Town Board recognizes that the other involved agencies, as identified under the SEQRA Regulations and the EAF, part 1, Item 25, are the Planning Board of the Town of Sweden, the Town of Sweden Environmental Conservation Board (ECB), the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Transportation (NYSDOT), the Monroe County Planning & Development, Monroe County Pure Waters (MCPW), the Monroe County Water Authority (MCWA), the Monroe County Department of Health (MCDOH), the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), the United States Fish and Wildlife

Service (USFWS) and the U.S. Army Corps of Engineers (USCOE), and thus the action of Resubdivision under Incentive Zoning is subject to a coordinated review under SEQRA.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. The Town Board hereby declares the proposed action as a Type I action.
- Sec. 2. The Town of Sweden Town Board does hereby declare its intent to be designated the Lead Agency for the Coordinated Review and Determination of Significance under SEQRA for the above referenced action.
- Sec. 3. The Town Clerk shall provide the previously identified involved agencies with a copy of the application and the EAF, together with a copy of this Resolution, and request of said involved agencies their concurrence therewith.
- Sec.4. The Town Board intends to adopt a resolution at a Town Board meeting in November or December, 2006, but in no event less than thirty (30) days after the Town Clerk furnishes to all involved agencies the papers directed to be furnished herein, by which the Town Board will establish itself as the lead agency under SEQRA, providing that there are no objections thereto received from the above mentioned agencies.
- Sec. 5. This resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

- Councilperson Carges Aye
- Councilperson Connors Aye
- Councilperson Ferris Aye
- Councilperson Windus-Cook Aye
- Supervisor Lester Aye

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 175 Authorizing Supervisor to Sign New Agreement with Educable Communications Corporation

WHEREAS, an agreement between Educable Communications Corporation and the Town of Sweden for the operation of public governmental access channels will expire on December 31, 2006; and

WHEREAS, the Town Board desires to extend the agreement for the proposed one (1) 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 Agreement between the Town of Sweden and Educable Communications Corporation.
- Sec. 2. The term of this agreement shall be for a period of one (1) year, commencing on January 1, 2007 and ending on December 31, 2007.

Sec. 3. That in consideration for the services stipulated in the Agreement to be performed by Educable Communications Corporation, the Town of Sweden will pay Educable Communications Corporation 4% of the franchise fee paid to the Town of Sweden by Time Warner Communications.

Sec. 4. That this new agreement does hereby supersede the current agreement due to expire on December 31, 2006.

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

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 176

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, 2006; 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, 2006 and ending on October 31, 2007.

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, 2006.

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

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

Discussion: Maintenance agreement covers the doors located at the Town Hall and the Senior Center. Councilperson Carges made a motion that was seconded by Councilperson Ferris to add as follows:

Sec. 2. ...ending on October 31, 2007 for a annual cost of \$145 for each location.

All voted in favor of the motion. Motion adopted.

VOTE BY ROLL CALL AND RECORD AS AMENDED:

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

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 177 Appoint Student Helper – Kenyon and Scholes

WHEREAS, the Croc Roc’s Program has three vacancies and the Recreation Director, David Scott, has recommended the appointment of two students as Student Helpers.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Olivia Kenyon and Randi Scholes to the position of Student Helper at the Sweden Clarkson Community Center.

Sec. 2. That the rate of pay be \$6.75 per hour with a maximum of 24 hours per week.

Sec. 3. That the start date for Olivia Kenyon be November 6, 2006 and the start date for Randi Scholes by October 27, 2006.

Sec. 3. That this resolution shall take effect immediately

MOTION for adoption of this resolution by Councilperson Ferris  
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>Aye</u>

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 178 Appoint Deputy Town Clerk – Roberts

WHEREAS, there has been a vacancy in the position of Deputy Town Clerk since August 14, 2006; and

WHEREA, Kathleen Roberts has been serving as Receiver of Taxes and Assessments since November 10, 2004; and

WHEREAS, Kathleen Roberts has been recommended for the position by the Town Clerk and the Sweden Town Board.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden agrees that it is in the best interest of the Town to hereby appoint Kathleen Roberts as Deputy Town Clerk of the Town of Sweden effective November 11, 2006.
- Sec. 2. That the rate of pay for this position is \$14.00 per hour.
- Sec. 3. That this resolution shall take effect immediately.

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

Discussion: Mrs. Roberts has been a positive addition to the Town.

VOTE BY ROLL CALL AND RECORD:

- Councilperson Carges Aye
- Councilperson Connors Aye
- Councilperson Ferris Aye
- Councilperson Windus-Cook Aye
- Supervisor Lester Aye

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 179 Appoint Receiver of Taxes and Assessments - Bryant

WHEREAS, as of November 11, 2006 a vacancy will exist in the position of Receiver of Taxes and Assessments; and

WHEREAS, Sherri Bryant has been recommended for the position by the current Receiver of Taxes and Assessments and the Sweden Town Board.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden agrees that it is in the best interest of the Town to hereby appoint Sherri Bryant as Receiver of Taxes and Assessments of the Town of Sweden effective November 11, 2006.
- Sec. 2. That the annual salary for this position is \$16,800.
- Sec. 3. That this resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

- Councilperson Carges Aye
- Councilperson Connors Aye
- Councilperson Ferris Aye
- Councilperson Windus-Cook Aye
- Supervisor Lester Aye

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 180 Appointing Clerk Part Time Sweden Justice Court

For Justice Cody - Gay

WHEREAS, there has been a vacancy in the position of Court Clerk in the Sweden Town Court; and

WHEREAS, the Sweden Town Justices have recommended appointing a part-time court clerk for each judge; and

WHEREAS, Justice William J. Cody recommends the appointment of Terri Lynne Gay as Clerk Part Time in the Justice Court.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Terri Lynne Gay as Justice William J. Cody’s Clerk Part Time in the Justice Court starting on November 14, 2006.

Sec. 2. That this position is for a maximum of 24 hours a week at an hourly rate of pay of \$14.00.

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

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

Discussion: The office was staffed with two full-time clerks and one part-time clerk. The Town Justices have recommended adjusting staff to three part-time clerks, one part-time clerk for each judge. The clerks will overlap their hours to guarantee office coverage.

VOTE BY ROLL CALL AND RECORD:

- Councilperson Carges Aye
- Councilperson Connors Aye
- Councilperson Ferris Aye
- Councilperson Windus-Cook Aye
- Supervisor Lester Aye

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 181 Appointing Temporary Clerk Part Time –Nesbitt

WHEREAS, a vacancy exists in the Sweden Town Justice Court for a Court Clerk; and

WHEREAS, the Sweden Town Justices recommend appointing a temporary part-time clerk to assist with the duties; and

WHEREAS, the Sweden Town Justices have recommended the temporary appointment of Lucy Nesbitt.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Lucy Nesbitt as temporary Clerk Part-Time to assist in the Sweden Justice Court.

Sec. 2. That the rate of pay be \$14.00 per hour with a starting date of October 28, 2006 for a maximum of 24 hours each week.

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

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

Discussion: Ms. Nesbitt is the former Court Clerk for the Town. Her experience will be an asset to the court office through this time of transition.

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>Aye</u>

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 182 Appointing Temporary Clerk Part Time – Hatfield

WHEREAS, a vacancy exists in the Sweden Town Justice Court for a Court Clerk; and

WHEREAS, the Sweden Town Justices recommend appointing a temporary part-time clerk to assist with the duties; and

WHEREAS, the Sweden Town Justices have recommended the temporary appointment of Michelle Hatfield.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Michelle Hatfield as temporary Clerk Part-Time to assist in the Sweden Justice Court.

Sec. 2. That the rate of pay be \$10.30 per hour with a starting date of October 28, 2006 for a maximum of 24 hours each week.

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>Aye</u>

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 183 Authorizing Payment of Stipend to Court Clerk – Corcoran

WHEREAS, the court office has been short-staffed since an unexpected resignation on September 29, 2006; and

WHEREAS, Katie Corcoran has been responsible for completing work beyond her normal duties as a Court Clerk; and

WHEREAS, the Town Justices have recommended that Ms. Corcoran receive additional compensation for the extra duties she has undertaken.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby awards to Katie Corcoran a stipend of \$250 per pay period from Pay Period 23 of 2006 through Pay Period 5 of 2007 in recognition of her additional duties during this time period.

Sec. 2. This stipend may cease at an earlier date upon the recommendation of the Town Justices or if determined by the Town Board to no longer be appropriate.

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

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

Discussion: Councilperson Connors stated that Mrs. Corcoran was already being paid overtime for her extra hours worked and three part-time clerks (appointed at this meeting) will be assisting with the extra work load and an additional part-time clerk will be appointed at the next meeting. The budget for personnel allowed for three part-time clerks in 2007, Mrs. Corcoran will be full-time until at least March. Mrs. Connors stated that no other Town departments/employees have received stipends when vacancies have occurred. Mrs. Connors does not feel that this is an appropriate expense.

Councilperson Ferris stated that he is not opposed to a raise in compensation to a comparative level, but feels that a stipend goes beyond and is not an expense suitable to incur.

Councilperson Windus-Cook stated that the stipend was discussed at a work session with the Judges and although Ms. Windus-Cook does not agree with the stipend the Board should follow through and support the Judges request.

Councilperson Carges agreed with honoring the Judges request but was not aware that additional help (part-time staff) would be available this quickly; therefore, Mr. Carges didn't feel as though he could support the stipend.

Councilperson Ferris suggested that instead of voting on this resolution at this meeting, the Board should "table" the resolution for further discussion with the Judges.

Supervisor Lester stated that the meeting with the Judges was very specific and the Board should support the request of the Judges. Mr. Lester agreed that no other department/employee has received a stipend and understands the Board's hesitations in doing so, but in fairness to the Judges Mr. Lester agrees, rather than vote, to table the resolution and talk with the Judges.

Finance Director Leisa Strabel suggested paying a one-time stipend with an amendment to this resolution to compensate Mrs. Corcoran for the past few weeks, which would allow the Board to meet with the Judges, if necessary, before the next meeting.

Councilperson Carges made a motion that was seconded by Councilperson Ferris to amend the resolution as follows:

Sec. 1. Remove the phrases "per pay period from" and "through Pay Period 5 of 2007" so that Sec. 1. now reads: "That the Town Board of the Town of Sweden hereby awards to Katie Corcoran a stipend of \$250 in Pay Period 23 of 2006.



Remove Sec. 2. entirely.  
All voted in favor of the motion. Motion adopted.

VOTE BY ROLL CALL AND RECORD AS AMENDED:

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

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 184 Authorize Payment of Holiday Pay - Kepler

WHEREAS, the Sweden Employee Handbook states that unused vacation time is paid out to an employee in the event he/she leaves employment with the Town of Sweden; and

WHEREAS, Daniel Kepler, a 20-year employee of the Town of Sweden has 148.5 hours in unused vacation time; and

WHEREAS, a serious illness has kept Daniel Kepler from using his vacation time during the past year; and

WHEREAS, the serious illness makes it unlikely that Daniel Kepler will be able to use his vacation time; and

WHEREAS, the Highway Superintendent has recommend that Daniel Kepler be paid his unused vacation time in the next payroll.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That due to extraordinary circumstances, the Town Board of the Town of Sweden hereby authorizes the payment of 148.5 hours of vacation time to Daniel Kepler.
- Sec. 2. That the payment of this vacation time does not in anyway alter the intent of the rules set forth in the Sweden Employee Handbook for payment of vacation time.
- Sec. 3. That the Finance Director is directed to process the payment in the payroll dated November 16, 2006.
- Sec. 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Connors

Seconded by Councilperson Ferris

Discussion: Superintendent of Highways Fred Perrine stated that most know of Dan Kepler’s medical situation. Mr. Kepler appreciates the Town Board’s support. Resident Robert Connors added that he had spoken with Dan Kepler and Dan thanked the Board and Mr. Perrine for all their support. Mr. Connors asked that everyone keep Dan in his or her prayers.

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>

Councilperson Windus-Cook  
Supervisor Lester  
Submitted –November 14, 2006

Aye  
Aye

Adopted

RESOLUTION NO. 185

Accept Community Development Block Grant of \$35,000 for 2006 - Sweden Clarkson Community Center ADA Sidewalk Project And Authorize Supervisor to Sign Necessary Contract Documents

WHEREAS, the Sweden Clarkson Community Center ADA Sidewalk Project has been awarded a Community Development Block Grant in the amount of \$35,000, and

WHEREAS, the Town Board wishes to accept this award and have the necessary contract documents signed by the Supervisor on behalf of the Town of Sweden.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby accepts the award of a \$35,000 Community Development Block Grant from the Monroe County Community Development Administration and accepts all terms and conditions set forth in the Community Development Force Account Agreement.

Sec. 2. That the Supervisor is authorized to act on behalf of the Town of Sweden and sign the necessary contract documents.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges Aye  
Councilperson Connors Aye  
Councilperson Ferris Aye  
Councilperson Windus-Cook Aye  
Supervisor Lester Aye

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 186

Authorizing Supervisor to Sign Assent Agreement With National Grid for 8” Water Main – Shumway Road/Sweden Walker Road Water Main Installation

WHEREAS, Niagara Mohawk Power Corporation, d/b/a National Grid was granted easements from Clement Becker and Edward Taif in 1961 for the permanent right-of-way to build and maintain, among others, electric transmission lines, through the Town of Sweden; and

WHEREAS, the Town of Sweden proposes to construct, install, repair, operate, use and maintain certain improvements and conduct certain activities within the NMPC

(National Grid) easement, specifically an eight-inch (8”) water main installation; and

WHEREAS, the Town of Sweden has requested that NMPC (National Grid) assent to the construction, installation, repair, operation, use, maintenance and replacement of the improvements within the NMPC (National Grid) easement; and

WHEREAS, the parties have reached an agreement as to the terms and conditions under which NMPC (National Grid) is willing to grant this Assent and desire to record their agreement regarding the terms of the Assent.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. The Town Board of the Town of Sweden hereby authorizes the supervisor to sign the Assent Agreement with National Grid and execute any and all documents necessary.

Sec. 2. That the Sweden Town Attorney has reviewed and approved the Assent Agreement.

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

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

Submitted – November 14, 2006

Adopted

RESOLUTION NO. 187

Waiving Training Requirement for  
Planning and Zoning Board Members

WHEREAS, the New York Legislature approved a bill (S.6316/A.9259) establishing minimum training requirements of four (4) hours per year for planning board and zoning board of appeals members; and

WHEREAS, the new State law allows municipalities to waive the four hour requirement if, in its judgment, it is in its interest to do so; and

WHEREAS, the Town of Sweden provides resources for training of its planning board and zoning board of appeals members; and

WHEREAS, the Sweden Town Board believes it is in the Town’s best interest to waive the minimum training requirement for planning board and zoning board of appeals members.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby waives the four hour training requirement for planning board and zoning board members.
- Sec. 2. That the Town Board will continue to provide resources for training of planning board and zoning board members as recommended by the Chairpersons of those boards.
- Sec. 3. That this resolution shall take effect immediately.

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

Discussion: The Town will still provide resources for training if the members desire to attend training.

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>Aye</u>

Submitted – November 14, 2006

Adopted

REPORTS

No Board reports

DISCUSSION AND ANNOUNCEMENTS

Work session scheduled for Tuesday, November 22, 2006 at 7:30 pm.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the November 14, 2006 meeting of the Sweden Town Board at 9:05 p.m. Councilperson Ferris seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
 Town Clerk