

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 25, 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., Tom Ferris, 82 Erie St.

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 Regular Meeting held on November 12, 2003. Councilperson Wheat seconded the motion. All voted in favor of the motion. Carried.

Councilperson Connors made a motion to approve the minutes of the Special Town Board meeting held on November 14, 2003. Councilperson Wheat seconded the motion. All voted in favor of the motion. Carried.

SUPERVISOR'S CORRESPONDENCE

2003	Received From:	Comments:
1.	Linda Hall, Secretary Seymour Library Board 11/20	Minutes of October 21, 2003 meeting
2.	Jeffrey R. Sweet, NYS Workers' Compensation Board, 11/24	Informing of new requirements for businesses applying for permits, licenses or contracts with the town.
3.	Robert Somers, NYS Dept. of Agriculture and Markets, 11/24	Certification – Final Notice of Intent Mon. Co. Agricultural District #5 – Town of Sweden – Installation of Water Mains
4.	Kennedy Schum Law Office, 11/24	Copy of law "Providing for the Defense of Town Officers and Employees"

Re: No. 4. Town Attorney James Bell said that he was in receipt of a copy of this law. It is currently being discussed and he should have something prepared for a local law in the future.

DEPARTMENTAL REPORTS

Assessor Alan Bader reported that Tim Horton's would be opening on Friday, November 26. Final site work at the location will be done in the spring. McDonalds is doing a total renovation of the interior of their restaurant.

Highway Superintendent Fred Perrine said that the Department had started the winter work schedule last week. The contractor working on the concession stand at the Town Park has

completed the framework and the roof is on. Leaf collection is over. The Department shared some of the fall services with the Village of Brockport DPW.

A Departmental Report from the Senior Center was included for filing with the Supervisor.

REPORTS

Councilperson Carges reported that Monday he met with Fred Perrine and a representative from Kaplan Schmidt regarding the parking lot lighting at the Community Center.

Councilperson Connors reported that twelve people were interviewed for the cook's position at the Senior Center. There had been 20 applicants. Five were brought back for a second interview. A selection was made and the new person will start on December 15th.

Councilman Wheat had no report.

Councilperson Windus-Cook had no report.

Supervisor Lester had met with the Town Attorney regarding litigation matters and personnel matters. He also met with Mr. Sinopoli and Mr. Arnold regarding the future home of a Scout (Community) cabin.

RESOLUTIONS

RESOLUTION NO. 148

Authorizing Supervisor to Sign Standard
Consent-to-Rate Form – St. Paul Ins.

WHEREAS: The Town of Sweden is currently insured by St. Paul Insurance as a Public Entity;
and

WHEREAS: The Town of Sweden has 62 miles of streets and roads the current St. Paul system
does not rate for; and

WHEREAS: The proposed rate to be charged is in excess of the rate filed and approved for St.
Paul Insurance.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the Supervisor to
sign the St. Paul Standard Consent-to-Rate Form requesting the policy be issued
at the excess rate.

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

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

Discussion: This is a standard form. Supervisor Lester will meet with a representative of St. Paul Ins. and the Town's Insurance Agent

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 25, 2003

Adopted

RESOLUTION NO. 149

Authorizing Litigation in the Matter of
Property Located at 282 Capen Road

WHEREAS: It has come to the attention of the Sweden Town Board that a commercial operation is being conducted in a residential zone, to wit: 282 Capen Road in the Town of Sweden; and

WHEREAS: Reference is hereby made to the previous Stipulation and Final Order and Judgment from earlier in the year 2003 setting forth, among other things, the defendants' agreement to immediately discontinue all commercial operations on the subject property and the Court's permanent injunction in relationship to same; and

WHEREAS: The Sweden Town Board is desirous of taking whatever legal action is necessary to restrain and enjoin continuing commercial operation at 282 Capen Road in the Town of Sweden and to also seek an Order of Contempt against the defendants.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the Sweden Town Attorney to take whatever legal action is necessary against the appropriate landowners, business and/or individuals to seek an Order of Contempt and/or other legal process to effectuate the discontinuance of business or commercial operations at 282 Capen Road.

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

Abstain

Submitted: November 25, 2003

Adopted

RESOLUTION NO. 150

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:

\$2,900 from A1110.4 Justice (Cont. Exp.) to
A1355.4 Assessment (Cont. Exp.)
\$7,221.52 from A1620.4 Building (Cont. Exp.) to
A1680.4 Central Data Processing
\$485.10 from A1460.4 Records Management (Cont. Exp.) to
A7020.2 Community Center Equipment
\$6,923.21 from A7110.4 Park (Contractual) to
A7150.4 Park Concessions
\$905.84 from A7110.4 Park (Contractual) to
A7620.1 Community Adult (Personnel)
\$18,063.50 from B8160.4 Refuse & Garbage (Cont. Exp.) to
B1440.4 Engineering (Contractual)
\$441.66 from B9050.8 Unemployment to
B7550.4 Celebrations (Cont.)
\$1,750 from B8160.4 Refuse & Garbage (Cont. Exp.) to
B7310.4 Youth Services
\$7,424.07 from DB5130.1 Machinery (Pers.) to
DB9040.8 Workmen's Comp.
\$2,057.65 from DB5130.1 Machinery (Pers.) to
DB5110.1 General Repairs (Pers.)
\$214.43 from DB5130.1 Machinery (Pers.) to
DB9035.8 Medicare
\$12 from DB5130.1 Machinery (Pers.) to
DB5140.1 Misc. Weeds & Brush (Pers.)
\$5,378.24 from DB5130.402 Machinery (Cont.) to
DB9060.8 Hospital & Medical
\$8,000 from DB5130.4 Machinery (Cont.) to
DB9060.8 Hospital & Medical
\$1,295.89 from DB5130.4 Machinery (Cont.) to
DB9030.8 Social Security
\$1,017.47 from DB5130.4 Machinery (Cont.) to
DB5148.1 Serv. Other Gov. (Pers.)
\$25,000 from DB5112.2 Chips to
DB5148.1 Serv. Other Gov. (Pers.)
\$5,000 from DB5112.1 Perm Rd. Const. (Pers.) to
DB5142.1 Snow Removal (Pers.)
\$6,000 from DB5112.1 Perm Rd. Const. (Pers.) to
DB5144.1 Snow Removal State (Pers.)
\$8,999 from DB5112.1 Perm Rd. Const. (Pers.) to
DB5146.1 Snow Removal County (Pers.)

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 25, 2003

Adopted

RESOLUTION No. 151

Appoint Cook - Grey

WHEREAS, Joyce McCullough will be retiring from the Cook position at the Senior Center on December 18, 2003; and

WHEREAS, the Cook is a noncompetitive Civil Service position with minimum qualifications required to be met; and

WHEREAS, an advertisement was placed for the position and several applications were received; and

WHEREAS, a committee consisting of Nancy Duff, Ricki DeBaun, Joyce McCullough, Pat Connors and Danielle Windus-Cook, conducted interviews and recommends hiring Ann M. Grey to fill the position.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Ann M. Grey to the position of Cook at the Senior Center to start on December 15, 2003.

Sec. 2. That the starting rate of pay is \$12.00 per hour for a 35-hour 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 Wheat	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – November 25, 2003

Adopted

RESOLUTION NO. 152

Granting to the Town of Sweden a
Drainage Easement for Property Located
At 14 Skidmore Drive, Spencerport, NY
Town of Sweden

WHEREAS: James W. Brown III and Cheryl L. Brown (hereinafter referred to as the owners), are the owners in fee simple property located at 14 Skidmore Drive, Spencerport, New York, Town of Sweden; and

WHEREAS: the Town of Sweden is desirous of obtaining a permanent drainage easement from the owners of the subject property relating to a Storm Water Drainage System on the subject property and within the proposed easement area; and

WHEREAS: The owners are amenable to granting such a drainage easement with the understanding that the owners shall retain the right to otherwise use the lands in which the permanent easement is granted and to exercise rights of ingress and egress over same, among other things; and

WHEREAS: The owners and the Town of Sweden are desirous of executing the attached drainage easement for the purposes set forth hereinafter.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Sweden Town Supervisor is hereby authorized to execute the attached easement and accompanying TP-584 form in the appropriate locations on behalf of the Town of Sweden.

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

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

MOTION for adoption of this resolution by Councilperson Windus-Cook

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 25, 2003

Adopted

RESOLUTION NO. 153

Ordering Public Hearing on Fire
Protection Contract for 2004

WHEREAS, there has been duly established in the Town a fire protection district known as the Sweden Fire Protection District, which embraces all territory in said Town except the incorporated Village of Brockport; and

WHEREAS, it is necessary, pursuant to law, for this Board to provide for the furnishing of fire protection within the Town of Sweden.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That, pursuant to the provisions of Section 184 of Town Law of the State of New York, a public hearing is ordered with reference to the execution of a proposed fire protection contract between the Town of Sweden and the Village of Brockport for a sum of \$295,343.00 for fire protection, for the year 2004; said hearing to be held December 30, 2004, at 7:15 PM at the Sweden Town Hall, 18 State Street, Brockport, New York, and that notice of the hearing be published, specifying the time and place of the hearing and describing the proposed contract in general terms.

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

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

Discussion: Discussion took place regarding cost to the Town, what is included in this contract, and also the fact that the numbers are given to the Town at such a late date.

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 25, 2003

Adopted

APPROVAL TO PAY BILLS

The Board members present reviewed the Invoice Audit Journal. Councilperson Carges made a motion that was seconded by Councilperson Wheat authorizing payment of the bills in Abstract 11 dated November 25, 2003. All voted in favor of the motion. Carried.

General Fund: In the amount of \$118,682.16 as set forth in Abstract 11 dated November 25, 2003.

Highway Fund: In the amount of \$42,200.07 as set forth in Abstract 11 dated November 25, 2003.

Special Districts: In the amount of \$119,960.45 as set forth in Abstract 11 dated November 25, 2003.

DISCUSSION AND ANNOUNCEMENTS

There will be a workshop meeting on December 2, 2003 at 7:00 PM. The cemetery, the employee handbook and park rules will be on the agenda.

At 8:00 PM Councilperson Carges made a motion to go into executive session to discuss pending litigation regarding the Capen Rd. site. Councilperson Connors seconded the motion. All voted in favor of the motion. Carried.

At 8:15 PM Councilperson Carges moved to go out of executive session. Councilperson Windus-Cook seconded the motion. All voted in favor of the motion. Carried.

I, Gail A. DeToy, Town Clerk of the Town of Sweden, do hereby certify that the Town Board in executive session discussed the item reflected in the foregoing motion, and that no formal action was taken.

Town Clerk

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Wheat made a motion that was seconded by Councilperson Connors to adjourn the November 25, 2003, meeting of the Sweden Town Board at 8:20PM. All voted in favor of the motion. Motion carried.

Respectfully submitted,

Gail A. DeToy
Town Clerk