

A special meeting of the Town Board of the Town of Sweden was held at the Town Hall, 18 State Street, Brockport, New York, on Wednesday, December 3, 2003.

Town Board members present were: Supervisor Nat O. Lester III, Councilperson Patricia Connors, Councilperson Carl Wheat and Councilperson Danielle Windus Cook.

Councilperson Rob Carges was absent from the meeting.

Also Present: Frank & Julie Lapinski, 4016 Sweden Walker Rd., Dan Cumberledge, 385 Gallup Rd., Glenn Aures, 90 Gordon Rd., Norm Wright, 433 Gallup Rd., Tom Ferris, 82 Erie St., David Schultz, 3976 Sweden Walker Rd., Rick and Mary Lill, 336 Gallup Rd.

Supervisor Lester called the meeting to order at 7:40PM and asked everyone present to say the Pledge to the Flag. The Supervisor reconvened the Public Hearing to continue discussion. The Special Meeting was then reconvened at 8:40 PM.

The purpose of the meeting was to consider the following resolutions regarding the formation of an extension to the Sweden Consolidated Water District.

RESOLUTIONS

RESOLUTION NO. 154 Rescinding and Repealing Resolution No. 146 of 2001 (Establishing Gallup Road, Skidmore Drive, Gordon Road Water District Extension)

WHEREAS: The Town Board of the Town of Sweden on November 27, 2001 adopted Resolution No. 146 creating the Gallup Road/Skidmore Drive/Gordon Road Water District Extension; and

WHEREAS: The Town Board of the Town of Sweden is now desirous of rescinding and repealing Resolution No. 146 of 2001 pursuant to Town Law §93.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby rescind and repeal Resolution No. 146 of November 27, 2001.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges Absent

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

Submitted: December 3, 2003

Adopted

RESOLUTION NO. 155

SEQR Regarding Formation of Gallup Road/Gordon Road/Skidmore Drive Water District Extension

WHEREAS: The Sweden Town Board is desirous of considering the creation of an extension to the Sweden Consolidated Water District as set for hereinabove; and

WHEREAS: The Sweden Town Board authorized preparation of a Short Environmental Assessment Form for the proposed extension to the Sweden Consolidated Water District; and

WHEREAS: The Short Environmental Assessment Form contains sufficient information to allow the Sweden Town Board to formulate a basis for its initial determination of environmental significance in this action; and

WHEREAS: There are no federal, state and/or local governmental agencies involved in this action as that term is more specifically defined under Article 8 of the New York State Environmental Conservation Law or the regulations promulgated there under and/or the Sweden Environmental Quality Review Ordinance duly enacted and adopted by the Sweden Town Board on May 18, 1977 and consequently the Sweden Town Board is the "lead agency" with respect to the determination of any environmental significance in this action.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Sweden Town Board, as Lead Agency, has determined that based on information presented in the Short Environmental Assessment Form (EAF) and other supporting project information has concluded that the proposed action (Town of Sweden-Gallup Road/Gordon Road/Skidmore Drive Watermain Project) is an Unlisted Action and will not have a significant impact on the environment and therefore, moves to declare a Negative Declaration, and have such Negative Declaration prepared and filed with the Town.

Sec. 2. That the Sweden Town Board, based on the conditions stated in the Negative Declaration, authorizes the Supervisor to take all necessary action to file the Negative Declaration and conclude the SEQR process for the proposed action.

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

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

Discussion: At this time Town Engineer Jim Oberst addressed the remarks (letter submitted at public hearing) that Mr. Makarewicz had regarding the prepared EAF. Mr. Oberst specifically addressed each item listed in the letter.

VOTE BY ROLL CALL AND RECORD:

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

Submitted: December 3, 2003

Adopted

RESOLUTION NO. 156

Formation of Gallup Road/
Gordon Road/Skidmore Drive
Water District Extension

WHEREAS: An order was duly adopted by the Town Board of the Town of Sweden on November 14, 2003 calling for a Public Hearing to be held to consider the proposal of the Town of Sweden to establish an extension to the Sweden Consolidated Water District located on Gallup Road north of the canal to the town line and same to include Skidmore Drive and part of Gordon Road.

WHEREAS: A Public Hearing was held by the Town Board in this matter on December 3, 2003 at 7:00 PM and all persons desiring to be heard were heard; and

WHEREAS: The permission of the State Comptroller is not required pursuant to Town Law §209-f.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board acknowledges that all properties and owners benefited thereby are included in the district and it is in the public interest to grant the proposed extension.

Sec. 2. That the establishment of the contemplated water extension be approved and become a part of the Town of Sweden Consolidated Water District and as more particularly illustrated and described in the map and legal description attached hereto and made a part hereof.

Sec. 3. That all expenses including construction, material, engineering, administrative and legal shall be borne by the district benefiting from the improvement. The

cost of construction for said district shall be considered a “benefit” district, so to speak, for purposes of paying off the bond. That maximum amount proposed to be expended for the contemplated water extension herein shall not exceed the sum of four hundred seventy-five thousand dollars (\$475,000).

Sec. 4. That the estimated cost per year for a single family dwelling is approximately four hundred three dollars (\$403.00) and the total first year cost including water usage for a single family dwelling is approximately five hundred eighty-eight dollars (\$588.00), all as more specifically set forth in an engineer’s Information Sheet prepared by MRB group PC and on file with the Town of Sweden.

Sec 5. That the Town Clerk is hereby authorized and directed to file a certified copy of this resolution in the Monroe County Clerk’s Office and in the New York State Department of Audit and Control within ten (10) days after the adoption of this resolution pursuant to Town Law §195.

Sec. 6. That any new tax parcels created in the future within the boundaries of this district will share proportionately in the annual debt service charged to all district property owners.

Sec. 7. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Windus Cook
Seconded by Councilperson Wheat

Discussion: Supervisor Lester made a motion to put in the language regarding new parcels in the district, making it Sec. 6. Councilperson Connors seconded the motion. All voted in favor of the motion. Carried.

VOTE BY ROLL CALL AND RECORD:

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

Submitted: December 3, 2003

Adopted

ATTACHMENT A

Gallup Road Water District

All that tract, or parcel of land, situate in the Town of Sweden, County of Monroe, State of New York, as shown on a map entitled “Gallup Road Water District”, prepared by MRB Group, P.C., dated January 2003, and being more particularly bound and described as follows:

Beginning being at the intersection of the existing common division line between Tax Map Parcel #070.03-2-16 and Tax Map Parcel 069.04-1-7 with existing centerline of Gallup Road, said centerline also being the existing municipal boundary between the Town of Parma and Town of Sweden; thence,

1. Westerly, along the last mentioned existing common division line, a distance of 342 feet± to an angle point; thence
2. Northerly, continuing along the last mentioned existing common division line between Tax Map Parcel # 070.03-2-16 and Tax Parcel # 069.04-1-7, a distance of 181 feet ± to a point at its intersection with the existing common division line between Tax Map Parcel # 070.03-2-8 with Tax Map Parcel # 070.03-2-16 and Tax Parcel # 069.04-1-7; thence,
3. Northeasterly, through the lands of Tax Map Parcel # 070.03-2-8, a distance of 274 feet ± to a point, at its intersection with the existing common division line between Tax Map Parcel # 070.03-2-8 with Tax Map Parcel # 070.03-2-15.11; thence,
4. Northerly, along the existing common division line between Tax Map Parcel # 070.03-2-8 with Tax Map Parcel #070.03-2-15.11, # 070.03-2-15.12 and # 070.03-2-15.2, a distance of 300 feet ± to a point, at its intersection with the existing common division between Tax Map Parcel # 070.03-2-11 and Tax Map Parcel # 070.03-2-15.12; thence
5. Northerly, through the lands of Tax Map Parcel # 070.03-2-8, a distance of 127 feet ± to a point, at its intersection with the existing common division line between Tax Map Parcel # 070.03-2-8 and Tax Map Parcel # 070.03-2-14; thence,
6. Northerly, along the existing common division line between Tax Map Parcel #070.03-2-8 with Tax Map Parcel # 070.03-2-14 and Tax Map Parcel # 070.03-2-13, a distance of 400 feet ± to a point, at its intersection with the existing northerly boundary of Tax Map Parcel # 070.03-2-8; thence,
7. Westerly, along the last mentioned existing northerly boundary, a distance of 1145 feet ±, to a point at its intersection with the existing common division line between Tax Map Parcel # 070.03-2-5 with Tax Map Parcel # 070.03-2-8; thence,
8. Northwesterly, along the existing common division line between Tax Map Parcel # 070.03-2-5 and Tax Map Parcel # 070.03-2-9.1, a distance of 124 feet ±, to a point at its intersection with the existing common division line between Tax Map Parcel # 070.03-2-5 and Tax Map Parcel # 070.03-2-6; thence,
9. Westerly, along the last mentioned common divisions line between Tax Map Parcel # 070.03-2-5 and Tax Map Parcel # 070.03-2-6, and its westerly extension through the lands of Tax Map Parcel # 070.03-2-5, a distance of 757 feet ±, to a point at its intersection with the existing easterly boundary of Tax Map Parcel # 070.03-2-3.21; thence,
10. Northerly, along the last mentioned existing easterly boundary, a distance of 556 feet ±, to a point at its intersection with the existing centerline of Gordon Road; thence,
11. Easterly, along the last mentioned existing centerline, a distance of 237 feet ±, to a point at its intersection with the existing common division line between Tax Map Parcel # 070.03-1-6 with Tax Map Parcel # 070.03-1-4; thence,
12. Northerly, along the last mentioned existing common division line, a distance of 419 feet ±, to an angle point; thence,
13. Easterly, continuing along the last mentioned existing common division line, a distance of 190 feet ±, to a point at intersection with the existing easterly boundary of Tax Map Parcel #070.03-1-4; thence,
14. Northerly, along the last mentioned existing easterly boundary, a distance of 910 feet ±, to a point at its intersection with the existing northerly boundary of Tax Map Parcel # 070.03-1-4; thence,
15. Westerly, along the last mentioned existing northerly boundary, a distance of 1326 feet ±, to a point at its intersection with the existing easterly boundary of Tax Map Parcel # 070.03-1-1.1; thence,
16. Northerly, along the last mentioned existing easterly boundary, a distance of 651 feet ±, to a point at its intersection with the existing southerly boundary of Tax Map Parcel # 070.01-2-3; thence,

17. Easterly, along the last mentioned existing southerly boundary, a distance of 1325 feet ±, to a point at its intersection with the existing easterly boundary of Tax Map Parcel # 070.01-2-3; thence,
18. Northerly, along the last mentioned existing easterly boundary of Tax Map Parcel # 070.01-2-3 and also along the existing easterly boundary of 070.01-2-6.2, a distance of 1916 feet ±, to a point at its intersection with the existing municipal boundary between the Town of Sweden and Town of Clarkson; thence,
19. Easterly, along the last mentioned existing municipal boundary, a distance of 1742 feet ±, to a point at its intersection with the existing easterly boundary of Tax Map Parcel # 070.01-2-16.1; thence,
20. Southerly, along the last mentioned existing easterly boundary and also along the existing easterly boundary of Tax Map Parcel # 070.01-16.21, a distance of 1522 feet ±, to a point at its intersection with the existing northerly boundary of Tax Map Parcel # 070.01-1-20; thence,
21. Easterly, along the last mentioned existing northerly boundary, a distance of 1153 feet ±, to a point at its intersection with the existing municipal boundary between the Town of Sweden and the Town of Parma; thence,
22. Southwesterly, along the last mentioned existing municipal boundary and also along the existing municipal boundary between the Town of Sweden and the Town of Ogden, a distance of 4699 feet ±, to a point and place of beginning.

RESOLUTION NO. 157

Award Bid Gallup Road Watermain
Project Construction

WHEREAS: The Town Clerk advertised for bids pursuant to law for the installation of approximately 12,000 linear feet of 8 inch DIP watermain (along with appurtenances) on Gallup Road, Gordon Road and Skidmore Drive according to plans and specifications and the following bids were received and opened on September 18, 2003 at 10:00 AM.

<u>Supplier</u>	<u>Bid Price</u>
Lamms Construction, Inc.	\$488,963.50
R. Myers Contractors, Inc	\$496,581.75
HUB Langie Paving, Inc,	\$517,010.00
Beardsley Pipeline	\$479,621.00
Villager Construction	\$627,765.00
G.T. Booth, Inc.	\$534,750.00
Keeler Construction CO., Inc.	\$480,200.25
Ramsey Constructors, Inc.	\$530,058.75

WHEREAS: after review by the Town Board, the Town Engineer, and the Highway Superintendent, the Board recommends awarding the bid to Beardsley Pipeline, Inc. for the bid price of \$479,621.00; and

WHEREAS: in order to keep the individual user cost below the Comptroller's threshold, it was determined to eliminate items #13, 14 and 15 from the scope of Beardsley's contract, resulting in an award reduction of \$45,000. These three items represent the watermain tap services, and installation of household services from the main to the right-of-way, and the proposed boring and

casing crossing for Gallup Road will now be installed as an open cut road crossing with payment being made based on the original unit price bid for this item (#18) at a length of 43 feet; and

WHEREAS: based on these project scope adjustments, the revised project bid value would be \$434,621.00

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby awards the contract for the installation of watermain and appurtenances on Gallup Rd./Gordon Rd./Skidmore Drive to Beardsley Pipeline, Inc. for the bid price of \$434,621.00, contingent upon the Town’s successful publication of its financing notice requirements and full compliance with Section 81.00 of the Local Finance Law, *and upon the Town Attorney’s approval of the final contract terms.*

Sec. 2. That upon completion of such project the Supervisor shall pay the invoice from proceeds from the sale of bonds.

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

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

Discussion: Supervisor Lester made a motion that the additional wording in Section 1. (italics) be added. Councilperson Wheat seconded the motion. Carried.

VOTE BY ROLL CALL AND RECORD: on the resolution as amended.

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

Submitted: December 3, 2003

Adopted

RESOLUTION NO. 158

Bond Resolution Dated December 3, 2003
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 Gallup Road Extension to the Sweden Consolidated Water District is a Water Extension of the Town of Sweden, New York, duly established by the Town Board pursuant to the Town Law;

WHEREAS: The Town has duly complied with the requirements of the State Environmental Quality Review Act and the applicable regulations thereunder of the State of New York ("SEQRA") with respect to the purpose hereinafter described and the financing therefore and has duly made a negative declaration under SEQRA.

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:

- Sec. 1. The Town of Sweden shall undertake the acquisition and construction of water improvements for the Gallup Road Extension to the Sweden Consolidated Water District, and the acquisition of land or rights in land necessary therefore, 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 \$375,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.
- Sec. 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$475,000 and said amount is hereby appropriated therefore. The plan for financing of said purpose is to provide (i) up to \$375,000 such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, and (ii) up to \$100,000 from monies received through the lease of the Sweden water system.
- Sec. 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.

- Sec. 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.
- Sec. 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.
- Sec. 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.
- Sec. 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.
- Sec. 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, and an action, suit or proceeding contesting such validity is commenced within (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted: December 3, 2003

Adopted

DISCUSSION AND ANNOUNCEMENTS

Supervisor Lester thanked all who attended the Public Hearing and the meeting.

As there was no other business to come before the Sweden Town Board, Councilperson Wheat made a motion to adjourn the special meeting of December 3, 2003, at 9:05 PM. Councilperson Connors seconded this motion. All voted in favor. Motion carried.

Respectfully submitted,

Gail A. DeToy
Town Clerk