

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, December 11, 2018.

Town Board Members present were Supervisor Kevin G. Johnson, Councilperson Robert Muesebeck, Councilperson Patricia Hayles, Councilperson Mary Rich, and Councilperson Lori Skoog. Also present were Finance Director Leisa Strabel, Town Attorney Jim Bell, Superintendent of Highways Brian Ingraham and Town Clerk Karen Sweeting.

Visitors present were Joan Hamlin, Susan Smith, Wayne Zyra, Christine Hamlin, Kevin M. Johnson, Karen LoBracco, Don Grentzinger and Fred Webster.

Supervisor Johnson called the meeting to order at 6:00 p.m. and asked everyone present to say the Pledge to the Flag and remain standing for a moment of silence to honor those fighting for our freedoms, for our first responders, for the recent passing of George H. W. Bush and in support of the Bush family.

PRIVILEGE OF THE FLOOR:

Attorney Nat O. Lester, III read the following letter:

*Dear Honorable Sweden Town Board Members,*

*I have confirmed with my client this morning a donation of \$148,000.00 for use towards the construction of a Splash Pad at the Sweden Town Park. My client will make a restricted donation in the above amount to the Sweden Community Recreation Foundation within the next thirty (30) days. The gift in essence eliminates any expense to the Town of Sweden for the Splash Pad equipment and installation.*

*I will convey the necessary legal documentation to Sweden Community Recreation Foundation President Wayne Zyra and Sweden Town Supervisor Kevin Johnson after the first of the New Year. On behalf of my client, congratulations on continued improvements to the Sweden Town Park that make the Town of Sweden a wonderful place in which to live.*

*Sincerely,*

*Nat O. Lester, III*

Councilperson Hayles thanked Mr. Lester and the Sweden Community Recreation Foundation for the tremendous amount they have contributed to the Town of Sweden.

Supervisor Johnson thanked the Sweden Community Recreation Foundation for their support, stating the announcement of the donation is an awesome surprise.

CORRESPONDENCE:

1. Brian Ingraham - Appointment of Ruth Kruppner as Secretary to the Superintendent of Highways
2. Supervisor Johnson – Appointment of Robert Muesebeck as Deputy Supervisor
3. Supervisor Johnson – Appointment of Leisa Strabel as Budget Officer and Secretary to the Supervisor

4. John Frazer, Monroe County Department of Health – Support of Water District Formation
  - Supervisor Johnson explained that the letter stated water issues in the Town of Sweden which will expedite our water district formation funding application. The USDA is currently waiting for pictures of various properties in the Town from our consultant.
5. Invitation to attend the Alzheimer’s Community Forum on December 17, 2018 from 7 pm to 9 pm at News Channel 8 Studio to discuss the impact that Alzheimer’s has on the community

REPORTS OF DEPARTMENTS AND BOARD MEMBERS:

No reports (to be given at the December 27, 2018 meeting)

CONSENT AGENDA ITEMS:

Regarding Resolution No. 140 below: Town Attorney Jim Bell said the solar committee has spent several months making minor modifications to the current Solar Energy Systems and Solar Energy Farms law. They are at a point where the committee is comfortable with the proposed modifications. Mr. Bell suggested that a member of the committee present a short narrative of the modifications at the public hearing (January 22, 2019). Supervisor Johnson felt that the modifications facilitated solar development, did not impair development. Mr. Bell added that many of the modifications just clarified the current law.

Regarding Resolution No. 143 below: Supervisor Johnson said there is a slight increase in the fee from \$20 to \$22 (since 2011).

Councilperson Muesebeck made a motion that was seconded by Councilperson Hayles to approve **all** Consent Agenda items as listed below.

VOTE BY ROLL CALL:

Councilperson Hayles	<u>Aye</u>
Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Johnson	<u>Aye</u>

ADOPTED

- Approval of Minutes from the Regular Town Board Meeting held on November 27, 2018
- RESOLUTION NO. 140                      Calling a Public Hearing on Proposed Modifications to Chapter 174 Solar Energy Systems and Solar Energy Farms of the Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden adopted Chapter 174 Solar Energy Systems and Solar Energy Farms of the Sweden Town Code on September 12, 2017; and

WHEREAS, a committee appointed by the Town Board of the Town of Sweden has studied and proposed minor modifications to Chapter 174 Solar Energy Systems and Solar Energy Farms; and

WHEREAS, the Town Board of the Town of Sweden now desires to hold a Public Hearing regarding the proposed minor modifications to Chapter 174 Solar Energy Systems and Solar Energy Farms.

NOW THEREFORE BE IT RESOLVED:

- Sec. 1 That the Town Board of the Town of Sweden calls a Public Hearing to hear all persons for or against the adoption of the proposed minor modifications to Chapter 174 Solar Energy Systems and Solar Energy Farms on January 22, 2019 at 7:00 p.m. at the Sweden Town Hall, 18 State Street, Brockport, New York.
- Sec. 2 That the Sweden Town Clerk is authorized and directed to cause an appropriate notice of this hearing to be published in the official newspaper of the Town, in accordance with Town Law §265.
- Sec. 3 That this Resolution shall take effect immediately.

- RESOLUTION NO. 141 Encumbrances

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Director of Finance be authorized to establish accounts payable and encumber the applicable appropriation account balances to apply to unpaid obligations as filed with her at the close of the 2018 fiscal year by the heads of administrative units of the Town and to amend the 2018 budget by increasing the proper appropriations per any encumbrances so filed.
- Sec. 2. That this resolution shall take effect immediately.

- RESOLUTION NO. 142 Adjust Pay Rates for Employees Earning Minimum Wage

WHEREAS, the New York State minimum wage will rise to \$11.10 per hour on December 31, 2018; and

WHEREAS, the Town of Sweden has several employees earning the current minimum wage of \$10.40 per hour; and

WHEREAS, the Director of Finance has recommended that the Town adjust the wages of those earning minimum wage to the new rate effective December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby increases the hourly rate for employees currently earning less than \$11.10 per hour to \$11.10 per hour.
- Sec. 2. That the increase will take effect for hours worked on December 31, 2018.
- Sec. 3. That this resolution shall take effect immediately.

- RESOLUTION NO. 143 Authorizing Supervisor to Enter Into Agreement for Dog Kennel Services To Town of Ogden

WHEREAS, the Town of Sweden and the Town of Ogden desire to continue their Dog Kennel Services Contract,

WHEREAS, said agreement shall continue to and through December 31, 2019 and may be renewed each year.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the Supervisor to sign the Agreement with the Town of Ogden for Dog Kennel Services.

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

- RESOLUTION NO. 144 Authorize Supervisor to Sign Agreement with Basch Solutions for Website Development

WHEREAS, the Town Board of the Town of Sweden desires to re-design and upgrade its website and to provide for on-going hosting of same; and

WHEREAS, the Town Board of the Town of Sweden has received and reviewed three proposals for website re-design and hosting professional services; and

WHEREAS, the Town Board of the Town of Sweden adopted Chapter 58 Best Value Contract Award of the Sweden Town Code on July 24, 2018; and

WHEREAS, the Town Board of the Town of Sweden finds that the Basch Solutions proposal is the Best Value Contract based on price, sample websites and technology resources.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Sweden Town Board hereby authorizes the Supervisor to sign the proposal from Basch Solutions.

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

- RESOLUTION NO. 145 Authorizing Additional Sums to be Deposited in Capital Reserve - Highway Equipment

WHEREAS, the Town of Sweden maintains a fleet of trucks and other heavy equipment in order to maintain its roadways; and

WHEREAS, the Town Board established a highway equipment reserve fund on December 13, 2005; and

WHEREAS, the Town Board desires to appropriate additional sums to become part of the reserve fund from time to time.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Supervisor is directed to transfer from the highway town outside fund to the Highway Equipment Reserve Fund the sum of \$225,000.00.

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

- RESOLUTION NO. 146 Authorizing Additional Sums To Be Deposited in Capital Reserve - Buildings Reserve Fund

WHEREAS, the Town of Sweden owns municipal buildings at 18 State Street, 133 State Street, 40 White Road, 4927 Lake Road, 4988 Lake Road and 4745 Redman

Road; and

WHEREAS, from time to time a major repair project may arise that has not been identified in the Town's annual budget; and

WHEREAS, the Town established a Buildings Reserve Fund on November 23, 2004 to fund said building repair projects; and

WHEREAS, the Town of Sweden desires to appropriate additional sums to become part of the reserve fund from time to time.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Supervisor is directed to transfer from the general fund to the Buildings Reserve Fund the sum of \$125,000.

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

- RESOLUTION NO. 147 Authorizing Additional Sums to be Deposited in Capital Reserve Parks and Recreation Reserve

WHEREAS, the Town Board of the Town of Sweden did heretofore authorize the establishment and collection of a parks and recreation fee at the time of the issuance of each new certificate of occupancy for new construction within the Town of Sweden; and

WHEREAS, the Town Board established a capital reserve fund for the purpose of the maintenance, investment and expenditure of such funds.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is directed to transfer from the general fund to the Parks and Recreation Reserve, \$27,500, the parks and recreation fee collected and recorded in the Budget Year 2018.

Sec. 2. That the Supervisor is directed to transfer from the general fund balance an additional \$75,000.00 to the Parks and Recreation Reserve.

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

- RESOLUTION NO. 148 Authorizing Additional Sums to be Deposited in Capital Reserve - Town Vehicle Reserve Fund

WHEREAS, the Town established a Town Vehicle Reserve Fund on November 24, 2009 to fund the purchase of vehicles for the buildings and grounds, park and dog control departments; and

WHEREAS, the Town of Sweden desires to appropriate additional sums to become part of the reserve fund from time to time.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Supervisor is directed to transfer from the general fund to the Reserve for

Town Vehicles the sum of \$10,000.

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

- RESOLUTION NO. 149 Authorize Bids for Community Center Cladding

WHEREAS, the Town Board of the Town of Sweden plans to repair and replace the cladding of the Community Center gymnasium and related appurtenances.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the Town Architect to submit the necessary specifications and construction documents for the repair and replacement of the cladding of the Community Center gymnasium and appurtenances.

Sec. 2. That the Town Clerk is directed to place the attached Notice to Bidders in the official newspaper of the Town of Sweden and to post on the Town of Sweden's website.

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

- RESOLUTION NO. 150 Authorizing General Obligation Serial Bonds to Finance Certain Street and Parking Lot Improvements, and Authorizing the Issuance of Bond Anticipation Notes in Contemplation Thereof, the Expenditure of Sums for Such Purpose, and Determining Other Matters in Connection Thereof

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on November 13, 2018, has duly determined and found the purpose to be a type II action which will not have a significant impact on the environment and is not subject to any further environmental review 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:

Section 1. The Town of Sweden shall undertake certain capital improvements consisting of reconstruction of existing roads and parking areas, and various site and other incidental improvements in connection therewith (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$1,460,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose and such amount is hereby appropriated therefor.

Section 2. The estimated maximum aggregate cost of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$1,460,000. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized.

- Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 20 (b) of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is ten (10) 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 not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.
- Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.
- Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.
- Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the 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, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Sweden.
- Section 7. The faith and credit of the Town of Sweden, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.
- Section 8. After compliance with Section 9 hereof, this resolution 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 and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such

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

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Town of Sweden, pursuant to Section 35.00 of the Local Finance Law.

- RESOLUTION NO. 151 Authorizing Settlement in the Matters of Wal-Mart Real Estate Trust vs. the Town of Sweden, et al.

WHEREAS, Wal-Mart Real Estate Trust having previously initiated Petitions under Article 7 of the Real Property Tax Law in Monroe County Supreme Court against the Board of Assessment Review and/or the Assessor of the Town of Sweden and the Town of Sweden, County of Monroe, New York, (hereinafter referred to as the Respondents) said Petitions being for the tax years 2017-2018 (Index Number E2017001318) and 2018-2019 (Index Number E2018005358); and

WHEREAS, the parcel of real property in the Town of Sweden is more specifically identified on the assessment tax roll as tax account number 084.01-1-14.112 (hereinafter referred to as the subject property); and

WHEREAS, the parties have reached a settlement in these matters all as more specifically set forth in the attached proposed Stipulation and Order.

NOW THEREFORE BE IT RESOLVED:

- Sec. 1. The 2017-2018 Petition in this matter is to be dismissed.
- Sec. 2. The real property tax assessment for the tax year 2018-2019 for the Subject property is to be set at \$13,556,000.00 based upon the lot size of the subject property, the full square footage of the building on the subject property of 218,648 square assessed at \$62.00 a square foot.
- Sec. 3. The provisions of Real Property Tax Law Section 727 shall apply.
- Sec. 4. The assessor for the Town of Sweden shall correct the assessment rolls for the pertinent tax year as set forth herein.
- Sec. 5. The attorney for the Town of Sweden is hereby authorized to execute the Original Stipulation and Order, a copy of which is attached hereto.
- Sec. 6. This Resolution shall take effect immediately.

- RESOLUTION NO. 152 Accepting Proposal for Splash Pad from Vortex Aquatic Play Solutions

WHEREAS, the Town Board of the Town of Sweden has received quotations from Vortex Aquatic Play Solutions and Landscape Structures, Inc. for Splash Pad equipment and installation; and

WHEREAS, the Vortex Aquatic Play Solutions quotation is through the National Purchasing



Partners Government Division (NPPGov) Contract VQ10302; and

WHEREAS, the Town Board of the Town of Sweden authorized the purchase of materials, equipment and supplies through NPPGov by Resolution 135 of 2018; and

WHEREAS, the Town Board of the Town of Sweden adopted Local Law 3 of 2018 Chapter 58 Best Value Contract Award on July 24, 2018 by Resolution 83; and

WHEREAS, the Town Board of the Town of Sweden believes that NPPGov Contract VQ10302 offers the Best Value based on a comparison with the quote from Landscape Structures for similar equipment; and

WHEREAS, the Town Board of the Town of Sweden believes that the Vortex Aquatic Play Solutions quote provides the Best Value for installation based on being a lower dollar value and on past performance.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That after review of the proposal, the Town Board of the Town of Sweden hereby accepts the proposal from Vortex Aquatic Play Solutions for the Splash Pad equipment and installation through NPPGov Contract VQ10302 at a cost of two hundred thirty-two thousand nine hundred ninety and eighty-nine hundredths dollars (\$232,990.89).

Sec. 2 That the Supervisor is authorized to sign the proposals and any related documents necessary to the completion thereof.

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

- RESOLUTION NO. 153 Authorize Splash Pad Deposit from Park Reserve Fund

WHEREAS, a Parks and Recreation Reserve Fund was established on December 29, 2004 for the purpose of making improvements to town-owned parks and recreation facilities; and

WHEREAS, the Town Board of the Town of Sweden has awarded a contract to Vortex Aquatic Play Solutions for the installation of a Splash Pad at the Sweden Town Park; and

WHEREAS, a deposit of thirty (30%) of the equipment cost is required.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of twenty-two thousand eight hundred seventy-two dollars (\$22,872.00) from the Parks and Recreation Reserve Fund for Type capital improvements; namely Splash Pad equipment for installation at the Sweden Town Park.

Sec. 2. That pursuant to Section 6-C of the General Municipal Law, this expenditure is subject to permissive referendum.

Sec. 3. That the Town Clerk is directed to publish a public notice as required by law.

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

NON-CONSENT AGENDA:

- Approval for Payment of Bills

All of the Board members reviewed the invoice audit journal. Councilperson Muesebeck made a motion that was seconded by Councilperson Rich authorizing payment of the bills in Abstract 12A dated December 12, 2018 in the amount of \$306,294.05.

General Fund: In the amount of \$23,467.82 as set forth in Abstract 12A dated December 12, 2018.

Highway Fund: In the amount of \$19,087.51 as set forth in Abstract 12A dated December 12, 2018.

Special Fund: In the amount of \$5,883.01 as set forth in Abstract 12A dated December 12, 2018.

Capital Fund: In the amount of \$257,855.71 as set forth in Abstract 12A dated December 12, 2018.

#### ADDITIONAL BUSINESS AND ANNOUNCEMENTS

No additional business or announcements

#### EXECUTIVE SESSION

Councilperson Skoog made a motion that was seconded by Councilperson Hayles to go into executive session at 6:12 p.m. to discuss matters under Public Officers Law Section 105 (d) and (f). All voted in favor of the motion. Motion adopted.

No action taken.

Councilperson Rich made a motion that was seconded by Councilperson Skoog to leave executive session and return to the regular meeting at 6:30 p.m. All voted in favor of the motion. Motion adopted.

#### ADJOURNMENT

As there was no further business to come before the Board, Councilperson Rich moved to adjourn the December 11, 2018 meeting of the Sweden Town Board at 6:31 p.m. Councilperson Skoog seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
Town Clerk