

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 12, 2017.

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

Visitors present were Christine Hamlin, Don Grentzinger, Susan Smith, Kevin Johnson, Patricia Hayles, Village Trustee Annie Crane, Village Trustee Katherine Kristansen, Wayne Zyra, Kris Schultz from Schultz Associates, Samuel Simone from Simone Properties, LLC and Attorney Daniel Schum.

Supervisor Carges called the meeting to order at 7:00 p.m. and asked everyone present to say the Pledge to the Flag.

Supervisor Carges asked if there were any comments from the visitors.

Attorney Daniel Schum stated he was appearing on behalf of Simone Properties to recommend and support the application to rezone 4740 Lake Road and 25 Crestview Drive. He realizes the concern with potential development that could take place if the properties were rezoned. Mr. Schum presented a written letter to the Town Board indicating an option of rezoning with conditions. He asked the Town Board to take the opportunity to rezone the two parcels with conditions that would limit/restrict the uses in the best interest of the community. He added that numerous courts have approved it as a tool to rezone. Mr. Schum, on behalf of his client, offered several restrictions on the potential use of the properties – no restaurants, big box development, apartments, etc. Mr. Schum pointed out that the recommendation to rezone the property to commercial is stated in the Town of Sweden Comprehensive Plan and the SEQR resolution adopted by the Town Board on November 28, 2017 indicated no adverse impacts. He asked that the Comprehensive Plan be recognized when acting upon this rezoning application and felt the board should approve the application.

No further comments.

#### APPROVAL OF MINUTES

Councilperson Muesebeck made a motion that was seconded by Councilperson Rich to approve the minutes of the regular Town Board meeting held on November 28, 2017. All voted in favor of the motion. Motion adopted.

#### SUPERVISOR'S CORRESPONDENCE

2017 Received From:

- \*1. Brian Ingraham, Superintendent of Highways

\*Board has copies

Comments:

Appointment of Ruth Kruppner as Secretary to the Superintendent of Highways

\*Supervisor Carges also noted an email from the Rochester Climate Coalition that included a survey on the use of electric vehicles in our community. The Supervisor suggested discussing this at an upcoming work shop.

REPORTS

Superintendent of Highways Brian Ingraham reported on snow operations.  
Finance Director Leisa Strabel informed the board that the annual audit has started.

RESOLUTIONS

RESOLUTION NO. 143

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, \$5,500, the parks and recreation fee collected and recorded in the Budget Year 2017.
- Sec. 2. That the Supervisor is directed to transfer from the general fund balance an additional \$94,500.00 to the Parks and Recreation Reserve.
- Sec. 3. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Muesebeck  
Seconded by Councilperson Skoog

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – December 12, 2017

Adopted

RESOLUTION NO. 144

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.

MOTION for adoption of this resolution by Councilperson Skoog  
Seconded by Councilperson Muesebeck

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – December 12, 2017

Adopted

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.

MOTION for adoption of this resolution by Councilperson Muesebeck  
Seconded by Councilperson Rich

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – December 12, 2017

Adopted

RESOLUTION NO. 146 Authorizing Additional Sums  
To Be Deposited in Capital Reserve  
Recreation/Community Center Reserve

WHEREAS, the Town of Sweden established a Recreation Community Center Reserve Fund on July 24, 2001 to finance the acquisition, construction, remodeling and/or conversion of a structure into use as a community center and/or gymnasium; and

WHEREAS, a Community Center was acquired by the Town and said Community Center may from time to time require remodeling, reconstruction or major repair work to be done; and

WHEREAS, the Town of Sweden desires to appropriate additional sums to become part of the 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 Recreation/Community Center Reserve the sum of \$100,000.

Sec. 2. That such additional sums as may hereafter be appropriated shall become part of the fund.

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

MOTION for adoption of this resolution by Councilperson Muesebeck  
Seconded by Councilperson Rich

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – December 12, 2017

Adopted

RESOLUTION NO. 147

Adjust Pay Rates for Employees  
Earning Minimum Wage

WHEREAS, the New York State minimum wage will rise to \$10.40 per hour on December 31, 2017; and

WHEREAS, the Town of Sweden has several employees earning the current minimum wage of \$9.70 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, 2017.

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 \$10.40 per hour to \$10.40 per hour.

Sec. 2. That the increase will take effect for hours worked on December 31, 2017.

Sec. 3. That this resolution shall take effect immediately

MOTION for adoption of this resolution by Councilperson Skoog

Seconded by Councilperson Rich

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – December 12, 2017

Adopted

RESOLUTION NO. 148

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 2017 fiscal year by the heads of administrative units of the Town and to amend the 2017 budget by increasing the proper appropriations per any encumbrances so filed.

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

MOTION for adoption of this resolution by Councilperson Muesebeck

Seconded by Councilperson Rich

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – December 12, 2017

Adopted

RESOLUTION NO. 149

Authorizing 2017 Receiver of Taxes Audit

WHEREAS, Raymond F. Wager, Certified Public Accountants has submitted a proposal for a Receiver of Taxes Audit for the fiscal year ending December 31, 2017.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden accepts the proposal of Raymond F. Wager, Certified Public Accountants, for a Receiver of Taxes audit for the fiscal year ending December 31, 2017 at a cost of \$1,495.

Sec. 2. That the Supervisor is authorized to execute the necessary documents.

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

MOTION for adoption of this resolution by Councilperson Rich

Seconded by Councilperson Skoog

Discussion: Councilperson Muesebeck said he was under the impression that the board was going to wait to put the additional cost in the budget for next year.

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Nay</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – December 12, 2017

Adopted

RESOLUTION NO. 150

Approve Memorandum of Understanding  
With Brockport Soccer Club

WHEREAS, the Town of Sweden entered into a Memorandum of Understanding with the Brockport Soccer Club and the Town of Clarkson in 2012 regarding the use of fields; and

WHEREAS, the Towns of Sweden and Clarkson and the Brockport Soccer Club would like to update the Memorandum of Understanding.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Sweden Town Board approves the 2018 Memorandum of Understanding with the Town of Clarkson and Brockport Soccer Club regarding use of fields.
- Sec. 2. The Supervisor is authorized to sign the agreement on behalf of the Town of Sweden.
- Sec. 3. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Rich  
Seconded by Councilperson Skoog

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – December 12, 2017

Adopted

RESOLUTION NO. 151

Authorize LGRMIF Grant Shared Services  
With Village of Brockport

WHEREAS, the Town of Sweden wishes to partner with the Village of Brockport in its 2018 Application for a Shared Services Grant for records management

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden gives assurance to the New York State Education Department that the Town of Sweden supports the enclosed application and will cooperate to the extent described in the attached application.

Sec. 2. That the Town Board of the Town of Sweden agrees that all records management project outcomes that are a direct result of the support provided by funds from the State are, or will be, made available for on-site examination.

Sec. 3. That the Supervisor is authorized to sign any and all required documents in support of this grant application.

MOTION for adoption of this resolution by Councilperson Skoog  
Seconded by Councilperson Rich

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – December 12, 2017

Adopted

RESOLUTION NO. 152 Rezone Parcels – 4740 Lake Road and 25 Crestview Drive from Residential R1-2 to B1 Commercial

WHEREAS, the Town Board of the Town of Sweden duly called a public hearing to consider the request of Samuel Simone, of Simone Properties LLC, PO Box 26767, Rochester, New York, together with Christopher J. Dempsey, owners of two parcels at 4740 Lake Road and 25 Crestview Drive, to re-zone the two parcels at 4740 Lake Road and 25 Crestview Drive currently zoned Residential R1-2 to Commercial (B-1); and

WHEREAS, said Public Hearing was held by the Town Board on October 24, 2017 at 7 pm; and

WHEREAS, the proposed rezoning was reviewed by interested agencies and a SEQR determination made.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Zoning Map of the Town of Sweden be and same hereby is amended to change the Zoning Classification from Residential (R1-2) to Commercial (B-1) of the following: Tax Account numbers 083.080-08-001.12 and 083.080-08-002, more specifically described as follows:  
All that tract or parcel of land, situate in the Town of Sweden, County of Monroe and the State of New York, being part of Town Lot 11, Section 8, Township 3 of the Triangular Tract, and more particularly described as follows:

Beginning at a point on the easterly right of way line of Lake Road (NYS Route 19), said point also being at the south right of way line of Crestview Drive, said point being the northwest corner of lands now or formerly of Simone Properties, LLC as recorded in liber 9122 of deeds, page 575, thence;

1. Easterly along the south right of way of Crestview Drive on a line bearing S 89°52'43" E, a distance of 200.00 feet, to a point, said point being on the northeast corner of Simone Properties, LLC, thence;

2. Continuing easterly along the south right of way of Crestview Drive on a line bearing S 89°52'43" E, a distance of 172.71 feet, to a point, said point being on the northeast corner of lands now or formerly of Christopher J. Dempsey as recorded in liber 10510 of deeds page 213, thence;
3. Southerly along the east line of said Dempsey, on a bearing of S 02°10'04" W, a distance of 89.59 feet, to an angle point on the east line, thence;
4. Southwesterly along the east line of said Dempsey, on a bearing of S 35°01'24" W, a distance of 20.52 feet, to an angle point on the southeast line of Dempsey, thence;
5. Continuing southwesterly along the southeast line of said Dempsey, on a bearing of S 72°54'56" W, a distance of 30.00 feet, to a point on the south line of Dempsey, thence;
6. Westerly along the south line of Dempsey on a line bearing N 89°58'53" W, a distance of 153.86 feet, to a point, said point being on the southeast corner of Simone Properties, LLC, thence;
7. Continuing westerly along the south line of Simone Properties, LLC on a line bearing N 89°58'53" W, a distance of 200.00 feet, to a point, said point being on the east right of way of Lake Road (NYS Route 19), thence;
8. Northerly along the east right of way of Lake Road (NYS Route 19) on a bearing N 12°10'47" E, a distance of 118.48 feet, to a point, said point being the true point and place of beginning.

Intending to describe a parcel of land comprising lands now or formerly of Simone Properties, LLC as recorded in liber 9122 of deeds, page 575 and lands now or formerly of Christopher J. Dempsey as recorded in liber 10510 of deeds page 213. Said parcel having a combined area of 43,925 square feet or 1.008 acres more or less.

Sec. 2. That the Town Clerk is hereby directed and authorized to publish a notice of adoption of this Resolution as required by law; and.

Sec. 3. That amendment and change shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Rich  
Seconded by Councilperson Skoog

Discussion: Councilperson Muesebeck was concerned that if approved it would encourage others to request rezoning in that neighborhood. Supervisor Carges was concerned that once rezoned, the current owner would sell the property. Councilperson Skoog asked Attorney Schum how the conditions would apply if the property was sold. Attorney Schum explained that the board could amend the resolution to insert the suggested conditions. The conditions of the rezoning would be conditions set for future use of the property regardless of owner.

\*\*Councilperson Rich made a motion that was seconded by Councilperson Skoog to go into a confidential consultation with the Town Attorney at 7:29 p.m. pursuant to Public Officer's Law Section 108(3). All voted in favor of the motion. Motion adopted.

The Town Board reconvened to the regular meeting at 7:39 p.m.

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck                      Nay



Councilperson Rich	<u>Nay</u>
Councilperson Skoog	<u>Nay</u>
Supervisor Carges	<u>Nay</u>

Submitted – December 12, 2017

NOT APPROVED

**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 13, 2017 in the amount of \$253,811.31. All voted in favor of the motion. Motion adopted.

General Fund: In the amount of \$31,069.97 as set forth in Abstract 12A dated December 13, 2017.

Highway Fund: In the amount of \$3,936.63 as set forth in Abstract 12A dated December 13, 2017.

Special Fund: In the amount of \$5,256.82 as set forth in Abstract 12A dated December 13, 2017.

Capital Fund: In the amount of \$213,547.89 as set forth in Abstract 12A dated December 13, 2017.

**DISCUSSION AND ANNOUNCEMENTS:**

Supervisor Carges reminded the board that the work session scheduled for December 19, 2017 will be held at 6 p.m. at the Sweden Clarkson Community Center.

**ADJOURNMENT**

As there was no further business to come before the Board, Councilperson Skoog moved to adjourn the December 12, 2017 meeting of the Sweden Town Board at 7:41 p.m. Councilperson Rich seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
Town Clerk