

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 29, 2004.

Town Board Members present were Supervisor Buddy Lester, Councilperson Rob Carges, Councilperson Patricia Connors, and Councilperson Tom Ferris. Councilperson Danielle Windus-Cook was absent. Also present were Director of Finance Leisa Strabel, Town Attorney Jim Bell and Town Clerk Karen Sweeting. Visitors present were Jim Hamlin from Park Avenue and Elliotte Bowerman from the Brockport Post.

Supervisor Lester called the meeting to order at 7:30 p.m. and Karen Sweeting led the Pledge to the Flag. Supervisor Lester then acknowledged the presence of the visitors and asked if there was anyone that would like to speak. There was no one.

#### APPROVAL OF MINUTES

Councilperson Ferris made a motion that was seconded by Councilperson Connors to accept the minutes of the Regular Town Board Meeting held December 14, 2004. 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 – Fire Protection Contract 2005 held December 14, 2004. All voted in favor of the motion. Motion adopted.

Councilperson Ferris made a motion that was seconded by Councilperson Carges to accept the minutes of the Special Meeting for the Colby Street Extension held December 23, 2004. Councilperson Connors abstained due to her absence at the Special Meeting. All others voted in favor of the motion. Motion adopted.

#### SUPERVISOR'S CORRESPONDENCE

2004	Received From:	Comments:
*1.	Kerry Bane	Resignation
*2.	Kathy Alvito, Assistant to Assessor	Request to Attend Training
3.	Kathleen Fiorio, Compensation Risk Manager	Workers' Compensation Insurance Cancellation
*4.	Fred Perrine, Superintendent of Highways	Conservation Easement at 84 Talamora Trail
*5.	Vincent Smith, Office of Real Property Services	2004 Annual Aid Certification
*6.	Corinda Crossdale, Director, Office for the Aging	Invitation to a forum regarding increasing efficiencies – Senior Centers
7.	Dawn C. Nettnin, Community Development Manager, Department of Planning and Development	2005 CDBG Project Proposal and Application for Funding
8.	G. Jeffrey Haber, Executive Director, Association of Towns	Justice Court Fines Distribution
9.	Monroe County Soil and Water Conservation District	Relocation Notification

\*Copies provided to Board members

RE: #1 – Councilperson Carges made a motion that was seconded by Councilperson Connors to accept the resignation of Kerry Bane from the Sweden/Clarkson Community Center. All voted in favor of the motion. Motion adopted.

RE: #4 – The Board requested a copy of the sub-division for review. The easement concern may be subject to tract restrictions. The Town Board may not have any authority over the

matter. Homeowners and contractors will be presenting the issue at the January 4, 2005 Workshop meeting.

RE: #7 – There is a February deadline for the application. Town Board will discuss project proposals with Fred Perrine at the January 4, 2005 Workshop meeting.

REPORTS

Councilperson Ferris reported that he completed a draft agreement between the Brockport Community Museum and the Brockport Central School District to use a room at the Fred Hill School to display regional items from the Museum. These items will correspond with the fourth grade curriculum. The new location will become part of the Museum and will have hours open to the public for viewing. Jim Fallon will allow the Museum to use the space, which will ease the burden on the Emily Knapp Museum. Kathy Goetz and Jackie Morris will coordinate Museum members to cover the open hours for the public and select the items to be placed at this location. Jim Hamlin questioned whether or not the items are insured and if they would remain insured at this new location. Councilperson Ferris will follow-up. Jim Hamlin’s concern is an increase in vandalism and theft to off-site items.

Tony Eaffaldano entered the meeting at 7:45 p.m.

RESOLUTIONS

RESOLUTION NO. 148 Authorizing Preventative Maintenance Contract for 2005 - AIRCON

BE IT HEREBY RESOLVED:

- Sec. 1. That the Town Board authorizes the Supervisor to enter into a contract with AIRCON, with offices located at 464 Walker Road, Hilton, New York, for preventative maintenance of the heating system and air conditioning units at the Town Hall and the heating systems, air conditioning units and coolers and freezers at the Senior Center for the amount of ONE THOUSAND SIX HUNDRED EIGHTY-FOUR AND NO/100 DOLLARS (\$1,684.00) for the year beginning January 1, 2005, and ending on December 31, 2005, with said amount to be paid in quarterly installments of \$421.00.
- Sec. 2. That this resolution shall take effect immediately.

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

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>Absent</u>
Supervisor Lester	<u>Aye</u>

Submitted –December 29, 2004

Adopted

RESOLUTION NO. 149 Extend All Seasons County/Town Work Agreement - 2005



Seconded by Councilperson Connors

Discussion: Recommended by William Weber to mirror the Village of Brockport definition of family. The courts have upheld the definition in Village litigation matters.

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>Absent</u>
Supervisor Lester	<u>Aye</u>

Submitted – December 29, 2004

Adopted

RESOLUTION NO. 151

Establish Parks and Recreation  
Reserve Fund

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, at the time of the establishment of such fee, it was the concern of the Town Board that the fees so collected be expended pursuant to needed improvements to the town park, the community center or the recreation department, and

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

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. The Town Board hereby establishes a Parks and Recreation Capital Reserve Fund for the purpose of making improvements to the town park, community center or recreation department.

Sec. 2. That the specific item or items to be acquired or constructed from the funds in this account shall be as established by the Town Board from time to time by resolution or such expenditure from such fund shall at no time exceed the then current balance in the fund and at no time shall the Town Board encumber such fund with anticipated capital improvements in excess of the funds then on hand.

Sec. 3. That all revenues from the proceeds of any capital improvements of such funds shall likewise be deposited to such account.

Sec. 4 That since the establishment of this capital reserve fund does not require the issuance of any obligations of the Town for the funding of such account, the establishment of this fund shall not be subject to permissive referendum.

Sec. 5 That this resolution take effect immediately.

MOTION for adoption of this resolution by Councilperson Ferris

Seconded by Councilperson Carges

Discussion: Fee schedule will be adopted at the Organizational Meeting in January 2005.

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>Absent</u>
Supervisor Lester	<u>Aye</u>

Submitted – December 29, 2004

Adopted

RESOLUTION NO. 152

Municipal Resolution – 1996 Clean Water/Clean Air Bond Act – Title 3 Section 56-0303, Water Quality Improvement Projects and Environmental Protection Fund Article 17-14 Environmental Conservation Law; Performance Partnership Grants Public Law 104-134 Nonagricultural Nonpoint Source Projects

Resolution authorizing the items listed below pursuant to the Clean Water/Clean Air Bond Act of 1996.

WHEREAS, Town of Sweden herein called the “Municipality”, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF SWEDEN:

Sec. 1 That Nat O. Lester, III, Sweden Town Supervisor, or such person’s successor in office, is the representative authorized to act in behalf of the Municipality’s governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality’s governing body in all matters related to the Project and to State assistance.

Sec. 2 That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project’s field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation.

Sec. 3 That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.

Sec. 4 That this Resolution take effect immediately.

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

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>Absent</u>
Supervisor Lester	<u>Aye</u>

Submitted – December 29, 2004

Adopted

RESOLUTION NO. 153

Appoint Laborer - Egan

WHEREAS, there is a vacancy in the Highway Department for a Laborer; and

WHEREAS, the Superintendent of Highways has recommended that Seann Egan be appointed to the position.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Seann Egan to the full-time position of Laborer in the Highway Department at the rate of pay of \$10 per hour.

Sec. 2. That the start date will be January 1, 2005, pending the results of pre-employment alcohol and drug testing as required in the Employee Handbook.

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

Submitted – December 29, 2004

Adopted

RESOLUTION NO. 154

Re-appointment to Landmarks Advisory Committee – Andrews and Parsons

WHEREAS: The terms of appointment expired on July 31, 2004 for two current members of the Landmarks Advisory Committee; and

WHEREAS: The residents who currently serve in the positions are willing to serve another three -year term.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints William Andrews and Lynn Parsons to serve on the Landmarks Advisory Committee commencing on August 1, 2004 and ending on July 31, 2007.

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

Submitted – December 29, 2004

Adopted

RESOLUTION NO. 155 Authorize Agreement with the County Pertaining to the Financial Relationship regarding the Integrated County Plan 2005

WHEREAS, the Town wishes to participate in the Integrated County Plan 2005 (Plan) approved by the New York State Office of Children and Family Services for Monroe County; and

WHEREAS, the Monroe County Legislature authorized the execution of an agreement with the Town for youth services; and

WHEREAS, only the County can apply for State aid under the Plan for participating municipalities and the amount available to the Town is the sum of SIX THOUSAND NINE HUNDRED SEVENTY-SEVEN DOLLARS (\$6,977.00); and

WHEREAS, an agreement is deemed necessary to outline the financial relationship between the Town and County regarding the Plan.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize participation in the Integrated County Plan 2005 (Plan).

Sec. 2. That the Town Board of the Town of Sweden does hereby authorize the adoption of the Agreement between Monroe County and the Town of Sweden and does hereby direct the Supervisor to execute all necessary documents.

Sec. 3. That the term of this Agreement is for one year, starting January 1, 2005, and ending December 31, 2005.

Sec. 4. 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	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Absent</u>
Supervisor Lester	<u>Aye</u>

Submitted – December 29, 2004

Adopted

RESOLUTION NO. 156

Authorizing additional sums  
To be deposited in capital 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 entered into an agreement with Nextel to place a cell tower on the Community Center property in exchange for a monthly rent as outlined in the agreement; and

WHEREAS, the Town of Sweden desires that the Nextel rent be transferred to the Community Center Reserve Fund at the end of each fiscal year if so deemed appropriate by the Town Board; 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 an amount equal to the rent paid by Nextel in the year 2004.

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 Connors  
Seconded by Councilperson Carges

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges Aye



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

Submitted – December 29, 2004

Adopted

RESOLUTION NO. 157

Budget Modifications

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is hereby authorized to make the following modifications to the 2004 Town Budget:

\$158 from A1620.4 Building Contractual to  
A1110.4 Justices Contractual

\$491 from A1620.4 Building Contractual to  
A1220.4 Supervisor Contractual

\$723 from 1620.4 Building Contractual to  
A1310.1 Finance Personal Services

\$32 from A1355.4 Assessment Contractual to  
A1330.1 Tax Personal Services

\$485 from A1410.4 Clerk Contractual to  
A1410.1 Clerk Personal Services

\$4,700 from A1620.4 Building Contractual to  
A1420.4 Attorney Contractual

\$500 from A1622.4 Community Center Contractual to  
A1622.1 Community Center Personal Services

\$3 from A1621.4 Senior Center Contractual to  
A1661.4 Senior Center Office Supplies

\$1,100 from A3510.2 Control of Dogs Equipment to  
A3510.1 Control of Dogs Personal Services

\$500 from A3510.2 Control of Dogs Equipment to  
A3510.4 Control of Dogs Contractual

\$472 from A5182.4 Street Lighting Contractual to  
A5010.1 Highway Superintendent Personal Services

\$221 from A6772.8 Programs for Aging Benefits to  
A6772.414 Programs for Aging Programs

\$657 from A7020.4 Community Center Administrative Expense to  
A7020.2 Community Center Equipment

\$2,790 from A1990.4 Contingent to  
A8090.4 Environmental Control Contractual

\$642 from A1410.4 Clerk Contractual to  
A1410.2 Clerk Equipment

\$23,300 from A1990.4 Contingent to  
A1622.1 Buildings Personal Services

\$6,500 from A1622.4 Buildings Contractual to  
A1622.1 Buildings Personal Services

\$225 from A6772.8 Programs for Aging Benefits to  
A6772.4 Programs for Aging Contractual

\$2,705 from A8810.4 Cemetery Contractual to  
A8810.1 Cemetery Personal Services

\$3,025 from A9060.8 Hospital and Medical to  
A9030.8 Social Security

\$860 from A5132.4 Garage Contractual to  
A8810.2 Cemetery Equipment

\$450 from A9060.8 Hospital and Medical to  
A9035.8 Medicare

\$2,000 from A7110.4 Park Contractual to  
A9901.9 Transfer to Other Funds

\$340 from A1621.4 Sweden Center Contractual to  
A1621.1 Sweden Center Personal Services

Increase A3005 Mortgage Tax \$20,000  
Increase A9901.9 Transfer to Other Funds \$20,000

Increase A3005 Mortgage Tax \$14,161.70  
Increase A9901.9 Transfer to Other Funds \$14,161.70

\$50 from B1420.4 Attorney Contractual to  
B1440.4 Engineer Contractual

\$98 from B3620.1 Safety Inspection Personal Services to  
B3620.4 Safety Inspection Contractual

\$191 from B9060.8 Hospital and Medical to  
B9030.8 Social Security

\$2,626 from B9060.8 Hospital and Medical to  
B6772.1 Programs for Aging Personal Services

\$408 from B9050.8 Unemployment to  
B6772.1 Programs for Aging Personal Services

\$778 from B8020.4 Planning Board Contractual to  
B8020.1 Planning Board Personal Services

Increase B5031 Interfund Transfers \$4,137

Increase B3620.1 Safety Inspection Per. Services \$4,137

Increase DA2401 Interest Earnings \$216

Increase DA1310.4 Finance Services \$216

\$6,600 from DB5110.4 General Repairs Contractual to  
DB5146.1 Snow Removal County

\$17,400 from DB5112.4 Road Construction Contractual to  
DB5110.1 General Repairs Personal Services

\$40 from DB5112.1 Road Construction Personal Services to  
DB5148.1 Service Other Governments Personal Services

\$4,137 from SF3410.4 Fire Prevention Contractual to  
SF9901.9 Interfund Transfers

Increase SS5031 Interfund Transfers \$23,294

Increase SS8120.1 Sewer Collection Personal Services \$21,242

Increase SS9030.8 Social Security \$ 1,741

Increase SS9035.8 Medicare \$ 311

\$1,406 from SW81440.4 Engineering Contractual to  
SW81310.4 Finance Services

\$18,600 from SW8 1440.4 Engineering to  
SW8 9901.9 Transfer to Other funds

\$2,000 from SW8 5110.4 Construction Contractual to  
SW8 9901.9 Transfer to Other Funds

Increase HG5031 Interfund Transfers \$20,000

Increase HG1620.4 Buildings Contractual \$20,000

Increase HD5031 Interfund Transfers \$2,000

Increase HD7110.2 Park Equipment \$2,000

Increase HB5031 Interfund Transfers \$14,162

Increase HB 1622.4 Comm Ctr Reserve Contractual \$14,162

Sec. 2 That this resolution shall take effect immediately.

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

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>Absent</u>
Supervisor Lester	<u>Aye</u>

Submitted –December 29, 2004

Adopted

RESOLUTION NO. 158

Encumbrances

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor be authorized to establish accounts payable and encumber the applicable appropriation account balances to apply to unpaid obligations as filed with him at the close of the 2004 fiscal year by the heads of administrative units of the Town and to amend the 2004 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 Carges  
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>Absent</u>
Supervisor Lester	<u>Aye</u>

Submitted – December 29, 2004

Adopted

APPROVAL OF PAYMENT OF BILLS

All of the Board members present reviewed the invoice audit journal. Councilperson Carges made a motion that was seconded by Councilperson Ferris authorizing payment of the bills in Abstract 12b dated December 30, 2004. All voted in favor of the motion. Motion adopted.

General Fund: In the amount of \$110,201.55 as set forth in Abstract 12b dated December 30, 2004.

Highway Fund: In the amount of \$18,530.66 as set forth in Abstract 12b dated December 30, 2004

Special Districts: In the amount of \$5,599.10 as set forth in Abstract 12b dated December 30, 2004

#### DISCUSSION AND ANNOUNCEMENTS

Councilperson Ferris made a motion that was seconded by Councilperson Carges to accept the recommendation from Kathy Harter to nominate Michael Sodoma to the Environmental Management Council of Monroe County. All voted in favor of the motion. Motion adopted.

There will be an Organizational Meeting Monday, January 3, 2005, at 4:00 p.m. and the Workshop Meeting will be held Tuesday, January 4, 2005 at 7:00 p.m.

#### EXECUTIVE SESSION

Councilperson Carges made a motion that was seconded by Councilperson Ferris to go into Executive Session at 8:10 p.m. to discuss the Natapow litigation. All voted in favor of the motion. Motion adopted.

Councilperson Carges made a motion that was seconded by Councilperson Connors to adjourn the Executive Session at 8:45 p.m. All voted in favor of the motion. Motion adopted.

#### ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the December 29, 2004, meeting of the Sweden Town Board at 8:46 p.m. Councilperson Connors seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
Town Clerk