

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, February 13, 2007.

Town Board members present were Deputy Supervisor/Councilperson Rob Carges, Councilperson Patricia Connors, Councilperson Tom Ferris and Councilperson Danielle Windus-Cook. Supervisor Buddy Lester was absent. Also present were Director of Finance Leisa Strabel, Town Attorney Jim Bell and Town Clerk Karen Sweeting.

Visitors present were Helen Simpson, Kelly Pratt, LeeLee Muesebeck, Scott Phillips, Mike Koss, Tim Bates, Bob Canham and SUNY Brockport student Jessica Ibarra.

Deputy Supervisor/Councilperson Carges called the meeting to order at 7:30 p.m. and asked everyone present to say the Pledge to the Flag. Deputy Supervisor/Councilperson Carges then acknowledged the presence of the visitors. Mr. Carges asked Councilperson Windus-Cook to read a Certificate of Recognition the Town Board would like to present to Helen Simpson. Ms. Windus-Cook stated that she was very honored to recognize Helen Simpson whom she has always looked up to and added that Ms. Simpson has touched so many people in the Town of Sweden through her work. Ms. Windus-Cook read:

#### **CERTIFICATE OF RECOGNITION**

WHEREAS, Helen Simpson has operated a photography studio in the Town of Sweden for nearly 50 years; and

WHEREAS, she has made an extraordinary contribution to the community through the restoration of many historic photographs and the capturing of current events on film; and

WHEREAS, she has chronicled the lives of so many of our residents through portraits of young children, graduates, brides and families; and

WHEREAS, her acts of kindness and generosity are as well-known as her photography; and

WHEREAS, her retirement will leave a void not easily filled in our community.

NOW, THEREFORE, BE IT RESOLVED:

That the Town Board of the Town of Sweden, on behalf of all its citizens, recognizes Helen Simpson for exemplary citizenship as a business owner and member of the community and wishes her well in her retirement.

IN WITNESS WHEREOF, we have hereunto set our hands and the seal of the Town of Sweden this thirteenth day of February in the year 2007.

Helen Simpson thanked the Board for the Certificate of Recognition and stated her retirement is a happy and sad occasion.

Deputy Supervisor/Councilperson Carges asked if any other visitors would like to speak. SUNY Brockport student stated that she was present for her Research Methods and Cultural Anthropology class. No other visitors spoke.

**APPROVAL OF MINUTES**

Councilperson Connors made a motion that was seconded by Councilperson Ferris to accept the minutes of the Regular Town Board Meeting held on January 23, 2007. All voted in favor of the motion – four ayes. Motion adopted.

#### SUPERVISOR'S CORRESPONDENCE

2007 Received From:	Comments:
1. NYS DOT	Recap of the Route 531 Public Hearing
*2. Phyllis Brudz, Secretary to the Planning Board	Request to attend training for Dollard, Hertweck and Monno
3. Judy Heubusch, Nutrition Aide, Senior Center	Resignation

\*Board has copies.

RE: #2 Councilperson Connors made a motion that was seconded by Councilperson Ferris to grant the request for Rick Dollard, Bill Hertweck and Arnold Monno to attend training. All voted in favor of the motion – four ayes. Motion adopted.

RE: #3 Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to accept with regrets the resignation of Judy Heubusch from the Senior Center. All voted in favor of the motion – four ayes. Motion adopted.

#### DEPARTMENTAL REPORTS

January 2007 departmental reports were received and reviewed by the Town Board from the following departments: Finance Director, Leisa Strabel; Building Department, Jim Butler; Dog Control, Kathy Beaumont; Receiver of Taxes Sherri Bryant and Town Clerk, Karen Sweeting.

#### REPORTS

Councilperson Connors reported that she attended a point of dispensing/mass vaccination meeting. A representative from SUNY Brockport attended the meeting and the committee is hoping for college participation/involvement in the plan. Mrs. Connors stated that letters would be going out to community groups looking for volunteers with management and business backgrounds. Another meeting is scheduled for March 5<sup>th</sup>. Mrs. Connors also attended a meeting at the community center to discuss possible expansion of the fitness center.

Councilperson Ferris had no report.

Councilperson Windus-Cook had no report.

Town Attorney Jim Bell reported that he was scheduled to attend a class on FOIL requirements but the class was cancelled due to weather conditions. Mr. Bell stated he would be attending the class when rescheduled. Councilperson Ferris stated that he would be interested in attending also.

Deputy Supervisor/Councilperson Carges reported that he has been looking into replacing the printer in the Justice Court office. They will be getting a printer/copier/scanner/fax combination machine within the next week.

#### RESOLUTIONS

RESOLUTION NO. 26

Appoint Working Foreman to Highway Department in the Town of Sweden - Ingraham

WHEREAS, a vacancy exists in the position of *Working* Foreman to the Highway Department in the Town of Sweden; and

WHEREAS, Brian Ingraham has been employed with the Town of Sweden in the Highway Department since June 1998 and has exhibited the on-the-job capabilities necessary to fulfill the requirements of the foreman’s position; and

WHEREAS, the Superintendent of Highways recommends appointing Brian Ingraham to the position of *Working* Foreman to the Highway Department.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Brian Ingraham to the position of *Working* Foreman to the Highway Department for the Town of Sweden beginning February 3, 2007.

Sec. 2. That Mr. Ingraham’s rate of pay be increased to \$21.65 per hour.

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

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

Discussion: Finance Director Leisa Strabel requested that a motion be made to amend the title from “Foreman” to “Working Foreman”. Councilperson Ferris made the motion to amend the title as requested. Deputy Supervisor/Councilperson Carges seconded the motion. All voted in favor of the motion – four ayes. Motion adopted.

VOTE BY ROLL CALL AND RECORD AS AMENDED:

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

Submitted – February 13, 2007

Adopted

RESOLUTION NO. 27 Authorize Application for 2007 CDBG grant

WHEREAS, the Town Board of the Town of Sweden wishes to apply to the 2007 Community Development Block Grant program for funds to expand paved parking at the town park for the purposes of better accommodating handicapped persons.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. The Town Board of the Town of Sweden does hereby approve and endorse the application for a Community Development Block Grant in order to expand paved parking at the Sweden Town Park.

Sec. 2. That the Supervisor be authorized to sign the grant application and all documents related to the grant application.

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

Submitted – February 13, 2007

Adopted

RESOLUTION NO. 28

SEQRA Determination – Town Park  
Handicap Access Project Phase II

WHEREAS, the Town Board of the Town of Sweden, Monroe County, New York, intends to apply for a Community Development Block Grant in the amount of \$50,000 for a project titled Town Park Handicap Access Project Phase II; and

WHEREAS, the proposed Project is to blacktop an existing gravel parking lot to provide parking spaces, including handicapped parking spaces for patrons of the Town Park soccer fields, disc golf course and skate park; and

WHEREAS, to aid the Town Board in determining whether such Project and other actions of the Town in connection therewith (the “action”) may have a significant effect on the environment, the Board has caused to be prepared an environmental assessment form or similar information (“EAF”), a copy of which is attached hereto; and

WHEREAS, the Town Board has duly reviewed the EAF and related documents with respect to the above-referenced action and duly considered the impacts which may be expected to result from such action with the criteria set forth in Article 8 of the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”).

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. Based upon the review by the Town Board of the EAF and other necessary criteria, the Board hereby finds that the object of the above-referenced action (a) will result in no major impacts and, therefore, is not one which “may have a significant effect on the environment,” (b) will not have a “significant effect on the environment,” and (c) no “environmental impact statement” need be prepared, as such quoted terms are used in SEQRA. The proposed Project does not constitute a “Type I Action” as such quoted term is defined in the regulations of the Department of Environmental Conservation of the State of New York (6NYCRR Part 617, as amended). Reasons supporting this determination are set forth on the notice of negative declaration of the Board attached hereto and hereby made a part of this resolution for the purposes of SEQRA. This determination constitutes a negative declaration for purposes of SEQRA.

Sec. 2. A copy of this resolution, together with the notice of negative declaration, shall be placed on file in the office of the Clerk of the Town where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such newspapers as shall be necessary to conform to the requirements of SEQRA.

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

Discussion: Deputy Supervisor/Councilperson Carges explained that the term “Negative Declaration” means there are no significant impacts to the environment. This project entails paving a gravel parking area for handicap accessibility.

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

Submitted – February 13, 2007

Adopted

RESOLUTION NO. 29 Calling Public Hearing, Pursuant to Sweden Code §175-22F on Application for Incentive Zoning

WHEREAS, the Town Board of the Town of Sweden, has duly declared itself Lead Agency for purposes of State Environmental Quality Review (SEQR) in connection with the application of Homestead N.Y. Properties, Inc. for Incentive Zoning for the project known as Highlands at Brandon Woods; and

WHEREAS, the Sweden Town Code, at §175-22F, requires a public hearing on the application on its merits and in conjunction with SEQR; and

WHEREAS, all required information to complete the SEQR process has not been received, but is expected to be submitted; and

WHEREAS the Town Board considers it in the best interests of the Town of Sweden and its residents that a public hearing be commenced so as to obtain full public comment on the application with respect to both the merits of the application and as to environmental issues, if any.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Sweden Town Board hereby determines that a public hearing pursuant to Sweden Town Code §175-22F be held on the 27<sup>th</sup> day of February, 2007, at 8:00 p.m., at the Town Hall of the Town of Sweden, 18 State Street, Brockport, New York.

Sec. 2. That the Town Clerk of the Town of Sweden is hereby authorized and directed to cause appropriate notice of said public hearing to be published in the official newspaper of the Town of Sweden.

MOTION for adoption of this resolution by Councilperson Ferris  
Seconded by Deputy Supervisor/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>Aye</u>
Supervisor Lester	<u>Absent</u>
Submitted – February 13, 2007	

Adopted

RESOLUTION NO. 30                      Calling for a Public Hearing Regarding the Adoption of Local Law No. 1 of 2007 – Amending Local Law 5 of 2005 and Sweden Town Code Chapter 164 Section 1 Aged Exemptions

WHEREAS, the State Legislature has authorized municipalities to fix income limitations regarding real property tax exemptions granted to persons aged 65 years or over; and

WHEREAS, Local Law No. 5 of 2005 raised the limit to \$32,400; and

WHEREAS, the Town Board of the Town of Sweden would like to amend Local Law No. 5 of 2005 to raise the maximum income limit to \$34,400 in Chapter 164, Section 2(a) of the Sweden Town Code; and

WHEREAS, the Town Board of the Town of Sweden would like to amend the Sweden Town Code, Chapter 164, Section 1 to include the following:

*“Sub Section A – Pursuant...the extent of 50% of the assessed valuation thereof. The maximum income for purposes of the 50% exemption shall be equal to \$26,000. The eligible income level will then increase \$1,000 annually through 2009 for incomes up to \$29,000.”*

*Sub Section B – The Town of Sweden has the further option of giving exemptions of less than 50% to persons age 65 or over whose incomes are more than \$26,000. Under this option, called the “sliding-scale option”, a qualifying owner can have a yearly income as high as \$34,400 and a 5% exemption in places that are using the maximum limit. The eligible income levels will then increase \$1,000 annually through 2009, such that there will be a graduated reduction in exemption for incomes more than \$29,000 but less than \$37,400.*

NOW, THEREFORE BE IT RESOLVED:

Sec. 1.                      That the Town Board of the Town of Sweden shall hold a Public Hearing at the Town Hall, 18 State Street, Brockport, NY, on the 27th day of February 2007, at 7:15 PM to hear all persons for or against the adoption of Local Law No.1 of 2007 – Amending Local Law 5 of 2005 and Sweden Town Code Chapter 164 Section 1 – Aged Exemptions.

Sec. 2.                      That the Town Clerk is authorized and directed to cause a notice of this hearing to be published in the official newspaper of the town, in accordance with Section 265 of Town Law.

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

MOTION for adoption of this resolution by Councilperson Windus-Cook  
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>Aye</u>
Supervisor Lester	<u>Absent</u>

Submitted – February 13, 2007

Adopted

RESOLUTION NO. 31

Calling for a Public Hearing Regarding the  
Adoption of Local Law No. 2 of 2007 – Amending  
Local Law No. 6 of 2005 and Sweden Town Code  
Chapter 164 Section 5 – Disabled Exemptions

WHEREAS, the State Legislature has authorized municipalities to fix the income limitations regarding real property tax exemptions granted to persons with disabilities and limited incomes; and

WHEREAS, Local law No. 6 of 2005 raised the limit to \$32,400; and

WHEREAS, the Town Board of the Town of Sweden would like to amend Local Law No. 6 of 2005 to raise the income limit to \$34,400; and

WHEREAS, the Town Board of the Town of Sweden would like to amend the Sweden Town Code, Chapter 164, Section 5 to include the following:

- A. Change income limit from \$24,000 to \$26,000 and add “*The eligible income level will then increase \$1,000 annually through 2009 for incomes up to \$29,000.*”
- B. Change income limits from \$24,000 to \$26,000 and from \$32,400 to \$34,400 and add “*The eligible income levels will then increase \$1,000 annually through 2009, such that there will be a graduated reduction in exemption for incomes more than \$29,000 but less than \$37,400.*”

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden shall hold a public hearing at the Town Hall, 18 State Street, Brockport NY, on the 27th day of February 2007, at 7:20 PM to hear all persons for or against the adoption of Local Law No. 2 of 2007 – Amending Local Law No. 6 of 2005 and Sweden Town Code Chapter 164 Section 5 – Disabled Exemptions.

Sec. 2. That the Town Clerk is authorized and directed to cause a notice of this hearing to be published in the official newspaper of the Town, in accordance with Section 265 of Town Law.

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

Submitted – February 13, 2007

Adopted

RESOLUTION NO. 32

Appoint Representative to  
Seymour Library Board - Putnam

WHEREAS, a vacancy has occurred on the Town of Sweden Seymour Library Board; and

WHEREAS, an advertisement was placed in the Town of Sweden official newspapers; and

WHEREAS, the Town Board received three letters of application for the position; and

WHEREAS, the Town Board is desirous of filling the position and Caurie Putnam has expressed an interest in serving on the Board.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Caurie Putnam to serve as a representative on the Seymour Library Board.

Sec. 2. That her term shall be effective from February 13, 2007 until December 31, 2011.

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

Submitted – February 13, 2007

Adopted

RESOLUTION NO. 33

Appoint Student Helper – Pelin

WHEREAS, the Recreation Director, David Scott, has recommended the appointment of a Student Helper.



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

Submitted – February 13, 2007

Adopted

RESOLUTION NO.   35  

Appoint Clerk PT – Swanson

WHEREAS, a vacancy exists at the Sweden Senior Center for Clerk PT; and

WHEREAS, the position was duly advertised and applications were received; and

WHEREAS, the Senior Center Director recommends appointing Christina Swanson.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. Upon recommendation of the Senior Center Director, the Sweden Town Board hereby appoints Christina Swanson as Clerk PT at the Senior Center effective February 15, 2007.

Sec. 2. That this position is for a maximum of 20 hours a week at an hourly rate of pay of \$8.00.

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

Submitted – February 13, 2007

Adopted

RESOLUTION NO.   36  

Appoint Laborer SCCC – Oakden

WHEREAS, there is a vacancy at the Sweden Clarkson Community Center for the position of full time maintenance Laborer; and

WHEREAS, the position was duly advertised and applications were received; and

WHEREAS, the Recreation Director has recommended the appointment of Jeremy Oakden as full time Laborer.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Jeremy Oakden as full time Laborer at the Sweden Clarkson Community Center starting February 13, 2007.

Sec. 2. The rate of pay will be \$10.25 per hour.

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

Submitted – February 13, 2007

Adopted

RESOLUTION NO. 37 Appoint Town of Sweden Representative to the Brockport Area CATV Commission - Bates

WHEREAS, the Brockport Area CATV Commission was formed in June of 1980 for the purpose of recommending the best possible Cable Television franchise to the various municipalities; and

WHEREAS, Bruce D. Smith was appointed in June of 1980 to represent the Town of Sweden; and

WHEREAS, the Town Board of the Town of Sweden accepted with regrets Bruce D. Smith’s resignation from the Commission on January 23, 2007; and

WHEREAS, Timothy Bates has expressed an interest in serving on the commission.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Timothy Bates to the Brockport Area CATV Commission.

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

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

Discussion: Mr. Bates stated that he has been very involved in Rochester Cable access.

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>Aye</u>

Supervisor Lester  
Submitted – February 13, 2007

Absent

Adopted

RESOLUTION NO. 38

Authorizing Settlement in the Matter of the Petitions of Petsmart Direct, Inc. vs. Vito Eaffaldano Assessor, and The Board of Assessment Review of the Town of Sweden, County of Monroe and State of New York.

WHEREAS, Petsmart Direct, Inc. (the petitioner) has previously initiated various Petitions under Article 7 of the Real Property Tax Law against the Town of Sweden in Monroe County Supreme Court to review assessments placed upon the parcel of real property in the Town of Sweden and more specifically identified on the assessment roll as Tax Account Number 084.01-1-1.121 (hereinafter referred to as the subject property) as of the taxable status dates in the tax years 2005 and 2006; and

WHEREAS, the aforesaid Petitions are currently pending in Monroe County Supreme Court, Index Numbers 2005-07860 and 2006-7893; and

WHEREAS, the parties have reached a settlement in this matter not only for the years set forth hereinabove but also in relationship to future years, all as more specifically set forth in the attached proposed Stipulation and proposed Final Order.

NOW THEREFORE BE IT RESOLVED:

Sec 1. The assessments on the subject property for the tax years 2007/2008 and 2008/2009 shall be set as follows:

TAX YEAR: 2007/2008		
<u>S/B/L</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>
084.01-1-1.121	\$ 10,240,000	\$ 5,000,000
TAX YEAR: 2008/2009		
<u>S/B/L</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>
084.01-1-1.121	\$ 5,000,000	\$ 7,800,000

Sec 2. The Assessor for the Town of Sweden, shall correct the assessment rolls to indicate that the assessment of the subject property for the tax years 2007-2009 have been changed as hereinabove set forth.

(Sec. 3.) *The Town of Sweden, the Brockport Central School District and the County of Monroe shall refund to the petitioner a sum equal to the Difference between the real property taxes paid for the tax year 2006/2007 and the tax, which would have been imposed if the assessment had been settled in the settlement amounts, together with interest on overpayments at six (6%) percent from the date the taxes were paid to the date of payment refunds, except that there will be no refund or interest for the tax year 2005/2006 paid to the petitioner.)*

Sec 4. The assessment of the subject property for the tax years 2007/2008 shall

be Five Million Dollars (\$5,000,000) and for the tax years 2008/2009 shall be Seven Million Eight Hundred Thousand Dollars (\$7,800,000), subject to the provisions of Real Property Tax Law §727 except that Real Property Tax Law §727(2)a shall not apply.

Sec. 5. The Attorney for the Town of Sweden is hereby authorized to execute a Stipulation and to approve a Final Order to be entered.

Sec. 6. That this resolution shall take effect immediately.

MOTION for the adoption of this Resolution by Councilperson Ferris  
Seconded by Councilperson Connors

Discussion: Town Attorney Jim Bell requested that Section 3 of this resolution be removed. Mr. Bell explained that no refunds would be issued due to the substantial decrease in assessment for the tax year 2007/2008. The assessment will increase for the tax year 2008/2009 to a true assessment figure. Councilperson Ferris made a **motion to remove Section 3 entirely from the resolution**. Councilperson Connors seconded the motion. All voted in favor of the motion – four ayes. Motion adopted.

VOTE BY ROLL CALL AND RECORD AS AMENDED:

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

Submitted – February 13, 2007

Adopted

RESOLUTION NO. 39 Authorizing Settlement in the Matter of the Petitions of GBR Spencerport Limited Liability Company & Brockport 31 vs. Vito Eaffaldano Assessor, and The Board of Assessment Review of the Town of Sweden, County of Monroe and State of New York.

WHEREAS, GBR Spencerport Limited Liability Company & Brockport 31 (the petitioner) has previously initiated various Petitions under Article 7 of the Real Property Tax Law against the Town of Sweden in Monroe County Supreme Court to review assessments placed upon the parcel of real property in the Town of Sweden and more specifically identified on the assessment roll as Tax Account Numbers 084.01-1-4.1, 084.01-1-4.2 and 084.01-1-005 (hereinafter referred to as the subject property) as of the taxable status dates in the tax years 2004, 2005 and 2006, and

WHEREAS, the aforesaid Petitions are currently pending in Monroe County Supreme Court, Index Numbers 2004-08030, 2005-07859 and 2006-07892; and

WHEREAS, the parties have reached a settlement in this matter not only for the years set forth hereinabove but also in relationship to future years, all as more specifically set forth in the attached proposed Stipulation and proposed Final Order.

NOW THEREFORE BE IT RESOLVED:

Sec 1. The assessments on the subject property for the tax years 2006/2007 shall be set as follows:

TAX YEAR: 2006/2007

<u>S/B/L/</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>
084.01-1-4.1	\$6,131,300	\$4,830,000
084.01-1-4.2	530,600	461,400
084.01-1-005	112,800	112,800

Sec 2. The Assessor for the Town of Sweden, shall correct the assessment rolls to indicate that the assessment of the subject property for the tax years 2004-2007 have been changed as hereinabove set forth.

Sec 3. The assessment on the subject property for the tax years 2007/2008 and 2008/2009 will be set at the Settlement Assessment figures set forth hereinabove, subject to the provisions of Real Property Tax Law §727 except that Real Property Tax Law §727(2)a shall not apply.

Sec 4. The Attorney for the Town of Sweden is hereby authorized to execute a Stipulation and to approve a Final Order to be entered.

Sec. 5. That this resolution shall take effect immediately

MOTION for the adoption of this Resolution by Councilperson Ferris  
 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>Aye</u>
Supervisor Lester	<u>Absent</u>

Submitted – February 13, 2007

Adopted

DISCUSSION AND ANNOUNCEMENTS

A request was received (Draw #2) to release \$80,109.00 from the Woods at Sable Ridge, WSR, LLC Letter of Credit. Councilperson Ferris made a motion that was seconded by Councilperson Connors to release the \$80,109.00 from the Letter of Credit. All voted in favor of the motion – four ayes. Motion adopted.

EXECUTIVE SESSION

Councilperson Ferris made a motion that was seconded by Councilperson Connors to enter into executive session at 8:25 p.m. to discuss a particular person. All voted in favor of the motion – four ayes. Motion adopted.

No action taken.

Councilperson Ferris made a motion that was seconded by Councilperson Connors to leave executive session and return to the regular meeting at 8:55 p.m. All voted in favor of the motion – four ayes. Motion adopted.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Ferris moved to adjourn the February 13, 2007 meeting of the Sweden Town Board at 8:56 p.m. Councilperson Connors seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
Town Clerk