

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 26, 2013.

Town Board Members present were Supervisor Patricia Connors, Councilperson Rebecca Donohue and Councilperson Donald Roberts. Councilperson Robert Carges was absent. Also present were Director of Finance Leisa Strabel and Town Clerk Karen M. Sweeting. Town Attorney Jim Bell arrived at 7:25 p.m.

Visitors present were Annie Crane and Judy Waldock.

Supervisor Connors called the meeting to order at 7:10 p.m. after the ceremonial oath of office for newly appointed Sweden Town Justice Kevin G. Johnson (appointment began February 13, 2013) and asked everyone present to say the Pledge to the Flag. Supervisor Connors then acknowledged the presence of the visitors and asked if there was anyone that would like to speak.

No comments.

#### APPROVAL OF MINUTES

February 12, 2013 Town Board meeting minutes - Tabled

#### SUPERVISOR'S CORRESPONDENCE

2013 Received From:

\*1. Leisa Strabel, Finance Director

Comments:

Request to attend NYS Government Finance Officers Association Annual Conference – April 10 – 12, 2013

\*Board has copies

RE: #1 Councilperson Donohue made a motion that was seconded by Councilperson Roberts to grant the request of Finance Director Leisa Strabel to attend the NYS Government Finance Officers Association Annual Conference April 10 – 12, 2013. All voted in favor of the motion – three ayes. Motion adopted.

#### DEPARTMENTAL REPORTS

January 2013 departmental reports were received and reviewed by the Town Board from the following departments: Building Department, Phyllis Brudz; Finance Director, Leisa Strabel; and Town Clerk, Karen Sweeting.

#### REPORTS

Supervisor Connors reported that she attended the Brockport Chamber of Commerce annual dinner, Eagle Scout Court of Honor ceremonies for Robert Lewis and Matthew Allen, the 200<sup>th</sup> Bicentennial (for the Town of Sweden) committee meeting and Supervisor's luncheon. Mrs. Connors also met with interim CEO of Lakeside Memorial Jim Cummings and Director of Lakeside Foundation Susan Parrino to discuss the status of Lakeside Memorial Hospital.

Councilperson Roberts attended the Brockport Chamber of Commerce annual dinner.

Councilperson Donohue had no report.

Superintendent of Highways Fred Perrine reported that they have been working on building maintenance at the Highway garage.

Town Attorney Jim Bell reported that the Owens Road property is now titled to the Town of Sweden and the subdivision of the property for purposes of the Soldiers Monument and Brockport Fire District structure is now moving forward.

RESOLUTIONS

RESOLUTION NO. 28

Providing an Undertaking for NYS DOT  
For Work Permits on State Highways

WHEREAS, the Town of Sweden from time to time receives permits from the NYS DOT allowing the Town to temporarily obstruct, install, construct, maintain, operate, or replace any facilities within the bounds of a State highway right-of-way pursuant to Sections 52, 103, 203, 249 and/or 250 of the Highway Law; and

WHEREAS, the NYS DOT requires that the municipality file an undertaking to secure the Town of Sweden faithful performance within the terms of any such permit and also indemnify the State of New York and others with respect to all operations under such permits by the Town of Sweden.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. The Town of Sweden will comply with and perform all the terms and conditions of each such permit on its part to be kept and performed, and abide by and comply with all such conditions, rules and regulations as may be, from time to time, promulgated by the Commissioner of Transportation of the State, according to the true intent and meaning of such permits, rules and regulations.

Sec. 2. The Town of Sweden will, at its own expense, promptly complete the work allowed under each permit and within reasonable time restore State property damaged by its work to substantially the same or equivalent condition as existed before such work was begun; and in the event that the Town of Sweden fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the municipality, may restore the property to substantially the same or equivalent condition as existed before the Municipality began the work and require the Municipality to reimburse the State for any and all costs incurred by the State in such restoration.

Sec. 3. The Town of Sweden will indemnify, hold harmless and defend and protect the State of New York, the Commissioner and the Department, their officials, officers, agents and employees against and pay any and all amounts, damages and costs and judgments which may or shall be recovered against said State, or its officers, or agents, or which such State may be called upon to pay to any person or corporation by reason of damages arising or growing out of operations pursuant to said permits or the manner of doing the same, or the neglect of said Town of Sweden, or its agents, servants, or the improper performance pursuant to the conditions of said permits by the Municipality, its agents and servants.

Sec. 4. The Town of Sweden will pay all damages, costs, including but not limited to attorney's fees, and judgments recovered against the State, the Commissioner of Transportation, the Department of Transportation and their officials, officers and employees in connection with work allowed by a permit or from use of a permit by the Town of Sweden or by any person acting by, through or for the Town of Sweden including omission and supervisory acts of any of the entities or persons named above.

Sec. 5. It is understood that this undertaking is one of indemnity only and it is not to be construed as imposing on the Town of Sweden an obligation to pay claims for

which there would not otherwise be a remedy in law against the State of New York.

Sec. 6. Any payments required by the foregoing will be guaranteed by the full faith and credit of the Town of Sweden, or its districts, as applicable, and will be paid out of current budgeted funds, or if insufficient, from its liability and casualty reserve fund or from the proceeds of bonds which current laws permit the Town of Sweden, to issue to pay claims against it.

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

MOTION for adoption of this resolution by Councilperson Donohue  
Seconded by Councilperson Roberts

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Absent</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Supervisor Connors	<u>Aye</u>

Submitted – February 26, 2013

Adopted

RESOLUTION NO. 29 Approve Sunnking Recycling Service Agreement

WHEREAS, beginning April 1, 2011 the New York State Electronic Equipment Recycling and Reuse Act went into effect requiring the manufactures of electronic equipment to provide convenient, free collection and recycling of Covered Electronics Equipment; and

WHEREAS, on February 22, 2011, the Town of Sweden entered into a Letter of Understanding with Sunnking Electronics Recycling for the purpose of providing Collection Site services at the Highway Garage, 40 White Road; and

WHEREAS, the original agreement was extended on February 28, 2012 for one year and is now expiring; and

WHEREAS, Sunnking has requested an updated one-year agreement; and

WHEREAS, the Highway Superintendent has recommended the Town enter into the agreement.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Sweden Town Board hereby authorizes the Supervisor to sign the Recycling Service Agreement with Sunnking Electronics Recycling.

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

MOTION for adoption of this resolution by Councilperson Roberts  
Seconded by Councilperson Donohue

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Absent</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Supervisor Connors	<u>Aye</u>

Submitted –February 26, 2013 Adopted

RESOLUTION NO. 30 Appoint Laborer - Moore

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

WHEREAS, the Superintendent of Highways has recommended that Jacob Moore be appointed to the position.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Jacob Moore to the full-time probationary position of Laborer in the Highway Department at the rate of pay of \$12 per hour.
- Sec. 2. That the start date will be March 2, 2013 pending completion of employment documents.
- Sec. 3. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Roberts  
Seconded by Councilperson Donohue

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Absent</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Supervisor Connors	<u>Aye</u>

Submitted – February 26, 2013 Adopted

RESOLUTION NO. 31 Appoint Special Prosecutor – James D. Bell

WHEREAS, the Town Board of the Town of Sweden has been advised that in order to prosecute certain violations of the Town of Sweden Ordinances and Local Laws, it is necessary to obtain the appointment of the Town Attorney of the Town of Sweden as Special Prosecutor; and

WHEREAS, the Town Board desires Sweden Town Attorney James D. Bell to be appointed as Special Prosecutor for this purpose; and

WHEREAS, the Town Board, once it has so appointed the Sweden Town Attorney, would ask the District Attorney of the County of Monroe to approve the appointment and take whatever steps are necessary to authorize the Sweden Town Attorney to act as Special Prosecutor for these purposes.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Sweden Town Attorney James D. Bell to act as Special Prosecutor for the purpose of prosecuting any alleged violations of or offenses against the Ordinances, Local Laws and Code of the Town of Sweden, in and for the Town of Sweden, in the County of Monroe.

Sec. 2. That the Town Board of the Town of Sweden hereby requests the District Attorney of the County of Monroe to approve the appointment made herein and take whatever steps are necessary to properly authorize Sweden Town Attorney James D. Bell to act as Special Prosecutor as set forth herein.

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

MOTION for adoption of this resolution by Councilperson Donohue  
Seconded by Councilperson Roberts

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Absent</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Supervisor Connors	<u>Aye</u>

Submitted – February 26, 2013

Adopted

RESOLUTION NO. 32                      Appoint Attorney to ZBA & Planning Board – Lester

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby appoints Nat O. Lester, III to serve as Attorney to the Zoning Board of Appeals at an annual salary of \$4,000.

Sec. 2. That the Town Board of the Town of Sweden hereby appoints Nat O. Lester, III to serve as Attorney to the Planning Board at an annual salary of \$8,000.

Sec. 3. That this resolution shall take effect March 4, 2013.

MOTION for adoption of this resolution by Councilperson Roberts  
Seconded by Councilperson Donohue

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Absent</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Supervisor Connors	<u>Aye</u>

Submitted – February 26, 2013

Adopted

APPROVAL FOR PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Roberts made a motion that was seconded by Councilperson Donohue authorizing payment of the bills in Abstract 2 dated February 27, 2013 in the amount of \$838,551.34. All voted in favor of the motion – three ayes. Motion adopted.

General Fund: In the amount of \$776,468.21 as set forth in Abstract 2 dated February 27, 2013.

Highway Fund: In the amount of \$62,012.91 as set forth in Abstract 2 dated February 27, 2013.

Special Fund: In the amount of \$70.22 as set forth in Abstract 2 dated February 27, 2013.

#### DISCUSSION AND ANNOUNCEMENTS

Lakeside Health System is holding a Neighborhood Meeting at the Sweden Senior Center on February 28, 2013 at 6:30 p.m.

A work session is scheduled for Tuesday, March 5, 2013 at 7:00 p.m.

#### ADJOURNMENT

As there was no further business to come before the Board, Councilperson Donohue moved to adjourn the February 26, 2013 meeting of the Sweden Town Board at 7:28 p.m. Councilperson Roberts seconded the motion. All voted in favor of the motion – three ayes. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
Town Clerk