

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, March 11, 2003.

Town Board Members present were, Supervisor Nat O. Lester III, Councilperson Robert Carges, and Councilperson Danielle Windus-Cook.

Councilperson Connors and Councilperson Wheat were absent.

Also present were Director of Finance Elaine Jones, and Highway Superintendent Fred Perrine.

Visitors present were Lauren McCracken, White Rd., Jim Hamlin, 50 Park Ave., Brett Handley and the Engineering Design Development Group from Brockport Central School.

Supervisor Lester called the meeting to order at 7:30 PM. and asked everyone present to say the Pledge to the Flag. He then called on Brett Handley. Mr. Handley is the teacher in charge of the Engineering Design Development Group that was making its monthly update with the Sweden Town Board this evening. Tonight there were three presenters to give us information on the progress towards the construction of a skate park for the Sweden Town Park. Insurance is still the biggest obstacle to completing the build out of the project. The group will continue to work on the design and to build a scale model of the park even if it cannot be built for the park.

APPROVAL OF MINUTES

Councilperson Windus-Cook made a motion to accept the minutes of the Town Board meeting held on February 25, 2003. Councilperson Carges seconded the motion. The remaining voted in favor of the motion. Carried.

SUPERVISOR'S CORRESPONDENCE

2003	Received From:	Comments:
*1	Jack Doyle, Mon. Co. Executive, 02/25	Funding for 2003 Milling, Resurfacing & Sealing Program
*2	George Maziarz, NYS Senator, 02/26	Senate Bill 725 - increasing amount of revenue villages and towns may keep from speeding fines and violations
*3	Fred Perrine, Highway Superintendent, 03/03	Trask Water Service completed
*4	Carl A. Coapman, Town Attorney, 03/05	Request for local law on judicial immunity and the right of indemnification
*5	Craig S. Kominski, NYS Office of Real Property Services 03/05	Residential Assessment Ratio 91.47 (prior to completion of assessment update)
*6	Larry Sherman, NYS DOT, 03/06	Reply to request for reduced speed limit on White Rd. between Redman Rd. and Rte. 19 (not warranted)

* Board has copies

DEPARTMENTAL REPORTS

Highway Superintendent Fred Perrine reported that Art Banner intends to build a mausoleum for his family in the Lake View Cemetery. The Town forces will build the base for it. The owner will be billed for time and materials. After discussion, Councilperson Carges made a motion to charge the owner time and materials with fifty percent of the cost as a deposit toward the work to be done. Councilperson Windus-Cook seconded the motion. All voted in favor. Motion carried. Mr. Perrine will check with other cemetery associations to see how the matter of perpetual care is handled.

Assessor Alan Bader was absent from the meeting.

Departmental reports for the month of February were accepted from the following: Supervisor, Building, Dog Control, Fire Marshal, Justice Court, Tax Receiver, and Town Clerk.

REPORTS

Councilperson Carges had no report

Councilperson Windus-Cook reported that she has been working on the Insurance issue for the Skate Park project.

Supervisor Lester met with the people from the Crystal Ridge PUD project. Their application for rezoning has been withdrawn. He reported that John Ainsworth is doing the block work in the Community Center gymnasium.

RESOLUTION NO. 38

Designating 854 White Road
As an Historic Landmark

WHEREAS: a public hearing, duly advertised as required by law, was held on March 11, 2003 to hear all interested parties on the petition by Christine Hunt to have her property at 854 White Road designated as an historic landmark under the Historic Preservation Local Law No. 1 of 1993; and

WHEREAS: the Town Board heard all parties and testimony and documentary evidence presented have been made part of a record regarding the historic, architectural or cultural importance of the proposed landmark.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby designates 854 White Road as an historic landmark under the Historic Preservation Local Law No. 1 of 1993 this 11th day of March 2003.
- Sec. 2. That the Official Map of the Town shall be updated to include the designation of 854 White Road as an historic landmark and will indicate the portions of land embracing the landmark.
- Sec. 3. That this shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted –March 11, 2003

Adopted

RESOLUTION NO. 39

Amend Resolution No. 20 Re:
Gallup Road Water Main Project

WHEREAS, the Town Board accepted a proposal from MRB Group for engineering services for the Gallup Road water main project for an amount not to exceed \$13,500.

WHEREAS, this proposal also included an additional expense of \$3,000 for base mapping.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. Amend Resolution No. 20 to include a new section 2 that the Town Board does hereby accept the proposal from MRB Group for base mapping at a cost not to exceed \$3000 in addition to the design phase for \$13,500.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – March 11, 2003

Adopted

RESOLUTION NO. 40

Authorizing Spring Clean-up for 2003

WHEREAS: the Town Highway Superintendent has recommended to the Town Board that special spring clean-up days be set for the Town of Sweden.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Spring Clean-up for the Town of Sweden for 2003 shall be during the week of April 28 through May 2, 2003.

Sec. 2. That the Highway Superintendent is hereby authorized to execute said refuse operation in the Town of Sweden.

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

MOTION for adoption of this resolution by Councilperson Carges seconded by Councilperson Windus-Cook

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – March 11, 2003

Adopted

RESOLUTION NO. 41

Amend Resolution No. 36 Re:
Install Fire Rated Counter Shutter
Community Center Gymnasium

WHEREAS: The Town Board accepted a proposal from Alliance Door Hardware, Inc. for \$1,649.00 to furnish and install a fire rated counter shutter; and

WHEREAS: There was an error in the original size quoted and the correct amount should be \$1,842.00

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby amends Resolution No. 36, 2003 to read “ for an amount of \$1840.00 to furnish material and labor for the installation of one 8” x 4” fire rated counter shutter.”

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Absent</u>

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

Submitted – March 11, 2003

Adopted

RESOLUTION NO. 42

Authorizing General Obligation Serial Bonds to Finance Certain Capital Improvements, Authorizing the Issuance Of Bond Anticipation Notes in Contemplation Thereof, the Expenditure of Sums for Such Purpose, and Determining Other Matters in Connection Therewith

WHEREAS: the Town has duly complied with the requirements of the State Environmental Quality Review Act and the applicable regulations thereunder of the State of New York with respect to the purpose hereinafter described and the financing therefore and has issued its final determination and negative declaration with respect thereto;

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:

- Sec. 1. The Town of Sweden shall undertake certain capital improvements consisting of road construction and parking area improvements, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way, or improvements in connection therewith, including Hollybrook Road construction and road and parking lot improvements at the Sweden/Clarkson Community Center (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$700,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.
- Sec. 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 \$700,000, of which up to \$440,000 is for road construction and up to \$260,000 is for parking area improvements, and said amounts are hereby appropriated therefore. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized.
- Sec. 3. It is hereby determined and declared that (a) said purpose is one of the class objects or purposes described in Subdivision 20 (c) and (f) of Paragraph (a) of Section 11.00 of the Local Finance Law, and the period of probable usefulness of said purpose is fifteen (15) years for the road construction and ten (10) for the parking area improvements, (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.

- Sec. 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.
- Sec. 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 Section 1.150-2.
- Sec. 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 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, 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 hereby authorized to affix to such bonds and notes the corporate seal of the Town of Sweden.
- Sec. 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 and interest on such obligations becoming due and payable in such year.
- Sec. 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, 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.

Sec. 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.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – March 11, 2003

Adopted

RESOLUTION NO. 43

Authorizing Contempt Order, Summary Judgment and/or Dismissal Order – Town of Sweden v. David Paul

WHEREAS: The Sweden Town Board has previously authorized by resolution the litigation currently ongoing relating to the Town of Sweden v. David Paul, et al, and seeking injunctive relief; and

WHEREAS: The Monroe County Supreme Court having issued an injunction in this matter, same having previously been served upon the defendants; and

WHEREAS: It appearing that the defendants continue to operate a commercial enterprise in violation of said injunction; and

WHEREAS: The Town of Sweden is desirous of seeking an Order of Contempt against the defendants and also seeking other various forms of relief from Monroe County Supreme Court in form of a Summary Judgment and/or a motion to Dismiss the defendants’ answer and/or Counterclaims.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Sweden Town Board does hereby authorize the Sweden Town Attorney to take any and all action to seek a Contempt Order, Summary Judgment and/or a Dismissal Order in the above entitled matter.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – March 11, 2003

Adopted

At this time Councilman Carges made a motion to spend town funds on a new Simplex alarm system for the Town Hall as per the quote received by Bob Coopenberg (\$2040.00 and \$350.00 per year administration and maintenance). Councilperson Windus-Cook seconded the motion. All voted in favor of the motion. Carried.

After review, Councilperson Windus-Cook made a motion to approve payment of the bills that were withheld from the last Town Board meeting. Councilperson Carges seconded the motion. Carried.

General Fund: In the amount of \$1,198.64 as set forth in Abstract 3 dated March 11, 2003

At 8:50 PM Supervisor Lester made a motion to go into executive session to discuss time sheets for the Community Center employees. Councilperson Carges seconded the motion. All voted in favor of the motion. Carried.

At 9:50 PM Councilperson Carges made a motion to go out of executive session. Councilperson Windus-Cook seconded the motion. All voted in favor of the motion. Carried

I, Gail A. DeToy, Town Clerk of the Town of Sweden, do hereby certify that the Town Board in executive session discussed the items reflected in the foregoing motion, and that no formal action was taken.

Town Clerk

DISCUSSION AND ANNOUNCEMENTS

There will be a work meeting on Tuesday, March 18, 2003 at 7:30 PM.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the March 11, 2003 meeting of the Sweden Town Board at 10:00 PM. Councilperson Windus-Cook seconded the motion. All voted in favor of the motion. Carried

Respectfully submitted,

Gail DeToy, Town Clerk