

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 25, 2003.

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

Councilperson Patricia Connors was absent.

Also present were Assessor Alan Bader, Director of Finance Elaine Jones, and Attorney Jim Bell.

Visitors present were Lauren McCracken, 650 White Rd., Jennifer Panek, 34 West Ave., Jim Hamlin, 50 Park Ave., Blaine Hastings, 113 Adams Street, Mark Bader, 53 Frazier Street, Tim Bates, 69 Royal Garden Way

Supervisor Lester called the meeting to order at 7:30 PM. and asked everyone present to say the Pledge to the Flag. He then asked for any comments from the visitors. There were none.

APPROVAL OF MINUTES

Councilperson Carges made a motion to accept the minutes of the Public Hearing held on March 11, 2003. Councilperson Windus-Cook seconded the motion. Those present voted in favor of the motion. Councilperson Wheat abstained, as he was absent from that meeting. Motion carried.

Councilperson Carges made a motion to accept the minutes of the Regular Town Board meeting held on March 11, 2003. Councilperson Windus-Cook seconded the motion. All voted in favor of the motion. Councilperson Wheat abstained. Motion carried.

SUPERVISOR'S CORRESPONDENCE

2003	Received From:	Comments:
*1	Southern Tier West Regional Planning & Development Board 3/13	10 th Annual Local Gov't. Conference May 8, 2003 Houghton College
*2	William Reilich, NYS Assemblyman 03/13	Ceremony honoring State Champion Brockport Blue Devils Hockey Team 03/29 Town Hall
3	Concordia Lutheran Church, 03/13	Service of Ordination and Installation for Roger Kimmel as Pastor - 03/30
4	Richard Olson Attorney for Town of Clarkson, 03/13	Copy of letter sent to NYS Comptroller's Office re: proposed East Ave. Water Dist.
5	Nat O. Lester III, Supervisor, 03/11	Letter to NYS Comptroller's Office re: proposed East Ave Water Dist. Application
6	Kim T. Blot, NYS Dept. of Ag. & Markets 03/14	Final Notice of Intent – Mon. Co. Ag. Dist. #5 – Town of Sweden- Advance of Public Funds – Construction of Waterlines
7	Alan Hevesi, NYS Comptroller's Office, 03/14	Report on issue of NYS Retirement Fund employer contributions
*8	Jack Doyle, Mon. Co. Executive	Agreement reached on four-year Sales Tax

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| | 03/18 | Sharing Plan |
| *9 | Brockport Area Vets Club, 03/18 | Memorial Day parade 03/24/03 |
| 10 | RPAC 03/18 | Minutes of February 10, 2003 meeting |
| 11 | Angela Dempsey, 03/20 | Opinion regarding the proposed Super Wal Mart. Opposed. |
| 12 | Nancy Duff, Sr. Center Dr., 03/20 | Request temporary part time paid person to replace Anne Brumm-Duttinger |
| 13 | Sweden Senior Center, 03/20 | February Report |
| 14 | Anne Duttinger, 03/21 | Request for maternity leave starting may 5, 2003 |
| *15 | Alan Hevesi, NYS Comptroller's Office, 03/24 | Three part plan for employer contributions to NYS Retirement Fund |
| | * Board has copies | |

Re: No.2. The Board appointed Pat Connors to represent them at the ceremony. Danielle Windus-Cook will attend if Pat cannot attend.

Re: No.9 Councilpersons Carges, Wheat, and Windus-Cook and Town Clerk Gail DeToy will participate in the parade. RSVP to Elaine Jones.

DEPARTMENTAL REPORTS

Highway Superintendent Fred Perrine was excused from the meeting.

Alan Bader reported that there are a few houses under construction, as well as the Laser car wash at Bill Gray's plaza. In regards to Wal Mart, the Planning Board agreed to do the scoping process. The Board will be notifying all interested parties. There will be a public hearing. These are just the initial phases. Tim Horton's has not formally applied, but will be coming before the Planning Board soon.

REPORTS

Councilperson Carges met with Jim Oberst regarding the Gallup Road water line project. Mr. Oberst has sent out all the information and applications to all involved agencies. There will be an informational meeting at the end of April. Tomorrow Mr. Carges will meet with Dave Gerace and Jim Oberst regarding the lighting in the parking lot and along the road at the Community Center. The NEXTEL cell tower has been started at the Community Center and will be operational by May 3rd. Councilman Carges met with Jim Nealon regarding the installation of security cameras at the Community Center. The cameras would be purchased on state contract and someone would be hired to install them. He estimates it would cost between \$7,000 and \$8,000.

Councilperson Wheat had no report.

Councilperson Windus-Cook had good news about the Skate Park plans. Through the teacher Mr. Handley, the company they have been working with (True Ride) has said that they are willing to hire the students as employees. The company's product liability will then cover. Also through connections it was learned that the Pepsi Cola Company would match contributions made to the project so far. The Skate Park location will be moved to an area closer to the road or

park entrance. There will be a meeting on the 31st to work on the plans for the concession stand that will be at the Town Park.

Mr. Bader reported that the Bergen electric line is going up on West Sweden Road.

Supervisor Lester met with Wal Mart representatives. The Supervisor wants them to explore the current site that would not need special permits or variances. He met with Mr. Duryea to discuss the Community Center Road connecting with Duryea Drive. The road would connect behind Aldi's. Traffic would then enter and exit at a traffic light. Tuesday at 4:00 PM he and Town Attorney Jim Bell met with the Court Justices. The meeting was in regards to the handling of Village parking tickets. The Town is supposed to collect and remit to the Village the fine monies. When the changeover happens it would definitely increase the workload in the Town Court.

RESOLUTIONS

RESOLUTION NO. 44

Authorize Supervisor to Sign
Maintenance Agreement –MP&SM, Inc.

WHEREAS: The Town of Sweden owns the building at 4927 Lake Rd. S for use as a community center; and

WHEREAS: New heating and cooling equipment, hot water heaters, and exhaust fans have been installed in this building; and

WHEREAS: Monroe Piping & Sheet Metal, Inc. has proposed to provide all service material and equipment necessary for planned maintenance on the equipment for a period of one year commencing on April 1, 2003 and ending March 31, 2004.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board hereby authorizes the Supervisor to sign the service agreement with Monroe Piping & Sheet Metal, Inc. for the one year period at a total price of \$3,190.00 to be billed quarterly.

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

Submitted – March 25, 2003

Adopted

RESOLUTION NO. 45

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

Submitted – March 25, 2003

Adopted

RESOLUTION NO. 46

Amend 2003 Salary Schedule

WHEREAS, the Town of Sweden’s practice in the past has been to allow Town employees to be considered for a salary adjustment after they have had six months of continuous employment.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the salaries for the following positions be established as follows:

Recreation Director	\$38,610 effective 1/1/03
Recreation Leader	\$23,686 effective 1/22/03

Sec. 2. That these adjustments shall be implemented as of Payroll #7.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – March 25, 2003.

Adopted

RESOLUTION NO. 47

Authorizing Spending and Transfer
From Reserve for Community Center

WHEREAS: a reserve fund known as "Recreation/Community Center" Reserve Fund has been duly established; and

WHEREAS: the Town is allowed to use the monies for management and expenses of the Sweden Community Center; and

WHEREAS: It has been deemed necessary to scrub and recoat the 10,500 square foot gymnasium floor at the Sweden Community Center and a proposal for this work has been received from DeClerk Flooring, Inc. of Arkport, NY

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the transfer of \$4,431.00 from the Reserve for Recreation/Community Center Fund to the Town of Sweden General Fund.

Sec. 2. That the monies transferred be utilized solely for the labor and materials to scrub and recoat the 10,500 square foot gymnasium floor at the Sweden Community Center.

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

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

Discussion: Councilperson Windus-Cook asked if this procedure is done annually. The answer is yes. Because another proposal has recently been made and should be considered, Councilperson Carges made a motion to table this resolution. Councilperson Windus-Cook seconded the motion. All voted in favor of the motion. Carried.

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges
Councilperson Connors
Councilperson Wheat
Councilperson Windus-Cook
Supervisor Lester

Submitted – March 25, 2003

Tabled

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 Wheat authorizing payment of the bills in Abstract 3 dated March 25, 2003. All voted in favor of the motion. Carried.

General Fund: In the amount of \$77,916.35 as set forth in Abstract 3 dated March 25, 2003.

Highway Fund: In the amount of \$21,350.38 as set forth in Abstract 3 dated March 25, 2003.

Special Districts: In the amount of \$3,704.37 as set forth in Abstract 3 dated March 25, 2003.

DSCUSSION AND ANNOUNCEMENTS

March 29, 2003, 10:00 AM: Presentation to BCS Hockey Team – Town Hall

April 1, 2003 at 7:15 PM: Town Board workshop meeting.

At 8:15 PM Councilperson Carges made a motion to go into executive session to discuss the current litigations of Battisti, Paul and Peters. Councilperson Windus-Cook seconded the motion. All voted in favor of the motion. Carried.

At 8:45 PM Councilperson Windus-Cook moved to go out of executive session. The motion was seconded by Councilperson Wheat. All voted in favor of the motion. Carried.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Wheat moved to adjourn the March 25, 2003 meeting of the Sweden Town Board at 8:45 PM. Councilperson Windus-Cook seconded the motion. All voted in favor of the motion. Carried

Respectfully submitted,

Gail A. DeToy
Town Clerk