

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, June 12, 2007.

Town Board members present were Supervisor Nat O. Lester, III, Councilperson Rob Carges, Councilperson Patricia Connors, and Councilperson Tom Ferris. Councilperson Danielle Windus-Cook was absent. Also present were Director of Finance Leisa Strabel, Head of Maintenance Jeremy Oakden, Building Inspector James Butler, Deputy Town Clerk Kathleen Roberts, Superintendent of Highways Fred Perrine, and Town Clerk Karen Sweeting. Town Attorney James Bell arrived at 7:50 p.m.

Visitors present were residents Jim Hamlin, Bob Canham, Pat Pawlaczyk, and Rebecca Donohue.

Supervisor Lester called the meeting to order at 7:30 p.m. and asked everyone present to say the Pledge to the Flag. Mr. Lester then acknowledged the presence of the visitors and asked if anyone would like to speak.

APPROVAL OF MINUTES

Councilperson Connors made a motion that was seconded by Councilperson Carges to accept the minutes of the Regular Town Board Meeting held on May 22, 2007. All voted in favor of the motion. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

2007 Received From:

1. NYS Board of Real Property Services
- *2. Breanne M. Spade, Recreation Leader

Comments:

Notice of Tentative State Equalization Rate for the 2007 Assessment Roll
Request for Board's permission to attend Silver Sneakers training sessions in Lockport, NY, and Depew, NY

*Board has copies

RE: #2 Councilperson Ferris made a motion that was seconded by Councilperson Connors to grant the request of Recreation Leader Breanne Spade to attend Silver Sneakers training sessions in Lockport, NY and Depew, NY. All voted in favor of the motion. Motion adopted.

DEPARTMENTAL REPORTS

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

REPORTS

Councilperson Carges commented on what great condition the Sweden Town Park is in compared to many other parks in the area.

Councilperson Connors had no report.

Councilperson Ferris reported that he and Councilperson Connors had attended the Memorial Day event at the Brockport Vets' Club and commented on how nice the speeches were by Roy Heise and Tessa Snow, Brockport High School senior.

Supervisor Lester attended the Memorial Day ceremony at the Oliver Middle School on May 25, 2007. He also attended a meeting in the Town of Ogden with Congressman Reynolds

and other Town Supervisors. On June 6, 2007, Supervisor Lester attended the ribbon cutting ceremony at ABVI. He met with Grace Lawlor and Fred Perrine regarding possible landscaping at the High Street Cemetery, which was deemed abandoned and turned over to the Town of Sweden.

Superintendent of Highways Fred Perrine reported that restoration of Shumway/Sweden Walker Road water line restoration work is 98% complete. Work on the new baseball field and irrigation at the Town Park is currently being done.

Director of Buildings and Grounds Jeremy Oakden reported that the siding of the Senior Center building is moving right along and plans to start replacing windows next week.

Finance Director Leisa Strabel had no report.

Building Inspector James Butler reported that he did a final approval on a pool alarm, which are now required on new pools 24” or deeper and hot tubs. The alarm sounds in the general area and inside the house.

Town Clerk Karen Sweeting indicated that she will be out on maternity leave beginning June 14, 2007.

RESOLUTIONS

RESOLUTION NO. 101

Amend Office Employee Handbook
Workplace Violence Prevention
Policy & Program

WHEREAS, the Town Board is committed to updating the Employee Handbooks and all policies included in them on a regular basis and whenever the need arises; and

WHEREAS, it has been mandated by New York State that all municipalities with 20 or more employees adopt a workplace violence policy and implement a workplace violence prevention program by July 1, 2007.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby adopt the attached Workplace Violence Policy and Program.

Sec. 2. That the Town Clerk is hereby directed to distribute the Workplace Violence Policy and Program to all employees to be inserted as a separate section in the Employee Handbooks.

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>

RESOLUTION NO. 102

Authorizing Property Clean-up Charges to
Be Added to Property Tax Bill

- WHEREAS, Sweden Town Code Section 141(5)(K) requires lawns to be kept cut and to not exceed 10 inches in height; and
- WHEREAS, Sweden Town Code Section 141(5)(K) states that failure of a property owner to comply within five days of notification that the lawn exceeds 10 inches will result in the Town taking action to have the lawn cut; and
- WHEREAS, Sweden Town Code Section 141(5)(K) further states that all costs associated with such action shall be assessed upon the real property; and
- WHEREAS, on May 22, 2007, the property at 6272 Brockport Spencerport Road was found in violation of Sweden Town Code Section 141(5)(K) with the lawn exceeding 10 inches in length; and
- WHEREAS, the Sweden Building Code Enforcer notified the property manager of the violation on May 23, 2007; and
- WHEREAS, the Property Owner failed to fully comply to Sweden Town Code Section 141(5)(K) within five days; and
- WHEREAS, the Sweden Highway Department trimmed the uncut areas of the lawn on June 8, 2007; and
- WHEREAS, the Town Board wishes to assess the real property for the cost of cutting the lawn.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby assess 6272 Brockport Spencerport Road \$85 as the cost for cutting the grass inclusive of labor, equipment and administrative costs.
- Sec. 2. That the Town Board of the Town of Sweden hereby directs the Building Code Enforcer to bill the property manager/owner for \$85.
- Sec.3. That if said bill is not paid by July 1, 2007, the Town Board of the Town of Sweden hereby directs the Assessor to add \$85 to the 2008 town tax bill of said property.
- Sec. 4. That this resolution shall take effect immediately.

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

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 – June 12, 2007

Adopted

RESOLUTION NO. 103

Calling for a Public Hearing Regarding the Adoption of Amendments to the Town of Sweden Recreation Master Plan & Town Park Facility Proposal

WHEREAS, the Town Board of the Town of Sweden adopted the Town of Sweden Recreation Master Plan & Town Park Facility Proposal by Resolution No. 42 of 2001 on March 27, 2001; and

WHEREAS, the Recreation Parks Advisory Council (RPAC) has recommended several changes to the Town of Sweden Recreation Master Plan & Town Park Facility Proposal.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden will hold a public hearing on the 26th day of June 2007, at 7:00 PM at the Sweden Town Hall, 18 State Street, Brockport, New York, to hear all persons in favor of or against the proposed updates to the Town of Sweden Recreation Master Plan & Town Park Facility Proposal.

Sec. 2. That the updates for the Town of Sweden Recreation Master Plan & Town Park Facility Proposal be available for review at the Town Clerk’s Office during regular business hours.

Sec. 3. That the Town Clerk is authorized and directed to cause a notice of this hearing to be published in the official newspapers of the town, in accordance with Section 265 of Town Law.

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 – June 12, 2007

Adopted

RESOLUTION NO. 104

Appoint Seasonal Laborer – Mutton

WHEREAS, the Superintendent of Highways has requested additional assistance in the Highway Department during the spring/summer season for mowing operations; and

WHEREAS, the Superintendent of Highways has recommended hiring Bradley Mutton for the 2007 spring/summer season.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Bradley Mutton as a Seasonal Laborer.

Sec. 2. That the rate of pay will be \$8.00 per hour.

Sec. 3. That the start date is May 29, 2007.

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 – June 12, 2007

Adopted

RESOLUTION NO. 105

Authorize Release of a Portion of the Letter of Credit – WSR LLC, The Woods at Sable Ridge – Draw #5

WHEREAS, the Town of Sweden Planning Board requires a Letter of Credit be filed with the Town of Sweden prior to construction of any development; and

WHEREAS, the Town Board accepted a draft Letter of Credit by motion on September 26, 2006 provided that the original of same draft is received with proper signatures; and

WHEREAS, WSR, LLC filed the original Letter of Credit with proper signatures on November 22, 2006 in the amount of \$2,126,037.56; and

WHEREAS, the Sweden Town Board authorized Draw #1 in the amount of \$225,474.31 on November 28, 2006 by Resolution No. 198 of 2006; Draw #2 in the amount of \$80,109.00 on February 13, 2007 by motion; Draw #3 in the amount of \$20,698.00 on March 27, 2007 by Resolution No. 51 of 2007; and Draw #4 in the amount of \$16,087.00 on May 8, 2007 by Resolution No. 89 of 2007.

WHEREAS, the Applicant, WSR, LLC is requesting a fifth release of a portion (\$44,719.00) of the Letter of Credit for materials and labor performed to the satisfaction of the Sweden Highway Superintendent and the Town Engineer; and

WHEREAS, the Sweden Highway Superintendent and the Town Engineer have inspected the work completed and recommend the release of \$44,719.00 from the current Letter of Credit.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That upon the recommendation of the Highway Superintendent and the Town Engineer upon satisfactory completion of a portion of work at the Woods at Sable Ridge, the Town Board of the Town of Sweden hereby accepts the release of \$44,719.00 from the Letter of Credit submitted by WSR, LLC on November 22, 2006.

Sec. 2. That attached hereto is the recommendation letter from Jim Oberst, MRB/group, Town Engineer for the Letter of Credit Release, Draw #5.

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

Submitted – June 12, 2007

Adopted

Resolution No. 106

Resolution Approving Various Road Improvement Project Agreements, Escrow Letter and Letter of Credit

WHEREAS The Planning Board adopted a Resolution on January 23, 2006, approving conditionally the site plan for the project known as the “Lowe’s of Brockport Project”; and

WHEREAS Among the conditions imposed by the Planning Board was Item No. 3, which required the Town of Sweden and the applicant to enter into a written agreement as a pre-condition to the issuance of a building permit for the project; and

WHEREAS The parties have developed written agreements entitled “The Owens Road Improvement Agreement”, the “Route 31 Improvement Agreement”, as well as a letter agreement regarding an escrow fund to be held by special counsel to the Town;

NOW, THEREFORE, BE IT RESOLVED THAT:

Sec. 1 The Route 31 Improvement Agreement be, and the same is hereby approved, subject to:

(a) The approval of the Supervisor, on advice from the Town Engineer and Special Counsel to the Town regarding the Schedules to be annexed to said agreement; and

(b) The amendment of paragraph 5 thereof to provide for the unconditional waiver of the right to file a lien and to make a claim as a precondition to the final payment to be made to contractors, subcontractors, materialmen and any and all other persons, companies or entities which, absent the waivers, would have a right to file such a lien or make such a claim; and

(c) The inclusion of a provision making clear that in the event that the New York State Department of Transportation (“NYSDOT”) requires work to be done on the project over and above that required by the Town of Sweden, the responsibility therefor shall rest with Brockport Land Associates, LLC, not the Town, at no additional cost to the Town

Sec. 2 The Owens Road Improvement Agreement be, and the same is hereby approved, with the understanding that a maintenance bond will be required by the Highway Superintendent prior to the acceptance of any dedication, and

Sec. 3 The Escrow Letter Agreement be, and the same is hereby approved, subject to the approval and consent of Special Counsel to the town of Sweden, the Escrow Agent.

Sec. 4. This resolution shall take effect immediately.

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

Submitted – June 12, 2007

Adopted

DISCUSSION AND ANNOUNCEMENTS

Supervisor Lester read two letters of appreciation, one to Larry and Judy Wade, and another to Jeremy Oakden, Director of Buildings and Grounds, the contents of said letters being as follows:

Mr. & Mrs. Larry Wade

Dear Larry and Judy,

I'd like to thank you for all the extra care you take to make the Sweden Town Park sparkle. The flowers are a beautiful addition and something that wouldn't happen if you didn't take the initiative.

I'd also like to compliment Larry on how terrific the fields look. Having the irrigation system operational will help keep the soccer fields looking great. Thanks again for all you do at the Town Park.

*On behalf of the Sweden Town Board,
Nat O. Lester, III, Sweden Supervisor*

Jeremy Oakden, Director of Buildings and Grounds

Dear Jeremy,

I'd like to thank you for the terrific job you did installing the acoustical panels in the Community Center gymnasium. They look great and have certainly made a big difference in the sound reverberation.

*I'd especially like to thank you for giving up your entire Memorial Day weekend so that the installation would not interfere with recreation programming. You're a great addition to the Sweden team and I appreciate your dedication to the job.
On behalf of the Sweden Town Board,
Nat O. Lester, III, Sweden Supervisor*

Due to the early payment date and at the request of Finance Director Leisa Strabel, Supervisor Lester made a motion that was seconded by Councilperson Connors to pay the Chase Mastercard bill in the amount of \$558.87. All voted in favor of the motion. Motion adopted.

Workshop meeting scheduled for Tuesday, June 19, 2007, at 4:00 p.m.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the June 12, 2007 meeting of the Sweden Town Board at 8:10 p.m. Councilperson Ferris seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Kathleen Roberts
Deputy Town Clerk