

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, August 12, 2003.

Town Board Members present were, Supervisor Nat O. Lester III, Councilperson Rob Carges, Councilperson Patricia Connors, and Councilperson Carl Wheat.

Director of Finance Leisa Strabel, and Town Attorney James Bell were also present.

Visitors present were Julie and Frank Lapinski, 4016 Sweden Walker Rd., Jim Hamlin, 50 Park Ave.

Supervisor Lester called the meeting to order at 7:30 PM and asked everyone present to say the Pledge to the Flag. Supervisor Lester called for public comment. At a previous meeting Mr. Lapinski told the Supervisor there were no flagmen on a water job on Sweden Walker Rd. It is his understanding that this is a job requirement. Supervisor Lester had checked into this matter and was told that Mr. Lapinski could file a complaint with the Monroe County Water Authority.

APPROVAL OF MINUTES

Councilperson Wheat made a motion to accept the minutes of the Public Hearing held at 7:00 PM on July 22, 2003. Councilperson Connors seconded the motion. All voted in favor of the motion. Carried.

Councilperson Connors made a motion to accept the minutes of the Public Hearing held at 7:15 PM on July 22, 2003. Councilperson Carges seconded the motion. All voted in favor of the motion. Carried.

Councilperson Connors made a motion to accept the minutes of the Regular Town Board meeting held on July 22, 2003. Councilperson Wheat seconded the motion. All voted in favor of the motion. Carried.

SUPERVISOR'S CORRESPONDENCE

2003	Received From:	Comments:
1.	Town of Gates 07/25	<u>The Cornerstone Chronicle</u> , Town of Gates Community Report
2.	James Stady, Sweden/Clarkson Rec. Pool Supervisor 07/28	Letter of Resignation effective August 4, 2003
3.	Office of the State Comptroller, 7/28	Town Hall Meeting with Alan G. Hevesi, 9/9/03 (teleconference)
4.	Gerald J. Mecca, Monroe Co. Dept. of Finance 8/08	Monroe Co. Sales Tax Distribution second quarter 2003, \$39,670.42
5.	Fannie Mae of Western & Central NY 8/08	Seminar Oct. 3, 2003 Crowne Plaza 10 AM to 3 PM
6.	Louis A. Katz, Lifetime Assistance, 8/08	Asking for town Proclamation recognizing 25 Year Anniversary
7.	James D. Bell, Town Attorney, 8/11	Copy of Stipulated Consent Order re: Town of Sweden v. Clarkson Electric, Inc.

8. Charles H. Nesbitt & Daniel L. Hooker, NYS Assembly, 12/11 Veteran's Affairs Committee – Report on Patriot Plan

Re: No. 2. Councilperson Carges made a motion to accept the resignation of James Stady. Councilperson Connors seconded the motion. All voted in favor of the motion. Carried.

DEPARTMENTAL REPORTS

Assessor Alan Bader and Highway Superintendent Fred Perrine were excused from the meeting.

The following Departmental Reports for the month of July were submitted and reviewed: Supervisor, Building, Dog Control, Fire Marshal, Highway Superintendent, Justice Court, Tax Receiver, and Town Clerk

In regards to the Highway Dept. report, gutter replacement at the east end of Hollybrook Dr. was discussed.

REPORTS

Town Attorney James Bell stated that the Town Board would need to do something about the David Paul case. Mr. Paul is still doing business operations at the Capen Road location.

Councilperson Carges made a request of the Town Board to waive the proposal process and accept a proposal from Technicom to install a phone system at the Senior Center, for a cost of \$2775. Technicom has installed the phones at the Town Hall and the Highway Dept. with no problems. Councilperson Connors made a motion that was seconded by Councilperson Wheat to accept the Technicom proposal for \$2775. All voted in favor of the motion. Carried.

Councilperson Connors reported that the Pre Disaster Mitigation Committee's Draft Plan is on the Town's WEB site. Maps are to be added. Also the committee will compare it to the County's plan.

Councilman Wheat reported that he has worked on fine-tuning the Garage Sale Local Law to prepare it for adoption. There will be an article in the local newspaper.

Supervisor Lester met with Village of Brockport Economic Development Leader Scott Winner. He also met with the Monroe County Water Authority. Supervisor Lester met with a gentleman who wished to open a day care center, but the site he was looking at does not have public water.

RESOLUTIONS

RESOLUTION NO. 101

Ordering Public Hearing on Proposed Construction of Telecommunications Tower-6615 Redman Road

WHEREAS: On August 5, 2003, an application was submitted for AT&T Wireless to construct a telecommunications tower on a property located at 6615 Redman Road in the Town of Sweden; and

WHEREAS: Adam S. Walters, Phillips, Lytle, Hitchcock, Blaine & Huber, LLP, has filed in the Town Clerk’s office the required maps, plans and specifications as provided by SBA Network Services, Inc., and such maps, plans and specifications are on file in the Town Clerk’s office for public inspection.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden will hold a Public Hearing at the Town Hall, 18 State Street, Brockport, New York on the 9th day of September, 2003, at 7:15 p.m. to consider the construction of a telecommunications tower in the Town of Sweden and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board with relation to such construction as may be required by law.

Sec. 2. That the Town Clerk be authorized and directed to publish and post such notice of Public Hearing as required by Town Law.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – August 12, 2003

Adopted

RESOLUTION NO. 102 Approving Fireworks Application and Permit – SUNY Brockport – 9/5/03

WHEREAS: an application for the display of fireworks has been received from the Associate Director of Campus Life for SUNY Brockport for consideration by the Town board. Said display to be held on September 5, 2003, at 9:00 p.m. at the plateau fields on the SUNY campus. There is no rain date.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board hereby approves the application for the display of fireworks at SUNY Brockport on September 5, 2003, and authorizes the Town Clerk to issue a permit for same.

Sec. 2. That the applicant provide an indemnity policy with liability of at least \$1,000,000 conditioned for the payment of all damages which may be caused to a

person or persons, or to property by reason of acts of the permittee, his agents, employees, etc. Such policy shall run to the Town.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted: August 12, 2003

Adopted

RESOLUTION NO. 103 Approving Fireworks Application and
Permit – SUNY Brockport – 9/26/03

WHEREAS: an application for the display of fireworks has been received from the Associate Director of Campus Life for SUNY Brockport for consideration by the Town board. Said display to be held on September 26, 2003, at 8:30 p.m. at the plateau fields on the SUNY campus. There is no rain date.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board hereby approves the application for the display of fireworks at SUNY Brockport on September 26, 2003, and authorizes the Town Clerk to issue a permit for same.

Sec. 2. That the applicant provide an indemnity policy with liability of at least \$1,000,000 conditioned for the payment of all damages which may be caused to a person or persons, or to property by reason of acts of the permittee, his agents, employees, etc. Such policy shall run to the Town.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Councilperson Windus-Cook Absent
Supervisor Lester Aye

Submitted: August 12, 2003

Adopted

RESOLUTION NO. 104

Authorize Wage Increase
(Receptionist/Typist)

WHEREAS, the duties of Receptionist/Typist Jill Wisnowski have substantially increased, and

WHEREAS, the Recreation Director and Finance Director have discussed the increase in duties, and

WHEREAS, the Recreation Director and Finance Director recommend an increase in salary for the position.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes an increase in the hourly rate of pay for Receptionist/Typist Jill Wisnowski from \$8.50 per hour to \$10.50 per hour.

Sec. 2. That this resolution shall take effect as of August 23, 2003.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – August 12, 2003

Adopted

RESOLUTION NO. 105

Changing From an Elected Receiver of Taxes
And Assessments to an Appointed Receiver of
Taxes and Assessments

WHEREAS: Town Law § 20(1)(a) sets forth in sum or substance that the position of Receiver of Taxes is to be elected in towns of the First Class; and

WHEREAS: The Town of Sweden is a town of the First Class; and

WHEREAS: Municipal Home Rule Law § 10(1)(a)(1) authorizes all local governments, including towns, to adopt local laws relating to the manner of selection to town officials; and

WHEREAS: Municipal Home Rule Law § 10(1)(d)(3) authorizes towns, by local law, to supersede Town Law § 20(1)(a); and

WHEREAS: Any local law superseding the Town Law as set forth in the preceding paragraph hereinabove would be subject to a mandatory referendum pursuant to Municipal Home Rule Law § 23(2)(e); and

WHEREAS: The New York State Attorney General's Office has determined that the foregoing statutory provisions authorize town boards to adopt local laws subject to mandatory referendums changing the manner of selecting the Receiver of Taxes from elected to appointed (1977 N.Y. Op. Atty. Gen. 172, informal); and

WHEREAS: Municipal Home Rule Law § 23 requires that a local law changing the method of selection of an elected office to an appointed office must be approved by a majority of voters at an election, same to be either a general election (Election Day in November) or a special election; and

WHEREAS: the Municipal Home Rule Law provides that the referendum proposition will go on the general election ballot in November if the local law is adopted not less than sixty (60) days prior to said November election and also provides that if the adoption of the local law is less than sixty (60) days before the November 2003 general election then the proposition must wait until the November 2004 general election unless the local law contains a clause calling for consideration of the matter at a special election; and

WHEREAS: the Sweden Town Board is desirous of changing the method of selection of the Receiver of Taxes and Assessments from elected to appointed and is also desirous of implementing whatever legal procedures are necessary to effectuate the inclusion of same on the ballot of the November 2003 general election.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. Pursuant to Municipal Home Rule Law § 10(1)(ii)(a)(1), the Town of Sweden hereby abolishes the elective office of the Receiver of Taxes and Assessments, same to take effect December 31, 2003.
- Sec. 2. The appointive office of Receiver of Taxes and Assessments of the Town of Sweden is hereby created and established effective January 1, 2004
- Sec. 3. The term of office of the individual elected to the office of elected Receiver of Taxes and Assessments in the November 2003 general election will expire January 1, 2004.

Sec. 4. This local law shall supersede, in its application to Town of Sweden, Town Law § 20(1)(a) with respect to the method of selection of the Receiver of Taxes and Assessments in the Town of Sweden.

Sec. 5. This local law is subject to mandatory referendum according to the provisions of the Municipal Home Rule Law § 23.

Sec. 6. This local law shall take effect immediately upon filing with the Secretary of State and after approval of the majority of the electors voting thereon in accordance with the requirements of the Municipal Home Rule Law § 23.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted: August 12, 2003

Adopted

DISCUSSION AND ANNOUNCEMENTS

Councilperson Carges will be attending a seminar on “Traffic Calming” on Wednesday.

There will be a Town Board work session at 7:00 PM on Tuesday August 19. They will meet with the Highway Superintendent regarding next year’s budget on Tuesday, August 26 at 5:15 PM.

At 8:00 PM Councilperson Carges made a motion to go into executive session to discuss an employee at the Community Center. Councilperson Wheat seconded the motion. All voted in favor of the motion. Carried.

At 8:45 PM Councilperson Carges moved to go out of executive session. Councilperson Wheat 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

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Wheat made a motion to adjourn the August 12, 2003 meeting of the Sweden Town Board at 9:00 PM. Councilperson Connors seconded the motion. All voted in favor of the motion. Carried.

Respectfully submitted,

Gail A. DeToy
Town Clerk