

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 22, 2006.

Town Board Members present were Supervisor Buddy Lester, Councilperson Rob Carges, Councilperson Pat Connors, Councilperson Tom Ferris, and Councilperson Danielle Windus-Cook. Also present were Director of Finance Leisa Strabel, Town Attorney Jim Bell, and Town Clerk Karen M. Sweeting.

Visitors present were residents Tim Bates, Rebecca Donohue and Bill Andrews.

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

Resident Bill Andrews wanted to discuss the resolution regarding the authorization of the license agreement with Monroe County for the Town of Sweden to use and maintain a portion of the trolley right-of-way between Sweden Walker Road and Owens Road. (Resolution #121) The license agreement is a contract between the county and town for use of the trolley right-of-way for a hiking/biking trail. The Town received a grant for \$82,644 from the NYS Office of Parks, Recreation and Historic Preservation to assist in the development. This contract is needed to access the monies. Councilperson Ferris asked how many miles this portion involved. Mr. Andrews stated a little over a mile. The improvements to the trail must meet national standards. Mr. Andrews is researching another grant that is due in October for additional development of the trail. Councilperson Windus-Cook commended Mr. Andrews for his dedication to the community.

Supervisor Lester asked the board to review and vote on this resolution.

RESOLUTION NO. 121

Authorizing License Agreement with Monroe County for Town of Sweden Use and Maintenance of a Portion of the Trolley Right-of-Way Between Sweden Walker Road and Owens Road

WHEREAS, the County of Monroe is the owner of the former Rochester Buffalo Lockport trolley right-of-way which was purchased by Monroe County in 1938 for highway purposes; and

WHEREAS, the Town of Sweden desires to enhance, develop and maintain the above property as a recreation trail for public uses; and

WHEREAS, the County Executive of Monroe County is authorized to execute this Agreement pursuant to Resolution No. ____ of 2006, adopted by the Monroe County Legislature on _____, 2006.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Supervisor of the Town of Sweden be authorized to sign and execute this License Agreement.

Sec. 2. That the Town of Sweden does hereby accept all terms and conditions set forth in the License Agreement.

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

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

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

Submitted – August 22, 2006

Adopted

APPROVAL OF MINUTES

Councilperson Carges made a motion that was seconded by Councilperson Connors to accept the minutes of the Public Hearing – Eminent Domain, Dragani Property held on August 8, 2006. All voted in favor of the motion – four ayes. Supervisor Lester abstained, he was excused from the hearing. Motion adopted.

Councilperson Carges made a motion that was seconded by Councilperson Connors to accept the minutes of the regular meeting held on August 8, 2006. All voted in favor of the motion – four ayes. Supervisor Lester abstained, he was excused for a portion of the meeting. Motion adopted.

SUPERVISOR’S CORRESPONDENCE

2006	Received From:	Comments:
1.	James Oberst, MRB/group, Town Engineer	Recommendation for Letter of Credit for The Woods at Sable Ridge
2.	Town Justices Carl Coapman, William Cody and Mark Depferd	Recommendation to hire Clerk PT for Justice Court
3.	David Hale, member of First Presbyterian Church	Thank you for endorsing application to NYS Environmental Protection Fund
4.	Jim Goetz and Jim Fallon, Walk to School Community Leadership and Interest Group	Announcement of meeting to discuss Walk to School event – August 30, 2006
5.	David Ange, Real Property Analyst	Final State equalization rate

*Board has copies

REPORTS

Councilperson Carges had no report.

Councilperson Connors reported that she attended the Homeland Security conference. She found it to be very informative; they discussed identity theft.

Councilperson Windus-Cook had no report.

Councilperson Ferris had no report.

Supervisor Lester reported that he attended the annual Swing for the Hill Golf Tournament; it was very successful. Mr. Lester attended the first annual Business Challenge hosted by the Sweden Community Foundation. Mr. Lester mentioned that Councilperson Ferris’ law office made a substantial donation to the foundation and the foundation hopes that many other area businesses will also donate. He thanked Finance Director Leisa Strabel for her hard work assisting with the event. Mr. Lester attended the Lakeside OB/GYN ribbon cutting and

stated that the event was well attended. Mr. Lester also reported that he met with Town Attorney Jim Bell to discuss a training session for the Sweden Zoning Board of Appeals. This will be discussed in detail at an upcoming workshop.

RESOLUTIONS

RESOLUTION NO. 122

Authorizing Litigation in the Matter of Joan Peters, Jack K. Peters, DBA Peters Trucking

WHEREAS, it has come to the attention of the Sweden Town Board that a commercial operation continues to be conducted and operated in a residential zone, to wit: 4805 Redman Road, same being in violation of not only the Sweden Town Code but also in violation of a Monroe County Supreme Court final Order and Judgment previously obtained by the Town of Sweden; and

WHEREAS, the Sweden Town Board is desirous of taking whatever legal action that is necessary to pursue contempt against the above named individuals in Monroe County Supreme Court and also to issue a violation appearance ticket in local Court.

NOW THEREFORE BE IT RESOLVED:

Sec 1. That the Town Board of the Town of Sweden hereby authorizes the Sweden Town Attorney and/or the Code Enforcement Officer for the Town of Sweden to take whatever legal action necessary against the appropriate landowners, businesses and/or individuals to seek punishment against them for contempt and related civil remedies in Monroe County Supreme Court, including the enforcement of the previous Restraining Order issued by Monroe County Supreme Court Justice Harold Gallaway, and also to issue an appearance ticket in local Court for the Town of Sweden in relationship to same.

Sec 2. That this Resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

- Councilperson Carges Aye
- Councilperson Connors Aye
- Councilperson Ferris Aye
- Councilperson Windus-Cook Aye
- Supervisor Lester Aye

Submitted – August 22, 2006

Adopted

RESOLUTION NO. 123

Calling for a Public Hearing on the Possible Acquisition By Eminent Domain a Portion of SBL No. 084.01-1-19.2

WHEREAS, the Town Board is considering the acquisition of a portion of the property of Marilyn Dragani, located in Brockport, New York, as more fully described in the attached public notice; and

WHEREAS, the Town Board is considering said acquisition of said property to use for a sidewalk, turning lane, bike path, and associated drainage facilities; and

WHEREAS, the Town Board, pursuant to Eminent Domain Procedure Law Article 2, wishes to hold a public hearing in order to inform the public of the proposed acquisition and to review the public use to be served by the acquisition, and to receive comments from the public on the proposed acquisition.

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 September 12, 2006 at 7:00 PM to (a) to inform the public of the Town Board’s proposal to take, by eminent domain, a portion of the property of Marilyn Dragani, Brockport, New York, Tax Parcel No. 084.01-1-19.2 (the “subject property”) and (b) to review (i) the public use to be served by the proposed public project and (ii) the impact on the environment and residents of the locality where such project will be constructed.
- Sec. 2. The Town Clerk is directed to publish the attached Public Notice in the Town’s Official Newspaper, which is a weekly paper, two successive issues, with the first publication no less than ten (10) nor more than thirty (30) days before the hearing; and in a daily paper of general circulation in the Town in five (5) successive issues, with the first publication no less than ten (10) nor more than (30) days before the hearing.
- Sec. 3. The Town Clerk is to mail notice of the hearing, certified mail, return receipt requested, to the record owners of the subject property, no less than ten (10) nor more than thirty (30) days before the hearing.
- Sec. 4. That this resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

- Councilperson Carges Aye
- Councilperson Connors Aye
- Councilperson Ferris Aye
- Councilperson Windus-Cook Aye
- Supervisor Lester Aye

Submitted – August 22, 2006

Adopted

RESOLUTION NO. 124

Approving Fireworks Application and Permit
SUNY Brockport – September 30, 2006

WHEREAS, an application for the display of fireworks has been received from the Programming Coordinator of Campus Life for SUNY Brockport for consideration

by the Town Board. Said display to be held on September 30, 2006, at 10:30 p.m. at the plateau fields on the SUNY Brockport campus. A rain date is scheduled "To Be Determined"; and

WHEREAS, the Fire Marshal for the Town of Sweden has reviewed said application.

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 30, 2006, 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 the issuance of the permit be subject to the review and approval of the Certificate of Liability by the Town Attorney.
- Sec. 4. That this resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

- Councilperson Carges Aye
- Councilperson Connors Aye
- Councilperson Ferris Aye
- Councilperson Windus-Cook Aye
- Supervisor Lester Aye

Submitted – August 22, 2006

Adopted

RESOLUTION NO. 125

Appointing Clerk Part Time
Sweden Court - Weed

WHEREAS, there is a vacancy in the position of Clerk part time in the Sweden Town Court; and

WHEREAS, Theresa Weed has been recommended for the position by the current Town Justices.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden agrees with the recommendation of the Justices as being in the best interests of the Town.
- Sec. 2. That the Town Board of the Town of Sweden does hereby appoint Theresa Weed as Clerk part time in the Justice Court starting August 21, 2006.
- Sec. 3. That this position is for a maximum of twenty-four (24) hours a week at an hourly rate of pay of \$10.00 per hour.
- Sec. 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Windus-Cook
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>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – August 22, 2006

Adopted

RESOLUTION NO. 126 Amending Salary Schedule for Election Inspectors

WHEREAS, New York State Election Law Section 3-420 was recently amended to require the Monroe County Legislature to establish rates of compensation for Election Inspectors and Election Coordinators; and

WHEREAS, the amendment to NYS Election Law Section 3-420 nor makes the rates a County responsibility and charge; and

WHEREAS, the County Legislature has approved the pay increase for the election inspectors for the year 2006; and

WHEREAS, Monroe County will now reimburse the Town of Sweden the cost of compensation for the Election Inspectors and Election Coordinators.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the pay rates of election inspectors for the Town of Sweden, County of Monroe, commencing August 8, 2006, and for subsequent years until amended by Monroe County, shall be changed from those set by Resolution No. 22 of 2000 to the following:

Inspector Pay on Election Day
\$10.00 per hour
Inspector Training
\$25.00 if working General Election
Chairperson Pay
\$20.00 per Election

Sec. 2. That the number of hours authorized for each service be the hours the polls are open plus one hour, unless otherwise certified by the Commissioner of Election.

Sec. 3. That each inspector will be reimbursed for no more than one training session per year.

Sec. 4. That the mileage be paid at the rate set by the County of Monroe.

Sec. 5. 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>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – August 22, 2006

Adopted

RESOLUTION NO. 127

Authorizing Fall Clean-up Days
for 2006 by the Highway Department

WHEREAS, the Town Highway Superintendent has recommended to the Town Board that special fall clean-up days be set for the Town of Sweden, and

WHEREAS, the Highway Superintendent has also recommended that this be for brush pick up only and no other items will be accepted.

NOW THEREFORE, BE IT RESOLVED:

Sec. 1. That the Highway Superintendent is hereby authorized to execute said operation for pick up of brush within the Town of Sweden on the following days: October 23, 2006 through October 27, 2006.

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

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

Submitted – August 22, 2006

Adopted

RESOLUTION NO. 128

Appoint Seasonal Laborer – Fiala

WHEREAS, there is a vacancy in the position of Seasonal Laborer at the Sweden Highway Department in the Town of Sweden; and

WHEREAS, Christopher Fiala has been recommended for the position by the Superintendent of Highways.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Christopher Fiala as a Seasonal Laborer.
- Sec. 2. That the rate of pay will be \$8.00 per hour and the start date is August 21, 2006.
- Sec. 3. That this resolution shall take effect immediately.

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

Discussion: Cemetery duties

VOTE BY ROLL CALL AND RECORD:

- Councilperson Carges Aye
- Councilperson Connors Aye
- Councilperson Ferris Aye
- Councilperson Windus-Cook Aye
- Supervisor Lester Aye

Submitted – August 22, 2006

Adopted

RESOLUTION NO. 129

Authorizing Meter Rental Amendment Agreement with Pitney Bowes

WHEREAS, the Town of Sweden must comply with new postal regulations; and

WHEREAS, in order to comply with these regulations the Town of Sweden needs to change the postal meter head and amend the Meter Rental Agreement.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Supervisor be authorized to sign and execute the Meter Rental Amendment Agreement with Pitney Bowes.
- Sec. 2. That the monthly payment will remain the same.
- Sec. 3. That this resolution shall take effect immediately.

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

Discussion: Councilperson Carges stated this was a formality; the Town will need to call in postage every 90 days.

VOTE BY ROLL CALL AND RECORD:

- Councilperson Carges Aye
- Councilperson Connors Aye
- Councilperson Ferris Aye
- Councilperson Windus-Cook Aye
- Supervisor Lester Aye

Submitted – August 22, 2006

Adopted

RESOLUTION NO. 130

Authorize Bids for Leaf Vacuum

WHEREAS, the Highway Department performs a leaf pick up and disposal service each fall; and

WHEREAS, the Highway Superintendent recommends the purchase of a new leaf vacuum for the purpose of providing this service; and

WHEREAS, the funds to purchase said leaf vacuum are available in the Reserve For Highway Equipment.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Highway Superintendent has prepared the required specifications for the leaf vacuum.

Sec. 2. That upon receipt of such specifications, the Town Clerk is directed to advertise for bids as required by law.

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

Submitted – August 22, 2006

Adopted

RESOLUTION NO. 131 Authorize Purchase of Leaf Vacuum From Reserve

WHEREAS, a Reserve was established for Highway Equipment on December 13, 2005;and

WHEREAS, the Highway Superintendent has recommended the purchase of a leaf vacuum from the Highway Equipment Reserve; and

WHEREAS, there are funds available in the Highway Equipment Reserve for the purchase of a leaf vacuum.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of up to \$20,000 from the Highway Equipment Reserve for the purchase of a leaf vacuum.

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

MOTION for adoption of this resolution by Councilperson Ferris

Seconded by Councilperson Connors

Discussion: Supervisor Lester made a motion that was seconded by Councilperson Carges to amend the resolution by adding an additional section to read:

Sec. 2. That this resolution be subject to permissive referendum as required by law

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

All voted in favor of the amendment. Motion adopted.

VOTE BY ROLL CALL AND RECORD ON RESOLUTION AS AMENDED:

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

Submitted – August 22, 2006

Adopted

RESOLUTION NO. 132

Enact Local Law No. 3 of 2006 Town Code

WHEREAS, a public hearing was held the 22nd day of August, 2006 by the Town Board of the Town of Sweden, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Town Law of the State of New York; and

WHEREAS, at said public hearing the Town Board considered the enactment of proposed Local Law No. 3 of 2006, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF SWEDEN INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE TOWN OF SWEDEN”; and

WHEREAS, all interested persons were given an opportunity to be heard with respect to the enactment of said local law.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That Local Law No. 3 of 2006 is enacted as follows: (copy of local law attached)

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

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

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

Submitted – August 22, 2006

Adopted

ARTICLE I
Adoption of Code

Be it enacted by the Town Board of the Town of Sweden, County of Monroe, New York, as follows:

§1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Sweden, as codified by General Code Publishers Corp., and consisting of Chapters 1 through 175, together with an Appendix, shall be known collectively as the “Code of the Town of Sweden,” hereafter termed the “Code.” Wherever reference is made in any of the local laws, ordinances and resolutions contained in the Code of the Town of Sweden to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

§1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Sweden, and it is the intention of said Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of §1-3 below.

§1-3. Repeal of enactments not included in Code.

All local laws and ordinances of a general and permanent nature of the Town of Sweden in force on the date of adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

§1-4. Enactment saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in §1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Sweden prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Sweden or any penalty, punishment or forfeiture which may result therefrom.

- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Sweden.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Sweden.
- E. Any local law or ordinance of the Town of Sweden providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Sweden or any portion thereof.
- F. Any local law or ordinance of the Town of Sweden appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Sweden or other instruments or evidence of the town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any local law or ordinance adopted subsequent to 2-28-2006.

§1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Sweden and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of Sweden by impressing thereon the Seal of the Town, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Town of Sweden" or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board to be a part thereof, shall be deemed to be incorporated into such

Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§1-8. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Sweden required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§1-9. Sale of Code book; supplementation.

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§1-10. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Sweden or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Sweden to be misrepresented thereby or who violates any other provision of this local law shall be guilty of a violation and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§1-11. Word usage.

- A. Computation of time. Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.
- B. Delegation of authority. Whenever a provision appears requiring the head of a department of the Town to do some act or make certain inspections it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section otherwise require.
- C. Gender. A word importing the masculine gender only shall extend and be applied to the females and to firms, partnerships and corporations as well as to males.
- D. Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.
- E. Tense. Words used in the past or present tense include the future as well as the past and present.
- F. Title of officer. Whenever the title of a Town officer is given it shall be construed as though the words "of the Town of Sweden" were added.

§1-12. Changes in previously adopted legislation; new provisions.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Sweden, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsections B and C hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. The following changes are made throughout the Code:
 - 1. Specific fee amounts are removed and replaced with the wording “as set by the Town Board.”
 - 2. References to the “Fire Marshal,” “Fire Inspector,” “Building Inspector” and “Chief Building Inspector” are amended to read “Code Enforcement Officer,” except that “Fire Marshal” is retained in §§ 3-2D and 102-4A.
 - 3. References to the “Highway Superintendent” are amended to read “Superintendent of Highways.”
 - 4. References to the “Municipal Building” are amended to read “Sweden Town Hall.”
 - 5. References to the “Master Plan” are amended to read “Comprehensive Plan.”
 - 6. References to the “Board of Appeals” are amended to read “Zoning Board of Appeals.”
- C. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§1-13. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Sweden, such local law to be titled “General Provisions, Article I, Adoption of Code,” and the sections of this local law shall be numbered §§1-1 to 1-14, inclusive.

§1-14. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

RESOLUTION NO. 133

Appoint Member to the Town of Sweden
Environmental Conservation Board – Lloyd

WHEREAS, a vacancy has occurred on the Town of Sweden Environmental Conservation Board due to the resignation of James Spiller; and

WHEREAS, George Lloyd has expressed an interest to serve on the Environmental Conservation Board and contribute to the community.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint George Lloyd to the Environmental Conservation Board to fill the vacancy.

Sec. 2. That this term of membership will begin August 22, 2006 and end on December 31, 2006.

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

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

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

Submitted – August 22, 2006

Adopted

RESOLUTION NO. 134 Authorize Wage Increase – Dalheim

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 Richard Dalheim to \$10.50 per hour.

Sec. 2. That this resolution shall take effect as of August 19, 2006.

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

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

Submitted – August 22, 2006

Adopted

DISCUSSION AND ANNOUNCEMENTS

The Sherwin Williams ribbon cutting is scheduled for September 16, 2006.

A primary election will be held in the Town of Sweden on September 12, 2006 from noon to 9:00 pm.

APPROVAL FOR PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Carges made a motion that was seconded by Councilperson Connors authorizing payment of the bills in Abstract 8 dated August 23, 2006 in the amount of \$111,290.54. All voted in favor of the motion. Motion adopted.

General Fund: In the amount of \$73,181.94 as set forth in Abstract 8 dated August 23, 2006.

Highway Fund: In the amount of \$17,078.60 as set forth in Abstract 8 dated August 23, 2006.

Special Districts: In the amount of \$21,030 as set forth in Abstract 8 dated August 23, 2006.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the August 22, 2006 meeting of the Sweden Town Board at 8:25 p.m. Councilperson Connors seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk