

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 23, 2005.

Town Board Members present were Supervisor Buddy Lester, Councilperson Rob Carges, Councilperson Patricia Connors, and Councilperson Danielle Windus-Cook. Councilperson Tom Ferris was absent. Also present were Finance Director Leisa Strabel, Building Inspector Bill Weber, Town Attorney James Bell, Highway Superintendent Fred Perrine, and Town Clerk Karen Sweeting.

Visitors present were Timothy P. Bates from 69 Royal Gardens Way, Frank Lapinski from 4016 Sweden Walker Road, Jim and Joan Hamlin from 50 Park Avenue, and Ken Schlecht from 5859 Brockport Spencerport Road.

Supervisor Lester called the meeting to order at 7:50 p.m. after a short break following the public hearing and asked everyone present to say the Pledge to the Flag. Supervisor Lester then acknowledged the presence of the visitors and asked if anyone would like to speak. Frank Lapinski from 4016 Sweden Walker Road read a statement to the members of the board. No other visitors spoke.

#### APPROVAL OF MINUTES

Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to accept the minutes of the Public Hearing–Redman Road Rezoning held on August 2, 2005. All voted in favor of the motion–three ayes, Supervisor Lester abstained due to his absence on August 2, 2005. Motion adopted.

Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to accept the minutes of the Regular Town Board Meeting held on August 9, 2005. All voted in favor of the motion–four ayes. Motion adopted.

#### SUPERVISOR'S CORRESPONDENCE

2005 Received From:	Comments:
1. Maggie Brooks, Monroe County Executive	Response to Supervisors Request to Conduct Traffic Study on Redman Road
2. Fred Perrine, Highway Superintendent	Safety Recommendations from John Klotz
3. Steve Newcomb, Office for the Aging, Monroe County	Sweden Senior Center Assessment Date
4. Kathryn Beaumont	Resignation from Town Recycling/Refuse Center
5. Tony Eaffaldano, Assessor	Request Permission to Attend NYSAA Seminar on Assessment Administration
6. Lynette Lemcke, Court Clerk	Request Permission to Attend NYS Association of Magistrates & Court Clerks Conference

\*Board has copies.

RE: #1 The County will be getting the accident reports for the Redman Road area.

RE: #4 Councilperson Carges made a motion that was seconded by Councilperson Connors to accept the resignation of Kathryn Beaumont from the Town Recycling/Refuse Center. All voted in favor of the motion–four ayes. Motion adopted. Supervisor Lester stated that they are accepting her resignation with regrets. Kathy did a good job at the center for the Town. Mr. Lester stated that Kathy would remain the Dog Control Officer for the Town of Sweden.

RE: #5 Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to grant the request of Tony Eaffaldano to attend the NYSAA Seminar on Assessment Administration. All voted in favor of the motion—four ayes. Motion adopted.

RE: #6 Councilperson Carges made a motion that was seconded by Councilperson Connors to grant the request of Lynette Lemcke to attend the NYS Association of Magistrates & Court Clerks Conference. All voted in favor of the motion—four ayes. Motion adopted.

## REPORTS

Building Inspector Bill Weber had no report.

Town Attorney Jim Bell reported that the Firestone case is still pending in Sweden Town Court and he will be proceeding with motions. Mr. Bell also reported that he has received notice of several Article 7 actions and he will be submitting discovery requests on them all.

Highway Superintendent Fred Perrine reported that his department is finishing restoration of the Fourth Section Road sewer main. They have also made some improvements to a retention pond on Skidmore Drive. Mr. Perrine stated that the main focus has been on the Colby Street/Sweden Walker Road water extension project.

Councilperson Carges reported that the Monroe County Sheriff has been following up on the attempted break in at the Sweden Town Park. They are in the process of obtaining depositions. Mr. Carges stated that they have identified one of the individuals and have met with the parents. Mr. Carges stated the Board should push for restitution. Fred Perrine stated that he has spoken to the investigators regarding material and labor costs; the costs fall between \$1,000 and \$3,000. Town Attorney Jim Bell stated that under the Family Court Act there may be limitations to the restitution paid by each child, but it looks as though it will fall within that range. Fred Perrine stated that the Monroe County Sheriff would be checking the Town Park more frequently.

Councilperson Connors had no report.

Councilperson Windus-Cook had no report.

Supervisor Lester reported that the annual golf tournament held at Brockport Country Club on August 12, 2005 was successful. The Brockport Country Club turned over proceeds totaling over \$10,000 to the Sweden Community Foundation, the newly formed 501-c3. Mr. Lester reported that he met with two individuals who were interested in bringing a new business venture to the Town of Sweden. He referred them to Building Inspector Bill Weber. Mr. Lester spoke with a resident on Shumway Road regarding the few parcels that were left out of the water extension. The resident now understands the process involved in forming water districts. Mr. Lester reported that he spoke with former Town Board Member Mark Klafehn and Mr. Klafehn stated that he recalls similar issues of water years ago. Mr. Lester stated that this proves the lack of formation is not political. He posed the question of why wouldn't the current board want to see all of the parcels in the Town of Sweden with water. Mr. Lester stated that he is almost sure the number of parcels added during this administration exceeds any in the past. He continued that in all fairness to the previous boards, many of the new formations would not have been possible without the financial assistance of others, including the Iroquois Rock Products Reclamation Fund and the Monroe County Water Authority. Mr. Lester stated that approximately 40% of the parcel owners in the proposed Shumway Road/Sweden Walker Road water extension district did not sign the petition and were not interested. Not all the parcel owners in the Town of Sweden are in agreement. The petitions must have 51% in favor of the formation and it must be affordable for the Town to go forward, this is required by the State of New York.

## RESOLUTIONS

RESOLUTION NO. 128 Appoint Student Helper - Mucino

WHEREAS, the Recreation Director, David Scott, has recommended the appointment of a student for the Croc Roc's Program and weekend building supervision for 2005 as Student Helper.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby appoints Brian Mucino to the position of Student Helper at the Sweden Clarkson Community Center.
- Sec. 2. That the rate of pay be \$6.75 per hour with a maximum of 15 hours per week and a starting date of August 23, 2005.
- 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 Aye
- Councilperson Connors Aye
- Councilperson Ferris Absent
- Councilperson Windus-Cook Aye
- Supervisor Lester Aye

Submitted–August 23, 2005

Adopted

RESOLUTION NO. 129 Authorize Supervisor to Sign Municipal Appraisal Agreement with Assessment and Valuation Services

WHEREAS, the Statutes of the State of New York require that assessing jurisdictions assess real property at a uniform percentage of full market value and maintain an inventory of said real property; and

WHEREAS, consultant, David P. Miller d/b/a Assessment and Valuation Services, has considerable experience in serving county and municipal governments in the mass appraisal field; and

WHEREAS, the Town of Sweden intends to comply with the Statutes and Rules and Regulations; and

WHEREAS, the Town of Sweden has determined it is in the best interests of the taxpayers of the Town of Sweden to utilize the services of Consultant to comply with the Statutes and Rules and Regulations.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Sweden Town Board hereby authorizes the Supervisor to sign said agreement authorizing Assessment and Valuation Services to provide the services contained in Memo A in accordance with the terms and conditions set forth.
- 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>Aye</u>
Councilperson Ferris	<u>Absent</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted–August 23, 2005

Adopted

RESOLUTION NO. 130

Authorizing Settlement of Judgment  
Taken By the Town of Sweden  
Against David W. Paul

WHEREAS, the Town of Sweden did obtain a Judgment against David W. Paul in Sweden Town Court as more particularly set forth in the Transcript of Judgment executed by Honorable Carl A. Coapman, Sweden Town Justice, on September 17, 2002; and

WHEREAS, the aforesaid Transcript of Judgment was recorded in the Monroe County Clerk’s Office on September 25, 2002 and in the Orleans County Clerk’s Office on October 29, 2002; and

WHEREAS, the aforesaid Judgment remains unsatisfied and it appears as though it would be in the best interests for the Town of Sweden to consider a settlement of same based upon various facts and circumstances including the tenuous financial circumstances of the Judgment Debtor; and

WHEREAS, any settlement as contemplated herein would not change or modify any other settlement terms in existence from previous litigation between David W. Paul and the Town of Sweden and same would remain in full force and effect.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. The Sweden Town Board hereby authorizes the Sweden Town Attorney to pursue a settlement in the above entitled matter for no less than the sum of Four Thousand Dollars (\$4,000.00).

Sec. 2. If a settlement is reached, the Sweden Town Board hereby authorizes the Sweden Town Attorney and/or the Sweden Town Supervisor to execute and deliver a Satisfaction of Judgment to the Judgment Debtor.

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

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

Discussion: The Town Attorney Jim Bell explained that over the past several weeks he has talked with the attorney for Mr. Paul. Mr. Bell believes that due to certain circumstances of Mr.

Paul it is in the Town's best interests to accept a settlement for approximately 80% of the total amount of the judgment in full satisfaction. This settlement is for the Sweden Town Court judgment only, not the Supreme Court case.

VOTE BY ROLL CALL AND RECORD:

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

Submitted: August 23, 2005

Adopted

RESOLUTION NO. 131

Extending Agreement with New York State  
for Control of Ice and Snow-2008

WHEREAS, the State Commissioner of Transportation and the Town of Sweden have entered into an Agreement No. D139795 entitled "Snow and Ice Agreement Between New York State Department of Transportation and the Municipality of the Town of Sweden" dated July 17, 1978; and

WHEREAS, the term of the said Agreement is for a period of three years commencing July 1, 1978, and the said Agreement provides that the parties may at the end of each year of the term of the Agreement extend such term for an additional year; and

WHEREAS, the present term of the Agreement, as extended, expires June 30, 2007; and

WHEREAS, Section 7 of the said Agreement provides that the Commissioner shall furnish the Municipality with a suitable map for each term of the agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement; and

WHEREAS, Section 10 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner subject to the provisions of Section 10, at the time for extension of the Agreement.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor be authorized to enter into an agreement with the Commissioner of the NYS Department of Transportation to extend the aforementioned Agreement No. D139795 for a period of one year; now to expire on June 30, 2008, unless further extended; and to accept the estimated expenditure as specified in Section 10 of the aforementioned Agreement in the amount of \$3,237.06 per lane mile for 34.89 lane miles for a total of \$112,941.00 for the remainder of the 2005/2006 season and for the remainder of the term of the Agreement commencing July 1, 2005, unless changed by future update.

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

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

Discussion: Highway Superintendent Fred Perrine stated that the costs were arrived at over a three (3) year average.

VOTE BY ROLL CALL AND RECORD:

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

Submitted–August 23, 2005

Adopted

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 24, 2005 in the amount of \$160,689.74. All voted in favor of the motion–four ayes. Motion adopted.

General Fund: In the amount of \$78,581.07 as set forth in Abstract 8 dated August 24, 2005.

Highway Fund: In the amount of \$30,069.67 as set forth in Abstract 8 dated August 24, 2005

Special Fund: In the amount of \$52,039.00 as set forth in Abstract 8 dated August 24, 2005.

DISCUSSION AND ANNOUNCEMENTS

There will be a workshop meeting on Tuesday, August 30, 2005 at 5:00 p.m.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Carges moved to adjourn the August 23, 2005 meeting of the Sweden Town Board at 8:20 p.m. Councilperson Connors seconded the motion. All voted in favor of the motion–four ayes. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
Town Clerk