

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 27, 2002.

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

Also present was Director of Finance Elaine Jones and Highway Superintendent Fred Perrine, Assessor Alan Bader.

Visitors present Mark Wieczorek, 3097 Redman Rd, Linda Wieczorek, 3097 Redman Rd, Frank and Julie Lapinski, 4016 Sweden Walker Rd., Tim and Nancy Hussong, 3949 Sweden Walker Rd., Robert Yaeger, 15039 W. Jones Beach, 14477, David Schultz, 3976 Sweden Walker Rd., Robbie Hess, Suburban News.

Supervisor Lester called the meeting to order and everyone said the pledge to the flag. He called on Mark Wieczorek who had completed his Eagle Scout Project that was to construct a playground at the Sweden Town Park. He thanked the Town Board for allowing the project and the Highway Superintendent for his help during the construction. He had a book of photos showing the construction that he shared with those present. Supervisor Lester presented him with a Certificate of Appreciation from the Town Board.

Calling on other visitors Julie Lapinski asked for an update on the Sweden Walker Rd. Water District Project. Councilman Carges reported that Jim Oberst of MRB Engineers would do the services for the project. The Board was told that Mr. Prosser of Lakeside Engineers will share information with MRB, but they have not been successful so far. Mr. Lapinski asked what is needed? Mr. Carges said it would be anything that Mr. Prosser had saved electronically or on paper that is related to the district formation. Tim Hussong asked about the bond consideration. Will it come in under the amount allowed by the State Comptroller's Office? Mr. Lester asked if he would come in and meet with the Supervisor. He said he would. Dave Schultz asked why there had been a change in the plans? There is a new Highway Superintendent and the Monroe County Water Authority now has control over the system. Nancy Hussong said that they should not wait any longer to begin the project.

APPROVAL OF MINUTES

Councilperson Wheat made a motion that was seconded by Councilperson Windus-Cook to accept the minutes of the Public Hearing held on July 23, 2002. All voted in favor of the motion. Carried.

Councilperson Connors made a motion seconded by Councilperson Wheat to accept the minutes of the regular meeting held on July 23, 2002. All voted in favor of the motion. Carried.

Councilperson Connors made a motion to accept the minutes of the Special Meeting held on August 8, 2002. Councilperson Windus Cook seconded the motion. Councilperson Wheat abstained. The remaining members voted in favor of the motion. Carried.

SUPERVISOR'S CORRESPONDENCE

2002	Received From:	Comments:
*1	Jack Doyle, Mon. Co. Executive, 07/29	Mowing on Co. Highways reinstated
*2.	Michael J. Townsend, COMIDA, 8/02	Bigfella Enterprises Inc. (Ledgedale Airpark) Announcing a Public Hearing
*3.	Gerald Mecca, Mon. Co., Dept. of Finance 8/06	Mon. Co. Sales Tax Dist. 2 nd Quarter 2002 \$46,258.39
4.	Timothy Maher, NYS Board of Real Property Services 8/12	Equalization Rate of 100%
5.	Josephine Matela, Mayor of Brockport, 8/12	Termination of Fire Protection Contract 12/31/02
6.	George Maziarz, NYS Senator, 8/12	Secured grant in amount of \$5,000 in addition to the \$20,000 – Acquisition of Community Center
*7	Lynette Lemcke, Court Clerk 8/13	Request to attend Court Clerks' Conference 9/29/02
*8	Adam Walters, Phillips, Lytle et al, 8/14	Re: Crystal Ridge PUD, NYSDEC Comments to DGEIS
9.	Monroe Co. Sheriff's Office 8/14	2 nd quarter Offense Report Summary
10.	James Fallon, Superintendent BCS, 8/16	Shannon Zielinski resigned as Youth Asset Coordinator. Take steps to fill this position.
*11	James Oberst, MRB group, 8/16	Proposal for Services Sweden Walker Rd. Watermain Project.
*12	Alan Bader, Assessor, 8/16	Request to return applicant Isabella Santoreli's fee of \$192.50 Permit not used
*13.	Jack Doyle, Mon. Co. Exec., 8/21	Request towns to include language in telecommunications facility approvals to enable Mon. Co. to co-locate on tower sites.
*14	George Pataki, NYS Governor	Anniversary of 9/11/02 encouraging remembrances.
*15	Shirley Mercer, Receiver of Taxes, 8/22	Appoint Jeanne Moszak as temporary Deputy Receiver of Taxes
*16	Kenneth M. Naugle, Mon. Co. Dept. of Health, 8/26	Copy of letter sent to Passero Associates re: Ledgedale Airpark Water Main Extension

*Board has copies

Re: No 1. The County will reimburse the Town two times but not for the third time. Mr. Perrine will do it anyway.

Re. No. 7 Councilman Wheat made a motion seconded by Councilwoman Connors to honor Lynette Lemcke's request to attend the Court Clerk's on 9/29/02. All voted in favor. Carried

Re. No. 12 Councilwoman Connors made a motion to return the \$192.50 fee to Isabella Santoreli.

DEPARTMENTAL REPORTS

Alan Bader reported that Ames is going out of business. Bill Gray's is in and will be open in about two weeks. They have hired about 40 people. Next year they plan to add patio

seating. Staples may be back. And there are other possible tenants. There have been a few home starts.

Highway Superintendent Fred Perrine reported that the reconstruction of Trefoil Lane would be completed next week. The department is working on the installation of the four soccer fields at the Town Park. The fall clean up will be brush only. Date and resolution will be ready for next meeting.

REPORTS

Councilperson Carges had no report

Councilperson Connors had not report.

Councilperson Wheat was away on vacation but had gone up to the Town Park to look around.

Councilperson Windus-Cook reported that she attended the Park meeting the previous night. The meeting left her feeling optimistic. The Skate Park should be completed by mid-June of 2003.

Supervisor Lester had no report

RESOLUTIONS

RESOLUTION NO. 94

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, monies deposited into this reserve fund were received from non-tax dollars (proceeds from sale of gift of stock/balance of Reserve for Reassessment), and

WHEREAS, the offer of gift and the resolution accepting the gift monies allows the Town to use the monies for management of the Town Community Center, and

WHEREAS, monies from this reserve are needed to finance expenses for the management of the Sweden Community Center.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the transfer of \$100,000 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 management of the Sweden Community Center.

Sec. 3 That this resolution shall take effect immediately.

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

Submitted: August 27, 2002

Adopted

RESOLUTION NO. 95

Budget Modifications

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is hereby authorized to make the following modifications to the 2002 Town Budget:

Increase the following appropriations

A1622.1 Community Center (Pers. Serv.)	\$ 2,000
A1622.4 Community Center (Cont. Exp.)	48,000
A7020.1 Community Center, Admin (Pers. Serv.)	27,000
A7020.4 Community Center, Admin (Cont. Exp.)	3,000
A7310.4 Youth Programs (Cont. Exp.)	20,000

Increase the following revenue account

A5031 Interfund Transfers	\$100,000
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MOTION for adoption of this resolution by Councilwoman Connors
Seconded by Councilman 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	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted August 27, 2002

Adopted

RESOLUTION NO. 96

Endorsing Ledgesdale Airpark Project
To Purchase Snow Removal Equipment

WHEREAS: the Town Board of the Town of Sweden has received a request from Big Fella Enterprises, Inc. for Ledgesdale Airpark regarding a New York State grant to purchase snow removal equipment; and

WHEREAS: the New York State Department of Transportation, under Section 14h of the State Transportation Law, requires privately owned reliever facilities to obtain local municipal support to receive New York State funding.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden endorses the project to purchase snow removal equipment for Ledgesdale Airpark for the purpose of making the project eligible for State funding;

Sec. 2. That the adoption of this Resolution shall be solely for the purposes stated herein and in n way binds the Town Board, Planning Board and/or the Zoning Board of Appeals of the Town of Sweden to any approvals, permits and/or licenses which may be required by the applicant for future projects or work related to Ledgesdale Airpark;

Sec. 3. It has been determined by the Town Board, under Part 617.13(d) of the State Environmental Quality Review Act (SEQR), of the State of New York, that the aforesaid project, including basic data collection, research and engineering studies, constitutes an Type II Action which will not have a significant impact upon the environment. The Supervisor of the Town of Sweden is hereby authorized to sign and date form DV-21 RI Agency Compliance Statement, as attached herewith; and

Sec. 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilwoman Connors

Seconded by Councilman Wheat

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted –August 27, 2002

Adopted

RESOLUTION NO. 97

Endorsing Ledgesdale Airpark Project – Engineering
Design for the Expansion of the Transient Aircraft

Parking Apron

WHEREAS: Big Fella Enterprises, inc. received a grant from the Federal Aviation Administration to pay 90% of the allowable costs incurred in accomplishing the following project for Ledgesdale Airpark:
“Engineering Design for the Expansion of the Transient Aircraft Parking Apron”

WHEREAS: the New York State Department of Transportation has offered a matching grant to the Federal grant for 50% of the non-Federal share of eligible costs; and

WHEREAS: the New York State Department of Transportation, under Section 14h of the State Transportation Law, requires privately owned reliever facilities to obtain local municipal support to receive New York State funding.

NOW, THEREFORE BE IT RESOLVED:

Sec.1. that the Town Board of the Town of Sweden endorses the above described project for the purpose of making the project eligible for State funding;

Sec. 2. that the adoption of this Resolution shall be solely for the purposes stated herein and in no way binds the Town Board, the Planning Board and/or the Zoning Board of Appeals of the Town of Sweden to any approval, permits and/or licenses which may be required by the applicant for future projects or work related to Ledgesdale Airpark;

Sec. 3 it has heretofore been determined by the Town Board, under Part 617.13(d) of the State Environmental Quality Review Act (SEQR), of the State of New York, that the aforesaid project for Engineering Design for the Expansion of the Transient Aircraft Parking Apron, including basic data collection, research and engineering studies, constitutes an Unlisted Action which will not have a significant impact upon the environment. The Supervisor of the Town of Sweden is hereby authorized to sign and date form DV-21-RI Agency Compliance Statement, as attached herewith.

Sec. 4. That this resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

RESOLUTION NO. 98

Authorizing Supervisor to Enter into Agreement with MRB group Engineers Sweden Walker Rd. Water District Formation

WHEREAS: MRB group has presented the Town with a proposal for engineering services for the formation of the Sweden Walker Road Water District.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Supervisor be authorized to enter into an agreement with MRB group, 2480 Browncroft Blvd., Rochester, NY 14625 for engineering services.
- Sec. 2. The services are for assistance with the formation of the Sweden Walker Road Water District.
- Sec. 3. The cost of this service shall not exceed \$7,500.
- Sec. 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilman Carges
Seconded by Councilwoman Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – August 27, 2002

Adopted

RESOLUTION NO. 99

Appoint Temporary Employee-Moszak

WHEREAS, the Receiver of Taxes and Assessments now has one Deputy and will need additional assistance during the tax seasons.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Jeanne G. Moszak as an employee of the Town of Sweden for the collection of taxes on an as needed basis.
- Sec. 2. That the rate of pay will be \$8.50 per hour for a six hour day starting at 9:00 am to 4:00 pm, Monday through Friday.

MOTION for adoption of this resolution by Councilwoman Connors
Seconded by Councilman 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	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – August 27, 200

Adopted

RESOLUTION NO. 100

Accepting Proposal of Cole Layer Trumble
To Update Town Assessment

WHEREAS: The Sweden Town Board desires to sustain its investment in property assessment equity; and

WHEREAS: The Town of Sweden is committed to annual reassessment in order to maintain an equalization rate of 100%; and

WHEREAS: New York State Office of Real Property supports an annual reassessment with financial reimbursement; and

WHEREAS: Cole Layer Trumble has submitted a proposal for an annual update to the assessment roll.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. The Sweden Town Board hereby accepts the proposal of Cole Layer Trumble to update the assessments for the 2003 assessment roll for the amount of \$18,000.

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

MOTION for adoption of this resolution by Councilman Carges

Seconded by Councilwoman Connors

Discussion: Reimbursement is at \$5.00/parcel because of a long-term contract.

VOTE BY ROLL CALL AND RECORD:

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

Submitted – August 27, 2002

Adopted

RESOLUTION NO. 101

Rescinding and Repealing Resolution No. 29

(Establishing Sweden Walker Road Water District)

WHEREAS: The Town Board of the Town of Sweden on March 12, 2002 adopted Resolution No. 29 creating the Sweden Walker Road Water District; and

WHEREAS: The Town Board of the Town of Sweden is now desirous of rescinding and repealing Resolution No. 29 pursuant to Town Law Sec. 93.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby rescind and repeal Resolution No. 29 of March 12, 2002.

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

MOTION for adoption of this resolution by Councilman Carges
Seconded by Councilwoman Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – August 27, 2002

Adopted

RESOLUTION NO. 102

Authorizing Rental of Topsoil
Screener And Conveyor

WHEREAS: The Highway Superintendent recommends leasing a Topsoil Screener and Conveyor for use by the Highway Department in the Sweden Town Park from Upstate Screens and Crushers, Inc.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the rental of a Topsoil Screener and Conveyor for one month at the rate of \$6500 per month.

Sec. 2. That the lease for said equipment will be with Upstate Screens and Crushers, Inc. and the invoice is to be paid for by funds from the Town Park Bond.

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

MOTION for adoption of this resolution by Councilman Wheat
Seconded by Councilwoman Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – August 27, 2002

Adopted

At this time, 8:15 PM, Councilwoman Windus-Cook made a motion to go into executive session to discuss possible litigation on Resolutions Nos. 9,10, and 11. Councilwoman Connors seconded the motion. All voted in favor. Motion carried

At 8:55 PM Councilman Carges made a motion to go out of executive session. Councilman Wheat seconded the motion. All voted in favor. 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.

Gail A. DeToy, Town Clerk

RESOLUTION NO. 103

Authorizing Litigation in the Matter of
Property Located at 2730 Colby Street

WHEREAS: It has come to the attention of the Sweden Town Board that a commercial operation is being conducted in a residential zone, to wit: 2730 Colby Street; Town of Sweden; and

WHEREAS: the Sweden Town Board is desirous of taking whatever legal action is necessary to restrain and enjoin continuing commercial operation at 2730 Colby Street, Town of Sweden.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the Sweden Town Attorney to take whatever legal action is necessary against the appropriate landowners, businesses and/or individuals to seek a permanent injunction, restraining order and/or discontinuance of business or commercial operations at 2730 Colby Street, Town of Sweden.

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

MOTION for adoption of this resolution by Councilman Carges
Seconded by Councilwoman Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – August 27, 2002

Adopted

RESOLUTION NO. 104

Authorizing Litigation in the Matter of
Property Located at 4805 Redman Road

WHEREAS: It has come to the attention of the Sweden Town Board that a commercial operation is being conducted in a residential zone, to wit: 4805 Redman Road in the Town of Sweden; and

WHEREAS: The Sweden Town Board is desirous of taking whatever legal action is necessary to restrain and enjoin continuing commercial operation at 4805 Redman Road in the Town of Sweden.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes Thomas D. Calandra as Attorney to take whatever legal action is necessary against the appropriate landowners, businesses and/or individuals to seek a permanent injunction, restraining order and/or discontinuance of business or commercial operations at 4805 Redman Road, at a rate not to exceed \$150.00 per hour.

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

MOTION for adoption of this resolution by Councilwoman Connors
Seconded by Councilman Carges

Discussion: Councilwoman Windus-Cook is opposed to litigating all three properties at once.

VOTE BY ROLL CALL AND RECORD:

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

Submitted – August 27, 2002

Adopted

Supervisor Lester recused himself from the meeting while Councilman Carges conducted the meeting for the following resolution.

RESOLUTION NO. 105

Authorizing Litigation in the Matter of

Property Located at 282 Capen Road

WHEREAS: It has come to the attention of the Sweden Town Board that a commercial operation is being conducted in a residential zone, to wit: 282 Capen Road in the Town of Sweden; and

WHEREAS: the Sweden Town Board is desirous of taking whatever legal action is necessary to restrain and enjoin continuing commercial operation at 282 Capen Road in the Town of Sweden.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the Sweden Town Attorney to take whatever legal action is necessary against the appropriate landowners, businesses and/or individuals to seek a permanent injunction, restraining order and/or discontinuance of business or commercial operations at 282 Capen Road.

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

MOTION for adoption of this resolution by Councilwoman Connors
Seconded by Councilman Wheat

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

Submitted – August 27, 2002

Adopted

Supervisor Lester returned to the meeting.

APPROVAL FOR PAYMENT OF BILLS

All Board members reviewed the invoice audit journal. Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook authorizing payment of the bills in Abstract 6 dated August 27, 2002. All voted in favor of the motion. Carried.

General Fund: In the amount of \$71,893.00 as set forth in Abstract 8 dated August 27, 2002.

Highway Fund: In the amount of \$26,746.22 as set forth in Abstract 8 dated August 27, 2002.

Recreation Fund: In the amount of \$33,862.67 as set forth in Abstract 8 dated August 27, 2002.

Special District: In the amount of \$3,637.37 as set forth in Abstract 8 dated August 27, 2002.

Capital Fund: In the amount of \$102,112.35 as set forth in Abstract 8 dated August 27, 2002.

DISCUSSION AND ANNOUNCEMENTS

There will be a workshop meeting on September 3, 2002 at 7:00 PM.

ADJOURNMENT

There being no further business to come before the Board, Councilperson Connors made a motion that was seconded by Councilperson Windus Cook to adjourn the Regular Town Board meeting of August 27, 2002, at 9:48 PM. All voted in favor of the motion. Carried.

Respectfully submitted,

Gail A. DeToy, Town Clerk