

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, December 14, 2021.

Town Board Members present were Supervisor Kevin Johnson, Councilperson Patricia Hayles, Councilperson Randall Hoke, and Councilperson Gary Sullivan. Councilperson Rhonda Humby was absent. Also present were Finance Director Leisa Strabel, Superintendent of Highways Brian Ingraham, Town Attorney Jim Bell, and Town Clerk Karen Sweeting.

Visitors present were Chris Hamlin, Wayne Zyra, and Leslie Daum.

Supervisor Johnson called the meeting to order at 6:00 p.m. and asked everyone present to say the Pledge to the Flag and remain standing for a moment of silence to remember those in the armed forces and our first responders.

**PRIVILEGE OF THE FLOOR:**

Resident Leslie Daum shared an update on the monument at the Town Park. She would like to re-dedicate the monument Memorial Day weekend. Ms. Daum complimented the Board on the COVID test kit distribution.

**CORRESPONDENCE:**

Supervisor Johnson received many Christmas cards.

**REPORTS OF DEPARTMENTS AND BOARD MEMBERS:**

Reports to be given December 29, 2021.

**EXECUTIVE SESSION:**

Councilperson Hayles made a motion that was seconded by Councilperson Hoke to go into executive session at 6:06 p.m. subject to Public Officer’s Law Section 108(3) confidential consultation with the Town Attorney. All voted in favor of the motion – four ayes. Motion adopted.

No action taken.

Councilperson Hoke made a motion that was seconded by Councilperson Sullivan to leave executive session and return to the regular meeting at 6:47 p.m. All voted in favor of the motion – four ayes. Motion adopted.

**CONSENT AGENDA ITEMS:**

Councilperson Hoke made a motion that was seconded by Councilperson Hayles to approve **all** Consent Agenda items as listed below.

**VOTE BY ROLL CALL:**

Councilperson Hayles	<u>Aye</u>
Councilperson Hoke	<u>Aye</u>
Councilperson Humby	<u>Absent</u>
Councilperson Sullivan	<u>Aye</u>
Supervisor Johnson	<u>Aye</u>

**ADOPTED**

- Approval of the minutes of the regular meeting (including public hearings) held on November 30, 2021
- RESOLUTION NO.   178                      Approval of Regular Town Board Meetings for 2022

WHEREAS, the Town Clerk is directed to advertise in the official Town newspaper the regular Town Board meetings for 2022.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1.            That the dates for Town Board meetings for 2022 be approved as listed below:

*January 3, 2022 @ 6 PM (Monday)	
January 11, 2022 @ 6 PM	July 26, 2022 @ 6 PM
January 25, 2022 @ 6 PM	
	August 23, 2022 @ 6 PM
February 8, 2022 @ 6 PM @ Sweden Town Park Lodge	
February 22, 2022 @ 6 PM	
	September 13, 2022 @ 6 PM
March 8, 2022 @ 6 PM	September 27, 2022 @ 6 PM
March 22, 2022 @ 6 PM	
	October 11, 2022 @ 6 PM
April 12, 2022 @ 6 PM	October 25, 2022 @ 6 PM
April 26, 2022 @ 6 PM	
	November 15, 2022 @ 6 PM* Third Tuesday
May 10, 2022 @ 6 PM	November 29, 2022 @ 6 PM* Fifth Tuesday
May 24, 2022 @ 6 PM	
	December 13, 2022 @ 6 PM
June 28, 2022 @ 6 PM	*December 29, 2022 @ 6 PM (Thursday)

Sec. 2            That Town Board workshops will be held on the first Tuesday of each month except for the month of January when there will be no scheduled workshop.

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

- RESOLUTION NO.   179                      Encumbrances

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1.            That the Director of Finance be authorized to establish accounts payable and encumber the applicable appropriation account balances to apply to unpaid obligations as filed with her at the close of the 2021 fiscal year by the heads of administrative units of the Town and to amend the 2021 budget by increasing the proper appropriations per any encumbrances so filed.

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

- RESOLUTION NO. 180 Adjust Pay Rates for Employees Earning Minimum Wage

WHEREAS, the New York State minimum wage will rise to \$13.20 per hour on December 31, 2021; and

WHEREAS, the Town of Sweden has several employees earning the current minimum wage of \$12.50 per hour; and

WHEREAS, the Director of Finance has recommended that the Town adjust the wages of those earning minimum wage to the new rate effective December 31, 2021.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby increases the hourly rate for employees currently earning less than \$13.20 per hour to \$13.20 per hour.

Sec. 2. That the increase will take effect for hours worked on December 31, 2021.

Sec. 3. That this resolution shall take effect immediately

- RESOLUTION NO. 181 Declare Surplus Items for Disposal

WHEREAS, the Sweden Town Board adopted the Scrap Materials Policy and Procedures on February 8, 2011; and

WHEREAS, Section 1 of such policy and procedure states that prior to disposal, assets must be declared as surplus items by the Sweden Town Board.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby declares as surplus items to be removed for disposal:

Panasonic Digital Phone Systems at all buildings

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

- RESOLUTION NO. 182 Sweden Town Board Resolution Approving and Adopting the Town’s Determination and Findings Pursuant to Eminent Domain Procedure Law Section 204 Regarding the Acquisition of Certain Interests in Real Property in the Town of Sweden and Directing Town and Special Counsel and Staff to Continue all Steps Necessary in Connection Therewith and for the Potential Acquisition of Permanent and Temporary Easements in Connection with the Gary Drive and Brockport Spencerport Road Expansion Project

WHEREAS, the Town of Sweden (the “Town”) is authorized and empowered by Article 4, Section 64 of the New York State Town Law, to acquire by acquisition in the manner provided by the New York State Eminent Domain Procedure Law (“EDPL”), any lands or rights therein, either within or outside the town boundaries, required for any public purpose; and

WHEREAS, the Town has undertaken the Gary Drive and Brockport Spencerport Road Expansion Project which includes the expansion and extension of Gary Drive at the southwest corner of the Property as well as the expansion of the north side frontage of the Property at Brockport Spencerport Road a/k/a NYS Route 31 which will extend the existing street to Brockport Spencerport Road a/k/a NYS Route 31 in order to facilitate traffic circulation within that area of the Town and to improve pedestrian convenience and safety within that area of the Town (the “Project”); and

WHEREAS, the Town is considering the acquisition of certain real property temporary and permanent easement interests as set forth in the map and property description attached as **Schedule A**, consisting of approximately 200 feet in width at Route 31 and approximately 120 feet in width where the Gary Drive extension will meet the existing Gary Drive and approximately 300 feet in length together with any adjacent areas necessary for temporary easement during construction (“Easements”) in connection with the Project for the public purpose of expanding and extending the southern portion of Gary Drive which will extend the existing street to Brockport Spencerport Road in order to facilitate traffic circulation and improve pedestrian convenience and safety within that area of the Town. The location of the real property under consideration for acquisition as described above is the western portion of a 36.57 +/- acre parcel of land (property identified as SBL No. 084.01-1-25.115) abutting Brockport Spencerport Road and Gary Drive, such interests to include, or be adjacent to properties identified as SBL No. 084.01-1-25.115, SBL No. 084.01-1-37 and SBL No. 084.01-1-52 (collectively the “Property”); and

WHEREAS, the Town Board of the Town of Sweden conducted a duly noticed public hearing as provided for under EDPL Article 2 on November 30, 2021 at 7:30 pm in the courtroom at the Town Hall of the Town of Sweden located at 18 State Street, Brockport, New York 14420, in the Town of Sweden, Monroe County, New York for the purposes of hearing all persons in favor of or opposed to the proposed acquisition of the Easements in furtherance of the Project which hearing was left open for an additional week thereafter for additional written submissions; and “all persons wishing to be heard” were heard; and

WHEREAS, at the November 30, 2021 public hearing, the Town described the Project and outlined the public purposes and benefits to be achieved by the Project for which the acquisition of the Easements is necessary and desirable and which will further the Project; and the proposed location of the Project and alternative Project Routes including a description of the Easements; and

WHEREAS, on October 27, 2020, the Town, consistent with its obligations under the State Environmental Quality Review Act, adopted resolutions determining that the proposed Project will not result in any significant adverse environmental impacts, which resolutions are incorporated herein by reference; and

WHEREAS, pursuant to EDPL 203, copies of the record of the public hearing were made available to the public for examination, without cost, at the offices of the Town located at the Town Hall of the Town of Sweden located at 18 State Street, Brockport, New York 14420, in the Town of Sweden, Monroe County, New York; and

WHEREAS, the Town Board of the Town of Sweden has caused to be prepared pursuant to Article 2 of the New York Eminent Domain Procedure Law a Statement of Determination and Findings concerning the acquisition of certain real property interests in connection with the Project for the public purpose of expanding and extending the southern portion of Gary Drive which will extend the existing street to Brockport Spencerport Road in order to facilitate traffic circulation and pedestrian convenience and safety within that area of the Town.

NOW, THEREFORE, BE IT RESOLVED by the members of the Town Board of the Town of Sweden as follows:

Sec. 1. In accordance with EDPL 204, the Town hereby approves and adopts its Determination and Findings in connection with the acquisition of the Easements in connection with the Property as follows:

A. The Determination and Findings attached hereto and made part of this resolution as **Exhibit 1**; and

B. The synopsis of the Determination and Findings attached hereto and made part of this resolution as **Exhibit 2**.

Sec. 2. The synopsis of the Determination and Findings (Exhibit 2) shall be published in two (2) successive issues of The Daily Record and the Suburban News pursuant to EDPL 204.

Sec. 3. That Town Attorney, James D. Bell, the Town's staff and special counsel, Barclay Damon, LLP, are hereby authorized and directed to do such things or perform such acts and execute such documents as are necessary and/or appropriate to duly carry out the Determination and Findings as adopted by the Town Board of the Town of Sweden and the Town is hereby authorized to acquire, through its power of eminent domain or otherwise, title to the Property.

Sec. 4. This resolution shall take effective immediately.

- RESOLUTION NO. 183

Authorize Transfer of Bond Payments  
from Reserve for Bonded Indebtedness

WHEREAS, on December 10, 2019, a reserve was established for the payment of bonded indebtedness; and

WHEREAS, the reserve fund has proceeds from obligations that are applicable to current bond payments.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of \$8,300.00 plus accrued interest from the Reserve for Bonded Indebtedness.

Sec. 2. That the Funds shall be transferred to assist in the principal and interest payment of the 2021 Lake Redman Road Water BAN of \$2,013,777.77.

Sec. 3. That pursuant to Section 6-C of the General Municipal Law, this expenditure is subject to permissive referendum.

Sec. 4. That the Town Clerk is directed to publish a public notice as required by law.

Sec. 5. That this resolution shall take effect immediately.

- RESOLUTION NO. 184 Authorizing Funds to Be Deposited in Capital Reserve - Seymour Library

WHEREAS, the Town of Sweden is the joint owner with the Town of Clarkson and Village of Brockport of a property at 161 East Avenue, Town of Clarkson, New York commonly known as the Seymour Library; and

WHEREAS, the Town Board of the Town of Sweden has expressed the desire to maintain the property known as the Seymour Library in good repair in the interest of public safety and to protect the taxpayers' investment in same; and

WHEREAS, the Town established a Seymour Library Capital Reserve Fund on May 14, 2019 to fund capital repair projects at the Seymour Library; and

WHEREAS, the Town of Sweden desires to appropriate sums to become part of the reserve fund from time to time.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Supervisor is directed to transfer from the general fund (town outside) to the Seymour Library Capital Reserve Fund the sum of \$8,000.

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

- RESOLUTION NO. 185 Authorizing Additional Sums To Be Deposited in Capital Reserve Recreation/Community Center Reserve

WHEREAS, the Town of Sweden established a Recreation Community Center Reserve Fund on July 24, 2001 to finance the acquisition, construction, remodeling and/or conversion of a structure into use as a community center and/or gymnasium; and

WHEREAS, a Community Center was acquired by the Town and said Community Center may from time to time require remodeling, reconstruction or major repair work to be done; and

WHEREAS, the Town of Sweden desires to appropriate additional sums to become part of the fund from time to time.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is directed to transfer from the general fund to the Recreation/Community Center Reserve the sum of \$75,000.

Sec. 2. That such additional sums as may hereafter be appropriated shall become part of the fund.

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

- RESOLUTION NO. 186 Authorizing Additional Sums To Be Deposited in Capital Reserve - Buildings Reserve Fund

WHEREAS, the Town of Sweden owns municipal buildings at 18 State Street, 133 State Street, 40 White Road, 4927 Lake Road, 4988 Lake Road and 4745 Redman Road; and

WHEREAS, from time to time a major repair project may arise that has not been identified in the Town's annual budget; and

WHEREAS, the Town established a Buildings Reserve Fund on November 23, 2004 to fund said building repair projects; and

WHEREAS, the Town of Sweden desires to appropriate additional sums to become part of the reserve fund from time to time.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Supervisor is directed to transfer from the general fund to the Buildings Reserve Fund the sum of \$75,000.

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

- RESOLUTION NO. 187 Authorizing Additional Sums to be Deposited in Capital Reserve Parks and Recreation Reserve

WHEREAS, the Town Board of the Town of Sweden did heretofore authorize the establishment and collection of a parks and recreation fee at the time of the issuance of each new certificate of occupancy for new construction within the Town of Sweden; and

WHEREAS, the Town Board established a capital reserve fund for the purpose of the maintenance, investment and expenditure of such funds.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Supervisor is directed to transfer from the general fund to the Parks and Recreation Reserve, \$16,250, the parks and recreation fee collected and recorded in the Budget Year 2021.
- Sec. 2. That the Supervisor is directed to transfer from the general fund to the Parks and Recreation Reserve, an additional \$50,000.
- Sec. 3. That this resolution shall take effect immediately.

- RESOLUTION NO. 188 Authorizing Additional Sums to be Deposited in Capital Reserve - Highway Equipment

WHEREAS, the Town of Sweden maintains a fleet of trucks and other heavy equipment in order to maintain its roadways; and

WHEREAS, the Town Board established a highway equipment reserve fund on December 13, 2005; and

WHEREAS, the Town Board desires to appropriate additional sums to become part of the reserve fund from time to time.

NOW THEREFORE BE IT RESOLVED:

- Sec. 1. That the Supervisor is directed to transfer from the highway town outside fund to the Highway Equipment Reserve Fund the sum of \$200,000.00.
- Sec. 2. That this resolution shall take effect immediately.

- RESOLUTION NO. 189 Authorizing Additional Sums To Be Deposited in Capital Reserve - Sewer Truck Reserve

WHEREAS, the Town Board of the Town of Sweden did heretofore authorize the establishment of a capital reserve fund for Sewer Trucks; and

WHEREAS, the Town Board of the Town of Sweden desires to appropriate additional sums to become part of the reserve fund from time to time.

NOW THEREFORE BE IT RESOLVED:

- Sec. 1. That the Supervisor is directed to transfer from the sewer operating fund to the Sewer Truck Reserve the sum of \$5,000.
- Sec. 2. That this resolution shall take effect immediately.

- RESOLUTION NO. 190 Approve Inter-municipal Agreement with Monroe County for Shared Recreation Programs



WHEREAS, the County of Monroe and the Town of Sweden desire to enter into an Inter-municipal Agreement for Shared Recreation Programs and Park Services.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the Inter-municipal Agreement between the Town and the County of Monroe for Shared Recreation Programs and Park Services.
- Sec. 2. That the Supervisor is hereby authorized to execute all necessary documents.
- Sec. 3. That this resolution shall take effect immediately.

- RESOLUTION NO. 191 Award Bid for the Construction of Sweden Senior Room Addition - General

WHEREAS, the Town Board of the Town of Sweden advertised for bids pursuant to law for the construction of a Senior Room Addition at the Sweden/Clarkson Community Center, 4927 Lake Road and the following bids were received for general contracting:

	Base Bid
Building Innovation Group	\$783,757
Whitney East, Inc.	\$841,900
Springer Construction Group	\$848,233
Testa Construction	\$862,040

WHEREAS, after review by the Town Architect, the recommendation is to award the general contracting bid to Building Innovation Group; and

WHEREAS, New York State Office of Community Renewal has given the Town of Sweden approval to proceed with the award.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden, upon the recommendation of the Town Architect, does hereby award the general contracting bid for the construction of a Senior Room Addition at the Sweden/Clarkson Community Center to the Building Innovation Group for a Bid price of \$783,757.00
- Sec. 2. That the Supervisor is authorized to execute the contract and all necessary documents.
- Sec. 3. That this resolution shall take effect immediately.

- RESOLUTION NO. 192 Award Bid for the Construction of Sweden Senior Room Addition - Plumbing

WHEREAS, the Town Board of the Town of Sweden advertised for bids pursuant to law for the construction of a Senior Room Addition at the Sweden/Clarkson Community Center and the following bids were received for plumbing contracting:

	Base Bid
E-Plumbing & Piping	\$45,400
D.G Messmer, Corp.	\$55,500
Leo J. Roth Corp.	\$59,890
Nairy Mechanical	\$68,822

WHEREAS, after review by the Town Architect, the recommendation is to award the plumbing contracting bid to E-Plumbing & Piping; and

WHEREAS, New York State Office of Community Renewal has given the Town of Sweden approval to proceed with the award.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden, upon the recommendation of the Town Architect, does hereby award the plumbing contracting bid for the construction of a Senior Room Addition at the Sweden/Clarkson Community Center to E-Plumbing & Piping, Inc. for a bid price of \$45,400.

Sec. 2. That the Supervisor is authorized to execute the contract and all necessary documents.

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

- RESOLUTION NO. 193 Award Bid for the Construction of Sweden Senior Room Addition- Mechanical

WHEREAS, the Town Board of the Town of Sweden advertised for bids pursuant to law for the construction of a Senior Room Addition at the Sweden/Clarkson Community Center and the following bids were received for mechanical contracting:

	Bid
Leo J. Roth Corp.	\$91,890
Pipitone Enterprises	\$96,565

WHEREAS, after review by the Town Architect, the recommendation is to award the mechanical contracting bid to Leo J. Roth Corp.; and

WHEREAS, New York State Office of Community Renewal has given the Town of Sweden approval to proceed with the award.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden, upon the recommendation of the Town Architect, does hereby award the mechanical contracting bid for the construction of a Senior Room Addition at the Sweden/Clarkson Community Center to Leo J. Roth for a Bid price of \$91,890.

Sec. 2. That the Supervisor is authorized to execute the contract and all necessary documents.

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

- RESOLUTION NO. 194 Award Bid for the Construction of Sweden Senior Room Addition - Electrical

WHEREAS, the Town Board of the Town of Sweden advertised for bids pursuant to law for the construction of a Senior Room Addition at the Sweden/Clarkson Community Center and the following bids were received for electrical contracting:

	Base Bid
Concord Electric, Corp.	\$69,069
Callea Electric, Inc.	\$88,989

WHEREAS, after review by the Town Architect, the recommendation is to award the electrical contracting bid to Concord Electric, Corp; and

WHEREAS, New York State Office of Community Renewal has given the Town of Sweden approval to proceed with the award.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden, upon the recommendation of the Town Architect, does hereby award the electrical contracting bid for the construction of a Senior Room Addition at the Sweden/Clarkson Community Center to Concord Electric, Corp. for a bid price of \$69,069.
- Sec. 2. That the Supervisor is authorized to execute the contract and all necessary documents.
- Sec. 3. That this resolution shall take effect immediately.

- RESOLUTION NO. 195 Emergency Heating Control Replacement Community Center

WHEREAS, the Community Center heating/cooling control system is no longer functioning and the heating/cooling system cannot be regulated.

NOW THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden authorizes the emergency replacement of the Community Center heating/cooling control system.
- Sec. 2. That the Supervisor is authorized to sign a responsible proposal and/or purchase order without further Town Board approval to replace the Community Center heating/cooling control system.
- Sec. 3. That this resolution shall take effect immediately.

NON-CONSENT AGENDA:

- Approval for Payment of Bills

All the Board members reviewed the invoice audit journal. Councilperson Hayles made a motion that was seconded by Councilperson Hoke authorizing payment of the bills in Abstract 12A dated December 15, 2021 in the amount of \$77,216.35.

General Fund: In the amount of \$50,829.87 as set forth in Abstract 12A dated December 15, 2021.

Highway Fund: In the amount of \$11,339.59 as set forth in Abstract 12A dated December 15, 2021.

Special Fund: In the amount of \$7,844.22 as set forth in Abstract 12A dated December 15, 2021.

Capital Fund: In the amount of \$7,202.67 as set forth in Abstract 12A dated December 15, 2021.

**VOTE BY ROLL CALL AND RECORD:**

Councilperson Hayles	<u>Aye</u>	
Councilperson Hoke	<u>Aye</u>	
Councilperson Humby	<u>Absent</u>	
Councilperson Sullivan	<u>Aye</u>	
Supervisor Johnson	<u>Aye</u>	Adopted

**ADDITIONAL BUSINESS AND ANNOUNCEMENTS:**

Supervisor Johnson commended the Highway Department for their work during the windstorm.

**ADJOURNMENT:**

As there was no further business to come before the Board, Councilperson Hayles moved to adjourn the December 14, 2021 meeting of the Sweden Town Board at 6:51 p.m. Councilperson Sullivan seconded the motion. All voted in favor of the motion – four ayes. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
Town Clerk