

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, January 28, 2020.

Town Board Members present were Supervisor Kevin G. Johnson, Councilperson Robert Muesebeck, Councilperson Patricia Hayles, Councilperson Randall Hoke and Councilperson Rhonda Humby. Also present were Finance Director Leisa Strabel, Town Attorney Jim Bell, Superintendent of Highways Brian Ingraham, Town Assessor Tammy Baker and Town Clerk Karen Sweeting.

Visitors present were Don Grentzinger, Chris Hamlin, Wayne Zyra, James Cenci, Karen LoBracco and Seymour Library Board Member Meg Zimmer.

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 honor first responders and those defending our freedoms as well as their families.

PRIVILEGE OF THE FLOOR:

No one spoke

CORRESPONDENCE:

- Letter received from Luanne Cenci – resignation from Seymour Library Board

REPORTS OF DEPARTMENTS AND BOARD MEMBERS:

Town Assessor Tammy Baker informed the Board that she received the Pre-Decisional Collaboration (PDC), the preliminary report for 2020 for the tentative state equalization rate. The report indicated that residential assessments in the Town of Sweden were too low. Mrs. Baker will have to adjust the assessments to maintain 100% equalization. Finance Director Leisa Strabel said that if the Town falls below 95% state aid will be affected. Mrs. Baker added that it would also affect exemption levels and create confusion on the tax bills.

Councilperson Muesebeck stated that homes have been selling over value and over the current assessment. Mrs. Baker said they are selling approximately 20% over the assessed value. Town Attorney Jim Bell asked how long the process would take. Mrs. Baker started looking at values last Fall. She will now have to go back and readjust the numbers due to the PDC report.

Supervisor Johnson said that when talking to residents this topic is the least understood. When assessments increase it doesn't necessarily mean higher taxes. He encourages residents to talk to the Assessor.

Superintendent of Highways reported they finished the water service project at the Highway Garage; are removing dead ash trees within the right-of-way on Swamp Road; working on equipment maintenance; and snow and ice control.

Seymour Library Board Member Meg Zimmer reported the recent changes to the Seymour Library Board, welcoming Mary Rich and Mary Squires. She updated the board on the proposed MOU, the reserve accounts and the final 2020 budget. Mrs. Zimmer said the Costume Department at SUNY Brockport will be finishing the mascot costume by the end of the semester, in time for the summer programs. The theme of the After Hours event to be held on May 2nd is the "Roaring 20s".

Supervisor Johnson said that Meg Zimmer and the Finance Committee of the Seymour Library Board have done tremendous work on the finances of the library. They have delivered an excellent, detailed, realistic budget. Mr. Johnson pointed out that the positions are volunteer and require many hours of work and thanked the committee for their time.

Finance Director Leisa Strabel reported that the annual audit resumes on site tomorrow (January 29th) and there will be website training for interested employees. Mrs. Strabel added that the self-insured pool for Workers Compensation is searching for a new administrator.

Councilperson Hoke, along with Councilperson Humby, attended the three-day training session for newly elected officials hosted by Association of Towns. He found it very informative. Mr. Hoke has been researching ways to get better internet service to the SCCC and made several suggestions to the Town Board. CETech is rolling out two-factor authentication to reduce compromises from the outside and the banner for outside emails is in place to warn users of outside emails. Mr. Hoke is working hard to solve the live streaming issues and is researching options used by other towns. He is also trying to help a resident with internet band width issues on Salmon Creek Road.

Councilperson Hoke reported that the Sweden Town Court received a grant for office updates and furniture. He shared the effects of the Bail Reform Act on our court.

Councilperson Hoke will be attending a seminar on the Shield Act to ensure that information is protected and what to do if compromised.

Councilperson Humby has taken over the Veterans Flag Marker project. She intends to digitize the marker images adding that volunteers went stone by stone to make sure all veterans were found.

Councilperson Humby met the Dog Control Officer and Assistant. The dog from Ogden is still in our pound. Mrs. Humby pointed out that Kathy and Paul Beaumont take great care of the dog. She added that Dog Control could use donations.

Councilperson Humby spoke with Chris Hunt of the Farmers Museum Committee. They are busy planning tours and next years festival. They welcome new member Joseph Streb and Mrs. Humby plans to attend the next meeting.

Councilperson Muesebeck reported that Buildings and Grounds have been busy with indoor projects. They will be painting and replacing the kitchen floor at the Town Hall adding that they do a wonderful job.

Councilperson Hayles reported the SCCC has eight (8) pickleball teams formed with the hope of expanding to twelve (12) teams in the Spring. They are working on getting a new dishwasher for the kitchen. Recreation Director Jill Wisnowski and several staff members will be present at the Health and Wellness Fair at Barclay School. They are hosting a youth baseball league and hope to partner with Brighton for a girls softball league. Mrs. Hayles reported there are two healthy living classes scheduled for January – February. The SSAI Souper Bowl event was a success. The new fitness equipment should be delivered and installed in March. Mrs. Hayles reported an increase of 3.44% in door count numbers and is pleased to see this success. Supervisor Johnson asked if the counter provided flow reports to optimize staff needs. Mrs. Hayles indicated yes; they will look at some of those reports in April when the counts are for an actual year (counter installed in April).

Councilperson Hayles provided the members of the board with copies of the Seymour Library 2020 budget, projected budgets for 2021-2024, long range plan 2020-2023, and financials. She attended the library board meeting on January 15th. The proposed MOU was discussed. Mrs. Hayles shared several comments and questions that the library board had with

the proposed document. The Village and Town of Clarkson no longer have board liaisons to the library. A library board member attends their meetings periodically to report. Mrs. Hayles recommends that Sweden maintain their liaison and request a library board member to attend with a report. Discussion of the transfer of funds from the Foundation back to the library.

Supervisor Johnson met with Sam Simone to discuss a proposal for the development of the Crestview/Lake Road property – will present to the remaining board members at an upcoming workshop. Mr. Johnson met with Phyllis Brudz and Walt Windus of the Building Department to discuss the MS-4 waiver and remaining requirements for the Town of Sweden. He also met with the Village Mayor, Clarkson Supervisor and Seymour Library Board representative to discuss the proposed MOU. Taysie Pennington, Seymour Library Board President met with Supervisor Johnson to recap the meeting and discuss liability insurance.

Supervisor Johnson met with Recreation Director Jill Wisnowski and representatives from the Skate to End Hate event to discuss the event last year. They are asking to hold the event again this year. Mr. Johnson has had several inquiries as to when Planet Fitness will be opening. They are tentatively scheduled to open in the Spring. There is a trailer on site for residents to see the experiences offered. Mr. Johnson added that it is encouraging that national chains are taking an interest in our town.

Supervisor Johnson met with a resident to discuss ambulance services in the Town. The library board vacancy will be advertised in the newspaper. He is waiting for additional information on the sidewalk engineering for the Holley Street project. Mr. Johnson would like to get this project completed this year. He has been working with Councilperson Hayles to research options for roof repairs at the SCCC.

Supervisor Johnson said that in addition to several previously discussed code changes, he would like the board to consider changes to building and free-standing signs. Jim Bell will draft the proposed changes for consideration at a workshop in March.

Supervisor Johnson announced that Councilperson Hoke is now the IT liaison. Mr. Hoke will be working on the sound/audio system in the courtroom so that all speakers can be heard. Finance Director Leisa Strabel is moving forward with the massive filing submission of the newly formed water district to USDA. The solar project developer for the Lake Road project may not request the PILOT, yet to be determined. Stonebriar Glen South rezoning applicants are reworking traffic pattern options. Canandaigua National Bank is almost complete and ready to open.

CONSENT AGENDA ITEMS:

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

Discussion: RE: Resolution No. 37 – Town Attorney Jim Bell explained his reasons for presenting this resolution. He feels there is a disconnect in communication. The law is very clear on the concept of treasurer and he feels it should be implemented immediately. There is no legal justification to delay.

Discussion: RE: Resolution Nos. 35 & 36 – Councilperson Hayles clarified that NYS has already adopted both laws, the Town is addressing these to update our Employee Handbook.

VOTE BY ROLL CALL:

Councilperson Hayles	<u>Aye</u>
Councilperson Hoke	<u>Aye</u>
Councilperson Humby	<u>Aye</u>
Councilperson Muesebeck	<u>Aye</u>
Supervisor Johnson	<u>Aye</u>

ADOPTED

- Approval of the minutes of the regular Town Board Meeting held on January 14, 2020.
- Approval of the minutes of the Public Hearing – Local Law held on January 21, 2020.
- Approval of the minutes of the Public Hearing – Water District held on January 21, 2020.
- Approval of the minutes of the Special Town Board Meeting held on January 21, 2020.

- RESOLUTION NO. 32 Appoint Recreation Assistant - Pool

WHEREAS, the Recreation Department is offering swim programs and lessons; and

WHEREAS, there is a need for an additional lifeguard/swim instructor.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Amber Salonen Recreation Assistant PT- lifeguard.

Sec. 2. That the rate of pay is \$13.00 per hour with a start date on or after February 5, 2020.

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

- RESOLUTION NO. 33 Call Public Hearing Regarding the Adoption of Amendments to the Town of Sweden Comprehensive Plan Update

WHEREAS, a committee chaired by Deputy Supervisor Robert Muesebeck and comprised of representatives from the Town of Sweden Planning Board, Zoning Board of Appeals, Board of Assessment Review, Environmental Conservation Board, Landmark Advisory Board and four citizens at-large began meeting on September 12, 2019 to review the Town of Sweden Comprehensive Plan Update; and

WHEREAS, on January 7, 2020 the Committee submitted recommendations for amendments and changes to the Comprehensive Plan; and

WHEREAS, after due consideration, the Town Board of the Town of Sweden desires to hold a public hearing on the proposed amendments and changes to the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board will hold a public hearing on the 10th day of March 2020, at 7:00 p.m. at the Sweden Town Hall, 18 State Street, Brockport, New York, regarding the adoption of the amendments to the Town of Sweden

Comprehensive Plan Update and to hear all concerns regarding the environmental record on such action.

Sec. 2. That the amendments to the Plan be available for review at the Town Offices during regular business hours.

Sec. 3. That the Town Clerk is authorized and directed to cause a notice of this hearing to be published in the official newspaper of the town, in accordance with Section 265 of Town Law.

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

- RESOLUTION NO. 34 Notice of Intent to be Lead Agency in the SEQR Update for the Adoption of Amendments to the Town of Sweden Comprehensive Plan Update

WHEREAS, the Town Board of the Town of Sweden is considering the adoption of amendments and changes to the Town of Sweden Comprehensive Plan Update; and

WHEREAS, the Town Board recognizes that there is a need to fully assess the impact of adopting said amendments and; and

WHEREAS, the Town Board recognizes that the adoption of said amendments and changes is a Type I Action under the State Environmental Quality Review (SEQR) Regulations.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Sweden Town Board does hereby declare its intent to be designated the Lead Agency for the Coordinated Review and Determination of Significance under SEQR for the above referenced action.

Sec. 2. That the Town Board intends to pass a resolution at its March 10, 2020 meeting establishing itself the lead agency under SEQR, provided there are no objections.

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

- RESOLUTION NO. 35 Amend Employee Handbook Section 1 Equal Employment Opportunity

WHEREAS, the Town Board is committed to updating the Employee Handbook and all policies included on a regular basis and whenever the need arises; and

WHEREAS, New York State has enacted new legislation concerning protected classes.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby add the following to Employee Handbook Section 1:

Our Town is committed to equal employment opportunity. We will not discriminate against employees or applicants for employment on any legally-recognized basis [“protected class”]

including, but not limited to: veteran status, uniform service member status, race, color, religion, sex, national origin, age, physical or mental disability, genetic information, **reproductive health decision-making, status as a domestic violence victim** or any other protected class under federal, state or local law.

- In New York, the following are a protected class: age [18 and over], race, creed, color, religion, sex, national origin, sexual orientation, sex, disability (including use of a guide dog, hearing dog or service dog), predisposing genetic characteristics, military status, marital status, **reproductive health decision-making**, victims of domestic violence or stalking, and previous conviction of criminal offenses, unless directly related to employment or would involve an unreasonable risk to property, or to the safety or welfare of specific individuals, or the general public.

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

- RESOLUTION NO. 36 Amend Employee Handbook Section 5
Victims of Domestic Violence Leave

WHEREAS, the Town Board is committed to updating the Employee Handbook and all policies included on a regular basis and whenever the need arises; and

WHEREAS, New York State has enacted new legislation concerning Victims of Domestic Violence Leave.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby add the following to Employee Handbook Section 5:

Victims of Domestic Violence Leave

The Town will grant reasonable and necessary leave from work to employees who are victims of domestic violence to:

1. Seek medical attention for injuries caused by domestic violence
2. Obtain services from a domestic violence shelter, program, or rape crisis center or obtain psychological counseling
3. Participate in safety planning or to take other actions to increase safety from future incidents of domestic violence; and/or
4. Obtain legal services, assist in the prosecution of the offense, or appear in court in relation to the incident of domestic violence.

Employees may use any time off accrual to receive compensation for the leave. If no accruals are available, the leave time will be unpaid. Employees requiring leave must provide their department head with advance notice where feasible. If advance notice cannot be provided, the Town may require certification of the need for leave in the form of a police report, court order, or documentation from a medical professional, advocate or counselor. To the extent consistent with

applicable law, the Town will maintain confidentiality or any information regarding an employee's status as a victim of domestic violence.

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

- RESOLUTION NO. 37 Establishment of Treasurer's Position
for Seymour Library

WHEREAS, New York State Education Law §259 sets forth, in sum or substance and among other things, that all monies received from taxes or other public sources for library purposes shall be kept as a separate library fund by the municipalities of a joint public library; and

WHEREAS, said law also sets forth, in sum or substance and among other things, that the governing bodies of the participating municipalities shall enter into an agreement designating the treasurer of one of the participating municipalities to be the treasurer of the joint public library for a period of not less than one (1) year nor more than five (5) years; and

WHEREAS, the Town of Sweden is desirous of immediately implementing the concept of and designating a treasurer for the Seymour Library and in the future entering into a written agreement and/or amendment or addendum to the 2017 "SEYMOUR LIBRARY JOINT OPERATING AGREEMENT" concerning same.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. The Town Board of the Town of Sweden, pursuant to New York State Education Law §259, does hereby approve and authorize the creation of a Seymour Library treasurer's position based upon the following terms and conditions:

- a) The Seymour Library treasurer (hereinafter referred to as the treasurer) is to serve for a two (2) year rotating period commencing January 1, 2020 with the Chief Financial Officer for the Town of Clarkson occupying the position for the first two (2) year period, to wit: January 1, 2020 – December 31, 2021. Thereafter, the Chief Financial Officer for the Town of Sweden is to serve as the treasurer for the following two (2) year period, to wit: January 1, 2022 – December 31, 2023. Thereafter, the Brockport Village Treasurer is to serve as the treasurer for the following two (2) year period, to wit: January 1, 2024 – December 31, 2025. Thereafter, the municipalities are to rotate every two (2) years as described hereinbefore.
- b) The treasurer is to maintain a separate library fund as set forth in New York State Education Law §259(3). The treasurer is to open an account for said fund at a financial institution or bank labeling same by title or sub-title as the Seymour Library Fund and using the tax identification

number of the municipality then acting as treasurer (as described hereinabove). All municipal contributions, monies, accounts (including specific account locations and account numbers) and/or all unencumbered funds currently in the possession of Seymour Library other than petty cash, are to be immediately turned over to the Seymour Library treasurer for deposit into said account.

c) The Seymour Library treasurer may hire professional assistance in order to carry out the duties of the treasurer and this professional assistance is to be paid from the public library fund pursuant to New York State Education Law §259(3).

Sect. 2. The Director of Finances for the Town of Sweden is to forward the Town of Sweden’s 2020 annual fund appropriation for the Seymour Library, as described in the 2017 “SEYMOUR LIBRARY JOINT OPERATING AGREEMENT”, to the Town of Clarkson based upon the treasurer’s position set forth hereinabove and is to similarly forward future annual funds appropriated to the municipality then acting as treasurer.

Sect. 3. The Town Board of the Town of Sweden does hereby authorize the Sweden Town Supervisor to execute any document(s) and/or future agreement(s) in furtherance of this Resolution.

Sect. 4. This Resolution is to take effect immediately.

- RESOLUTION NO. 38 Authorize Purchase of One 2020 Bobcat E55 T4 Compact Excavator

WHEREAS, the Highway Superintendent has recommended the purchase of one new Compact Excavator; and

WHEREAS, the following quotes were received:

Takeuchi-TB260CR	\$75,833.00
Kubota KX057	\$70,414.39
Bobcat E55 T4	\$67,924.58; and

WHEREAS, the Bobcat E55 T4 Compact Excavator can be purchased from the NYS OGS contract #PC67141, Award PGB #22792 from Clark Equipment Co.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the purchase of one 2020 Bobcat E55 T4 Compact Excavator through NYS OGS Contract #PC67141, Award PGB #22792 for a price of sixty-seven thousand nine hundred twenty four and fifty-eight hundredths dollars (\$67,924.58) from Bobcat of Finger Lakes, 7216 Pittsford Palmyra Road, Fairport, NY 14450.

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

- RESOLUTION NO. 39 Authorize Purchase of Bobcat E55 T4 Compact Excavator from Highway Equipment Reserve

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

WHEREAS, the Highway Superintendent has requested the purchase of a 2020 Bobcat E55 T4 Compact Excavator; and

WHEREAS, there are funds available in the Highway Equipment Reserve for the purchase of this piece of equipment.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of up to sixty-eight thousand (\$68,000.00) from the Highway Equipment Reserve for the purchase of a Bobcat E55 T4 Compact Excavator.

Sec. 2. That pursuant to Section 6-C of the General Municipal Law, this expenditure is subject to permissive referendum.

Sec. 3. That the Town Clerk is directed to publish a public notice as required by law.

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

- RESOLUTION NO. 40 Authorize Listing on NYS OGS Marketplace of One 2020 Chevrolet Silverado Crew Cab Truck

WHEREAS, the Dog Control Officer has requested the purchase of one 2020 Chevrolet Silverado 1500 4 WD crew cab truck to replace the current 2012 F150 dog control truck; and

WHEREAS, the 2020 Chevrolet Silverado Crew Cab Truck may be bid through the New York State Office of General Services Vehicle Marketplace (mini-bid) for Light Duty Vehicles.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the listing of a 2020 Chevrolet Silverado 1500 4WD Crew Cab 147” Work Truck with Cap on the New York State Office of General Services Vehicle Marketplace for Light Duty Vehicles.

Sec. 2. That the Town Board of the Town of Sweden reserves the right to reject any and all bids received.

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

- RESOLUTION NO. 41 Authorize Purchase of 2020 Chevrolet Crew Cab Truck & Cap from Reserve

WHEREAS, on November 24, 2009, a reserve was established for the purchase of town vehicles for the buildings and grounds department, park department and dog control department; and

WHEREAS, the Dog Control Officer has requested a new dog control vehicle; and

WHEREAS, there are funds available in the Reserve for Town Vehicles for the purchase of a truck.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of up to thirty-five thousand (\$35,000.00) from the Reserve for Town Vehicles for the purchase of a 2020 Chevrolet Silverado crew cab truck and cap for the Dog Control department.

Sec. 2. That pursuant to Section 6-C of the General Municipal Law, this expenditure is subject to permissive referendum.

Sec. 3. That the Town Clerk is directed to publish a public notice as required by law.

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

NON-CONSENT AGENDA:

- Approval for Payment of Bills

All of 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 1 dated January 29, 2020 in the amount of \$471,718.90.

*Finance Director Leisa Strabel stated the abstract included the 2020 Seymour Library support check made payable to the Town of Clarkson as Treasurer.

General Fund: In the amount of \$316,810.40 as set forth in Abstract 1 dated January 29, 2020.

Highway Fund: In the amount of \$132,623.77 as set forth in Abstract 1 dated January 29, 2020.

Special Fund: In the amount of \$9,547.71 as set forth in Abstract 1 dated January 29, 2020.

Capital Fund: In the amount of \$12,737.02 as set forth in Abstract 1 dated January 29, 2020.

VOTE BY ROLL CALL AND RECORD:

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

ADDITIONAL BUSINESS AND ANNOUNCEMENTS:

Nothing noted

EXECUTIVE SESSION:

Councilperson Muesebeck made a motion that was seconded by Councilperson Hayles to go into executive session at 7:07 p.m. under Public Officers Law Sections 105(d), 105(h) and 108(3). All voted in favor of the motion. Motion adopted.

No action taken.

Councilperson Hoke made a motion that was seconded by Councilperson Muesebeck to

leave executive session and return to the regular meeting at 7:55 p.m. All voted in favor of the motion. Motion adopted.

ADJOURNMENT:

As there was no further business to come before the Board, Councilperson Muesebeck moved to adjourn the January 28, 2020 meeting of the Sweden Town Board at 7:56 p.m. Councilperson Hayles seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk