

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, July 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, Superintendent of Highways Brian Ingraham, Town Attorney Jim Bell, Building Inspector Lyle Stirk, and Town Clerk Karen Sweeting.

Visitors present were Chris Hamlin and Karen LoBracco.

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 our first responders, the men and women fighting for our freedoms and those affected by COVID and their families.

PUBLIC HEARINGS:

Supervisor Johnson opened all eight (8) scheduled public hearings and asked if anyone had any comments.

- Local Law – Repeal Chapter 42 Recreation and Park Advisory Council
- Local Law – Amend Chapter 145 Records, Public
- Local Law – Amend Chapter 139 Plumbing
- Local Law – Amend Chapter 64 Building Code Administration and Enforcement
- Local Law – Amend Chapter 84 Dogs and Other Animals
- Local Law – Amend Chapter 175 Zoning
- Local Law – Amend Chapter A177 Land Use Development and Subdivision Regulations
- Local Law – Addition of Chapter 169 Vacant Building Registry

Town Attorney Jim Bell explained that he, Building Inspector Lyle Stirk and Fire Marshal Michael Vergari went back and forth on changing the definitions to add the concepts of Airbnb and VRBO. Mr. Bell also changed the definition of signs in Chapter 175-30 Section 5 – simplifying it.

Supervisor Johnson felt the definition of lodging house is troublesome and any changes would be difficult. Town Attorney Jim Bell said the intent is to identify any Airbnb or VRBO properties, so the Town has knowledge of them. He could expand the enforcement component. Noise, maintenance, and large gatherings are all covered by other sections of the code. Building Inspector Lyle Stirk prefers that enforcement language not be added to this section. Supervisor Johnson asked Mr. Bell if there are any statutes or case law that allow a Town to restrict the use of rental property within that Town. Mr. Bell answered no. Supervisor Johnson said that all we are doing is requiring a list of all Airbnb and VRBO located in the Town. Discussion.

No other comments.

Written comments were received from John and Sandra Cassin and are on file in the Town Clerk's office.

The public hearing was closed at 6:11 p.m.

CORRESPONDENCE:

No correspondence noted

PRIVILEGE OF THE FLOOR:

No comments

REPORTS OF DEPARTMENTS AND BOARD MEMBERS:

Councilperson Hoke reported options to IT service contracts and VOIP phone service providers. Still looking into ways to cut costs in the Court.

Councilperson Humby reported nothing new with Sweden Farmers Museum or the cemeteries. Mowing continues with the recent rain at the cemetery. Dog Control - two dogs are being boarded by the Town of Ogden pending litigation.

Councilperson Muesebeck reported that Buildings and Grounds clean up around the Splash Pad and playgrounds daily. The Dog Park pond has been emptied and disinfected. Baseball continues with social distancing. Roger Evans has been busy with repairs and they are painting the fence around Nietopski Field. Mowing continues with recent rain.

Councilperson Hayles thanked everyone for their condolences on the passing of her mother. She feels very lucky to have many invaluable resources in our community – Strong West, Monroe Ambulance. Mrs. Hayles reported that things are moving along at the SCCC. There is a modified summer program that is going very well. The abstract contains several refund checks for programs and Lodge rentals due to COVID. Mrs. Hayles reported on the year-to-date payroll through July 17, 2020 comparing with last year – down almost 28% due to staff management.

Councilperson Hayles shared reports for the Seymour Library. Clarkson representative, Pat Galinski, provided a summary of the meeting. The Sweden representatives of the Library Board made minor revisions to the MOU draft. Mrs. Hayles noted the dates need to be reversed. The library reopened to the public on July 20th with COVID compliance – limited number of hours. The Finance Committee is beginning their budget process. Discussion. Mrs. Hayles asked Town Attorney Jim Bell for an update on the return of funds from the foundation to the library.

Supervisor Johnson attended a preconstruction meeting on the sidewalk project – three areas, Owens Road, Holley Street, Persistence Path/Isla Way. Persistence Path portion will be last, still negotiating with McLean and their proposed development in that area. Holley Street portion has started.

Supervisor Johnson participated in a teleconference with Councilperson Hayles and the Sweden representatives of the Library Board. Mr. Johnson announced a bike share program interest for our community – centralizing around the SUNY Brockport campus, looking to launch next year.

Supervisor Johnson spoke with NYS DOT Regional Director Kevin Bush, members of NYS DOT, and our Town Engineer to discuss the proposed Gary Drive extension project. The project is feasible and funding is available. The next step is to see if the residents want it. Mr. Johnson would like to combine this project with NYS DOT proposed road improvements to Route 31 – turning lanes and signal improvements. The Public Information Meeting pertaining to this project is August 18, 2020 at 7 p.m. at the SCCC.

Supervisor Johnson asked Councilperson Muesebeck and Hayles to pass along compliments to department staff for all their extra hard work through this baseball season – scheduling, cleaning, and making sure that social distancing is followed.

Supervisor Johnson explained that the Board has undergone a difficult process of looking at significant budget cuts – including staff cuts, which are difficult. The Board has either cut, reduced, or furloughed twenty-three (23) positions out of 70 total positions. Mr. Johnson stated that we are on track for keeping our financial position sound.

Town Attorney James Bell reported receiving two (2) tax assessment challenges – one residential, one commercial. Supervisor Johnson asked if a commencement date should be included in the library MOU. Discussion.

Building Inspector Lyle Stirk reported several commercial projects that David Strabel will be inspecting. Permit application requests have been down due to COVID but are now increasing. The department drafted a letter explaining why the department will not be addressing Chapter 55 Assemblies, Public requests – due to Governor’s Order limiting size of gatherings.

Superintendent of Highways Brian Ingraham reported County Road work on Gordon Road and Reed Road. Assisted the Town of Parma with a paving project and have been working on drainage issues.

Finance Director Leisa Strabel reported that Chase Bank will not be opening in Brockport until mid-August which causes issues with the Tax Department. Mrs. Strabel is looking into other banking options. The old Dog Control truck was sold at auction for \$11,700.

CONSENT AGENDA ITEMS:

*Discussion Resolution No. 82 – approving MOU subject to include language pertaining to July 7th Sweden edits and July 15th library edits.

Councilperson Muesebeck 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>Aye</u>
Councilperson Muesebeck	<u>Aye</u>
Supervisor Johnson	<u>Aye</u>

ADOPTED

- RESOLUTION NO. 82

Authorizing Supervisor to sign Seymour Library Memorandum of Understanding

WHEREAS the Town of Sweden, the Town of Clarkson, the Village of Brockport and the Seymour Library have engaged in various communications and discussions relating to the amendment of the September 26, 2017 Seymour Library Joint Operating Agreement as well as the implementation of a lease for the real property owned by Sweden, Clarkson and Brockport used for Seymour Library operations; and

WHEREAS the above entities have created a draft Memorandum of Understanding (hereinafter referred to as the MOU) in furtherance of the above described Objectives; and

WHEREAS the Sweden Town Board has reviewed the proposed MOU and has determined that it is an appropriate agreement to serve the best interests of Sweden residents.

NOW THEREFORE BE IT RESOLVED:

Sec.1. The Sweden Town Board does hereby adopt and accept the proposed MOU and does authorize the Sweden Town Supervisor to execute same on behalf of the Sweden Town Board.

Sec.2. The foregoing adoption, acceptance and authorization is conditioned upon the passage of similar Resolutions by the Town of Clarkson, the Village of Brockport and the Seymour Library.

Sec.3. This Resolution shall take effect immediately.

- RESOLUTION NO. 83 Budget Modifications

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is hereby authorized to make the following modification to the 2020 Town Budget:

\$5 from DA9060.8 Hospital & Medical Insurance (Highway) to
DA9055.8 Disability Insurance (Highway)

\$6,000 from DB5130.401 Machinery Contractual (Fuel) to
DB9050.8 Unemployment Insurance (Highway)

\$5,000 from A9710.702 Bond Interest to
A9710.602 Bond Principal

\$10,000 from B9710.7 Bond Interest to
B9710.600 Bond Principal

Sec. 2 That this resolution shall take effect immediately.

- RESOLUTION NO. 84 Call Town Board Public Information Meeting for

Tuesday, August 18, 2020 at Community Center

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby calls a Town Board Public Information Meeting regarding the proposed Gary Drive Extension Project on Tuesday, August 18, 2020 at 7 pm at the Sweden/Clarkson Community Center, 4927 Lake Road.
- Sec. 2. That the Town Clerk is directed to publish a notice of the meeting in the official newspaper.
- Sec. 3. That this resolution shall take effect immediately.

- RESOLUTION NO. 85 Award Air Handler Replacement

WHEREAS, the air handler in the court room at the Town Hall needs to be replaced; and

WHEREAS, the following quotes were received:

Wolf Mechanical Service 5353 West Ridge Road Spencerport, NY 14559	\$14,250.00
Triple-O Mechanical Inc. 6520 North Lake Road Bergen, New York 14416	\$15,597.00
Pipitone 25 East Buffalo Street Churchville, NY 14428	\$16,440.00; and

WHEREAS, the Buildings and Grounds Departments recommends accepting the Wolf Mechanical Service proposal.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden accepts the proposal from Wolf Mechanical Service for fourteen thousand two hundred fifty dollars and zero cents (\$14,250.00) to replace the court room air handler at the Sweden Town Hall.
- Sec. 2. That this resolution shall take effect immediately.

- RESOLUTION NO. 86 Authorize Town Hall Air Handler from Building Reserve Fund

WHEREAS, a Building Reserve Fund was established on November 23, 2004 for the purpose of making improvements to town-owned municipal buildings; and

WHEREAS, the Town Board of the Town of Sweden desires to replace the court room handler/cooling unit at the Sweden Town Hall, 18 State Street; and

WHEREAS, the Town Board desires that the project be funded from the Building Reserve Fund.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of up to fourteen thousand two hundred fifty dollars and zero cents (\$14,250.00) from the Building Reserve Fund for capital improvements to replace two air handling/cooling units at the Sweden Town Hall.

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. 87 SEQRA Determination – Local Law - Repeal Chapter 42 Recreation and Parks Advisory Council

WHEREAS, the Town Board of the Town of Sweden, intends to repeal Chapter 42 Recreation and Parks Advisory Council; and

WHEREAS, such a Local Law is defined by 6 NYCRR §617.5 as a Type II action for which no environmental review is necessary.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Sweden Town Board does hereby designate the proposed Local Law as a Type II action.

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

- RESOLUTION NO. 88 Local Law No. 2 of 2020 – Repealing SwedenTown Code Chapter 42 Recreation and Parks Advisory Council

WHEREAS, the Recreation and Park Advisory Council was established in 2002 but became inactive in 2006; and

WHEREAS, the Town Board of the Town of Sweden wishes to abolish the Council and repeal Chapter 42 of the Sweden Town Code.

WHEREAS, a Public Hearing was held on Tuesday, July 28, 2020 and all persons desiring to be heard were heard, and due deliberation having been had.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby adopts Local Law No. 2 of 2020 – and Repeals Sweden Town Code Chapter 42: Recreation and Parks Advisory Council.

Sec. 2. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. 2 of 2020, with the Secretary of State, as required by law.

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

- RESOLUTION NO. 89 SEQRA Determination – Local Law - Amend Chapter 145, Records, Public

WHEREAS, the Town Board of the Town of Sweden intends to amend Chapter 145 Records, Public; and

WHEREAS, such a Local Law is defined by 6 NYCRR §617.5 as a Type II action for which no environmental review is necessary.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Sweden Town Board does hereby designate the proposed Local Law as a Type II action.

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

- RESOLUTION NO. 90 Local Law No. 3 of 2020 – Amend Sweden Town Code Chapter 145 Records, Public

WHEREAS, the Town Board of the Town of Sweden wishes to amend Chapter 145 Records, Public of the Sweden Town Code.

WHEREAS, a Public Hearing was held on Tuesday, July 28, 2020 and all persons desiring to be heard were heard, and due deliberation having been had.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby adopts Local Law No. 3 of 2020 – and Amends Sweden Town Code Chapter 145: Records, Public as in Attached Schedule A.

Sec. 2. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. 3 of 2020, with the Secretary of State, as required by law.

Sec. 3. That this resolution shall take effect August 1, 2020.

- RESOLUTION NO. 91 SEQRA Determination – Local Law Amend Chapter 139, Plumbing

WHEREAS, the Town Board of the Town of Sweden intends to amend Chapter 139 Plumbing; and

WHEREAS, such a Local Law is defined by 6 NYCRR §617.5 as a Type II action for which no environmental review is necessary.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Sweden Town Board does hereby designate the proposed Local Law as a Type II action.

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

- RESOLUTION NO. 92 Local Law No. 4 of 2020 – Amend Sweden Town Code Chapter 139, Plumbing

WHEREAS, the Town Board of the Town of Sweden wishes to amend Chapter 139, Plumbing of the Sweden Town Code.

WHEREAS, a Public Hearing was held on Tuesday, July 28, 2020 and all persons desiring to be heard were heard, and due deliberation having been had.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby adopts Local Law No. 4 of 2020 – and Amends Sweden Town Code Chapter 139: Plumbing as in Attached Schedule A.

Sec. 2. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. 4 of 2020, with the Secretary of State, as required by law.

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

NON-CONSENT AGENDA:

- Approval of minutes of regular meeting held June 23, 2020.

Councilperson Muesebeck made a motion that was seconded by Councilperson Humby to approve the minutes of the regular meeting held on June 23, 2020.

VOICE BY ROLL CALL:

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

- Approval for Payment of Bills

The Board members reviewed the invoice audit journal. Councilperson Hayles made a motion that was seconded by Councilperson Muesebeck authorizing payment of the bills in Abstract 7 dated July 29, 2020 in the amount of \$152,945.78.

General Fund: In the amount of \$51,932.35 as set forth in Abstract 7 dated July 29, 2020.

Highway Fund: In the amount of \$57,552.69 as set forth in Abstract 7 dated July 29, 2020.

Special Fund: In the amount of \$10,807.29 as set forth in Abstract 7 dated July 29, 2020.

Capital Fund: In the amount of \$32,653.45 as set forth in Abstract 7 dated July 29, 2020.

VOICE 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

ADDITIONAL BUSINESS AND ANNOUNCEMENTS:

No additional business or announcements.

ADJOURNMENT:

As there was no further business to come before the Board, Councilperson Hoke moved to adjourn the July 28, 2020 meeting of the Sweden Town Board at 6:57 p.m. Councilperson Humby seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk