

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, September 10, 2019.

Town Board Members present were Supervisor Kevin G. Johnson, Councilperson Robert Muesebeck, Councilperson Patricia Hayles, Councilperson Mary Rich and Councilperson Lori Skoog. Also present were Finance Director Leisa Strabel, Superintendent of Highways Brian Ingraham, Town Attorney Jim Bell and Town Clerk Karen Sweeting.

Visitors present were Don Grentzinger, Chris Hamlin, Joan Hamlin, Kevin M. Johnson, Wayne Zyra, John Zima, Randy Hoke, Rhonda Humby, Theresa Seil, Tim Bushnell, Justin McMillan, Boy Scout member Brayden McMillan and Clarkson Town Board member Jackie Smith.

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.

PRIVILEGE OF THE FLOOR:

Clarkson Town Board member Jackie Smith addressed the board sharing an event that she has been planning in coordination with the Department of Health and the Monroe County Sheriff's Department. A Mobile Pharmaceutical Collection will be held on Tuesday, October 1, 2019 from 3 pm to 7 pm at the Clarkson Town Court, 3655 Lake Road North. Mrs. Smith added that the Town of Clarkson has been planning a variety of events to help residents with health and wellness. She is asking for advertising assistance from the Town of Sweden to encourage residents to get rid of unused drugs safely.

No other comments.

CORRESPONDENCE:

No correspondence noted.

REPORTS OF DEPARTMENTS AND BOARD MEMBERS:

Reports will be given September 24, 2019

Supervisor Johnson reported two items that pertained to resolutions on the agenda. Mr. Johnson reported that he met with Clarkson Supervisor, Village Mayor, members of the Seymour Library Board and the new library director to discuss a draft structure for the library. The group was able to discuss issues of concern between the three municipalities. Mr. Johnson provided a packet of information to the board for review which will be discussed at an upcoming work session. The key points addressed were the municipalities responsibilities – upkeep of the library building (capital elements) and remaining expenses, which will eventually be included in a lease agreement. Mr. Johnson added that the library has been making several changes based on the recommendations in the Bonadio report. He anticipates another meeting of the group in November.

Supervisor Johnson summarized the steps the board has taken in the proposed water district formation on Lake Road and Redman Road. The grant application has been submitted. The resolution is part of the last step required by the board.

Councilperson Skoog stated that she appreciated all the work Finance Director Leisa Strabel has done during this process. She recalled the long process beginning with public meetings and meetings with agency officials that included MCWA and the Town Engineer. Mrs. Skoog commented on the high number of surveys received and what a difficult year 2016 was for many residents that do not have public water.

CONSENT AGENDA ITEMS:

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

ADOPTED

- RESOLUTION NO. 96 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 Jessica DiLucia Recreation Assistant PT- lifeguard.
- Sec. 2. That the rate of pay is \$13.00 per hour with a start date on or after September 10, 2019.
- Sec. 3. That this resolution shall take effect immediately.

- RESOLUTION NO. 97 Amending Agreement with New York State for Control of Ice and Snow 2018/2019

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, due to the severity of the winter during 2018/2019, the Town of Sweden requests that the Municipal Snow and Ice agreement estimated expenditure be revised to reflect the additional lane miles of state roads that were plowed/treated during the 2018/2019 winter season; and

WHEREAS, all the terms and conditions of the original contract extension remain in effect except as listed in Appendix B, to wit:

Original Estimated Expenditure: \$162,158.12

Adjustment: \$ 9,339.86
Revised Estimated Expenditure: \$171,497.98

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 amend the aforementioned Agreement No. D139795 for the 2018/2019 season; and to accept the revised estimated expenditure as specified in Amendment B of the aforementioned Agreement in the amount of \$171,497.98.

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

- RESOLUTION NO. 98 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 \$20,000.

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

- RESOLUTION NO. 99 Loan Authorization Lake Road and Redman Road Water District

A Resolution of the Town Council of the Town of Sweden authorizing and providing for the incurrance of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its Lake Road and Redman Road Water District facility to serve an area lawfully within its jurisdiction to serve.

WHEREAS, it is necessary for the Town of Sweden (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of Two Million & 00/100 pursuant to the provisions of subject to NYS Statutes & Local Finance Law; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association.

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.

8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$2,327,000.00 under the terms offered by the Government; that the Supervisor and Deputy Supervisor of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or

assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

NON-CONSENT AGENDA ITEMS:

- Approval of the minutes of the regular Town Board meeting held on August 27, 2019

Councilperson Skoog made a motion that was seconded by Councilperson Muesebeck to approve the minutes.

VOTE BY ROLL CALL:

Councilperson Hayles	<u>Aye</u>	
Councilperson Muesebeck	<u>Aye</u>	
Councilperson Rich	<u>Aye</u>	
Councilperson Skoog	<u>Aye</u>	
Supervisor Johnson	<u>Abstain</u>	ADOPTED

ADDITIONAL BUSINESS AND ANNOUNCEMENTS:

No additional business or announcements

ADJOURNMENT:

As there was no further business to come before the Board, Councilperson Rich moved to adjourn the September 10, 2019 meeting of the Sweden Town Board at 6:27 p.m. Councilperson Skoog seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk