

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 13, 2022.

Town Board Members present were Supervisor Kevin G. Johnson, Councilperson Patricia Hayles, Councilperson Randall Hoke, Councilperson Rhonda Humby, and Councilperson Gary Sullivan. Also present were Finance Director Leisa Strabel, Town Attorney Jim Bell, Highway Superintendent Brian Ingraham, Building/Code Enforcement Lyle Stirk, Planning Board Chair Craig McAllister, Planning Board member Pete Sharpe, Zoning Board of Appeals Chair Mary Ann Thorpe, and Town Clerk Karen Sweeting.

Visitors present were Kevin M. and Marcy Johnson; Marne Johnson and Kevin, Jr., Grant, Reagan, and Maggie; Wayne and Marge Zyra; Joe Thorpe; and Karen LoBracco. Others were present but did not sign in.

Supervisor Johnson called the meeting to order at 6:00 p.m. and asked everyone present to say the Pledge to the Flag led by Maggie Johnson and remain standing for a moment of silence to remember our fighting men and women around the world and our first responders.

PRIVILEGE OF THE FLOOR:

No comments.

CORRESPONDENCE:

No correspondence noted.

REPORTS OF DEPARTMENTS AND BOARD MEMBERS:

Reports to be given December 29, 2022.

CONSENT AGENDA ITEMS:

Councilperson Hayles made a motion that was seconded by Councilperson Sullivan 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 Sullivan	<u>Aye</u>
Supervisor Johnson	<u>Aye</u>

ADOPTED

- Approval of the minutes of the regular Town Board meeting held on November 29, 2022.
- RESOLUTION NO. 141      Appoint Delegate Association of Towns Meeting

NOW BE IT HEREBY RESOLVED:

Sec. 1.      Supervisor Kevin G. Johnson has permission to attend the Annual Conference of the Association of Towns of the State of New York to be held in New York City, February 2023.

Sec. 2. That the Town Board of the Town of Sweden hereby designates Kevin G. Johnson to cast the vote of the Town of Sweden pursuant to Section 6 of Article III of the Constitution and By-Laws of said Association.

- RESOLUTION NO. 142 Adjust Pay Rates for Employees Earning Minimum Wage

WHEREAS, the New York State minimum wage will rise to \$14.20 per hour on December 31, 2022; and

WHEREAS, the Town of Sweden has several employees earning the current minimum wage of \$13.20 per hour or less than \$14.20 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, 2022.

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 \$14.20 per hour to \$14.20 per hour.

Sec. 2. That the increase will take effect for hours worked on December 31, 2022.

Sec. 3. That this resolution shall take effect immediately

- RESOLUTION NO. 143 Granting the State of New York Authority to Perform Adjustment and Agreeing to Maintain Facilities

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction or improvement of NY-31, 104 and 260, Towns of Clarkson and Sweden, Monroe County, P.I/N. 4260.06; and

WHEREAS, the State will include as part of the improvements of the above-mentioned project **adjust approximately one (1) sanitary sewer manhole elevation**, so as to not be in conflict with the proposed construction. The work will be formed in accordance with the requirements of the owner, under Section 10, Subdivision 24, of the State Highway Law, as shown in the contract proposal relating to the project; and

WHEREAS, the service life of the adjusted and or replaced utilities has not been extended; and

WHEREAS, the State will provide for the performance of the above-mentioned work as shown in the contract proposal relating to the above-mentioned project.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden approves the above-mentioned work performed on the project, as described in the project proposal relating to the project and that the Town of Sweden will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

Sec. 2. That the Supervisor of the Town of Sweden has the authority to sign any and all documentation that may become necessary as a result of this project as it relates to the Town of Sweden.

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

- RESOLUTION NO. 144 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. 145 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. 146 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. 147 Authorizing Additional Sums to be Deposited in Capital Reserve - Information Technology Reserve Fund

WHEREAS, the Town established an Information Technology Reserve Fund on October 25, 2011 to finance the purchase of information technology, including both software and hardware; 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 Reserve for Information Technology the sum of \$5,000.

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

- RESOLUTION NO. 148 Authorizing Additional Sums to be Deposited in Capital Reserve - Town Vehicle Reserve Fund

WHEREAS, the Town established a Town Vehicle Reserve Fund on November 24, 2009 to fund the purchase of vehicles for the buildings and grounds, park and dog control departments; 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 Reserve for Town Vehicles the sum of \$10,000.

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

- RESOLUTION NO. 149 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. 150 Authorizing Additional Sums to be Deposited in Capital Reserve Parks and Recreation Reserve

WHEREAS, the Town Board of the Town of Sweden did establish a Parks and Recreation Reserve on December 29, 2004 for the purpose of making improvements to the town park, community center or recreation department; and

WHEREAS, the Town Board 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 Parks and Recreation Reserve, \$100,000.

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

- RESOLUTION NO. 151 Budget Modifications

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is hereby authorized to make the following modification to the 2022 Town Budget:

Increase B1120 Non-Property Tax Distributed by County	\$330,000
Increase B9901.900 Transfer to Other Funds	\$330,000
Increase DB5031 Interfund Transfers	\$330,000
Increase DB0909 Fund Balance Unreserved	\$330,000

Sec. 2 That this resolution shall take effect immediately.

- RESOLUTION NO. 152 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 \$500,000.00.

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

- RESOLUTION NO. 153 Authorize Purchase of One 2023 Caterpillar 930 M Wheel Loader

WHEREAS, the Highway Superintendent has requested the purchase of one 2023 Caterpillar 930 M Wheel Loader under the New York State OGS NJPA Heavy Equipment Contract No. PC 69406; and

WHEREAS, the 2023 OGS NJPA Caterpillar 930M Wheel Loader pricing is \$229,450.00 available through Milton Cat, 4610 East Saile Drive, Batavia, NY 14020.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes the purchase of one 2023 Caterpillar 930 M Wheel Loader, the supplier being Milton Cat, 4610 East Saile Drive, Batavia, NY 14020 at a price of \$229,450.00.

Sec. 2. That it is the Town Board’s intent to auction the 2010 Caterpillar 930H Wheel Load through Auctions International or to accept a trade-in value of \$71,000.00 from Milton CAT, 4610 East Saile Drive, Batavia, whichever is higher.

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

- RESOLUTION NO. 154 Authorize Purchase of Loader from Reserve

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

WHEREAS, the Highway Superintendent has recommended the purchase of a 2023 Caterpillar 930 M Wheel Loader from the Highway Equipment Reserve.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of up to \$229,450.00 from the Highway Equipment Reserve for the purchase of a Caterpillar 930 M Wheel Loader.

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.

PUBLIC HEARING:

At 6:06 p.m. Supervisor Johnson called to order the public hearing. The purpose of the public hearing was to hear all persons for or against the adoption of a Local Law – Amending Chapter 64 “Building Code Administration and Enforcement” of the Sweden Town Code.

Supervisor Johnson waived the reading of the legal notice.

Town Attorney Jim Bell explained that the proposed law contains required updates to the current chapter that need to be adopted by the end of the year.

Building Inspector/Code Enforcement Officer Lyle Stirk confirmed that we are just following in line with New York State provisions.

Supervisor Johnson asked if anyone had any comments. No comments from those present. Mr. Johnson called for a brief recess at 6:09 p.m. to allow any additional visitors to arrive and comment.

Supervisor Johnson reconvened the public hearing at 6:15 p.m. There were no additional visitors or comments.

Public hearing was closed at 6:17 p.m.

NON-CONSENT AGENDA:

- RESOLUTION NO. 155 Adopting Local Law 3 of 2022 Amending Chapter 64 of the Sweden Town Code

WHEREAS, the Sweden Town Board has determined it to be in the best interests of the Town of Sweden for amendments to be made to Chapter 64 of the Sweden Town Code; and

WHEREAS, a duly authorized public hearing was held by the Sweden Town Board at the Town Hall, 18 State Street, Brockport, New York 14420, on December 13, 2022; and

WHEREAS, all persons desiring to be heard were heard and due deliberation having been had thereon.

NOW THEREFORE BE IT RESOLVED:

- Sec. 1. The Sweden Town Board does hereby adopt Local Law 3 of 2022 amending Chapter 64 of the Sweden Town Code.
- Sec. 2. The Sweden Town Clerk is authorized and directed to file a complete copy of Local Law 3 of 2022 with the Secretary of State as required by law.
- Sec. 3. This Resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Hayles  
Seconded by Councilperson Humby

Discussion:

VOTE BY ROLL CALL AND RECORD:

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

ADOPTED

ADDITIONAL BUSINESS AND ANNOUNCEMENTS:

All the Board members reviewed the invoice audit journal. Payment of the bills in Abstract 12A dated December 14, 2022 in the amount of \$91,658.43.

- General Fund: In the amount of \$58,959.51 as set forth in Abstract 12A dated December 14, 2022.
- Highway Fund: In the amount of \$25,221.66 as set forth in Abstract 12A dated December 14, 2022.
- Special Fund: In the amount of \$5,787.26 as set forth in Abstract 12A dated December 14, 2022.
- Capital Fund: In the amount of \$1,690.00 as set forth in Abstract 12A dated December 14, 2022.

Supervisor Johnson called for a brief recess at 6:19 p.m.

Supervisor Johnson reconvened the meeting at 6:30 p.m. and read a Certificate of Recognition honoring Mary Ann Thorpe, retiring as Chairperson of the Zoning Board of Appeals.

*Certificate of Recognition:*

*WHEREAS, Mary Ann Thorpe has served on the Town of Sweden Zoning Board of Appeals since 2006 and as Chairwoman of the board since 2013; and*

*WHEREAS, Mary Ann Thorpe served as Mayor of the Village of Brockport from 1993 to 2001 and as Trustee and Deputy Mayor before that; and*



*WHEREAS, Mary Ann Thorpe, as Mayor of the Village of Brockport, was instrumental in the construction of the new Seymour Library built in 1996 by the Village and the Towns of Sweden and Clarkson; and*

*WHEREAS, Mary Ann Thorpe as Mayor of the Village of Brockport worked closely with the Towns of Sweden and Clarkson to find a location for a community center, and the development of a year-round municipal recreation program that ultimately led to the acquisition of the present-day community center; and*

*WHEREAS, Mary Ann Thorpe and her husband, Joseph, have given up their time and resources to many faith, social and community-based organizations.*

*NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Sweden, on behalf of all its citizens, recognizes Mary Ann Thorpe for exemplary service to the Town of Sweden and the greater Sweden community.*

*Signed by members of the Sweden Town Board*

Supervisor Johnson added that not only has the Town and Village benefited from Mary Ann and all her efforts, but she has also been a blessing and mentor to Mr. Johnson and his family.

Mary Ann Thorpe stated she has really enjoyed the years. This is a beautiful community and the people in this building and community that keep it going are wonderful.

**ADJOURNMENT:**

As there was no further business to come before the Board, Councilperson Humby moved to adjourn the December 13, 2022 meeting of the Sweden Town Board at 6:34 p.m. Councilperson Hayles seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
Town Clerk