

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, March 10, 2015.

Town Board Members present were Supervisor Robert Carges, Councilperson Robert Muesebeck, Councilperson Danielle Windus-Cook and Councilperson Donald Roberts, Jr. Councilperson Rebecca Donohue was absent. Also present were Finance Director Leisa Strabel, Superintendent of Highways Brian Ingraham, Town Attorney Jim Bell, Recreation Supervisor Jill Wisnowski, Recreation Assistant Deanna Irvine and Town Clerk Karen Sweeting.

Visitors present were Deputy Village Mayor Bill Andrews, Jack Merritt, Annie Crane, Joan Hamlin, Justin Sullivan and Max Battey from SUNY Brockport and Cody Dean of Brockport Ambulance.

Supervisor Carges called the meeting to order at 7:00 p.m. and asked everyone present to say the Pledge to the Flag.

Supervisor Carges acknowledged the visitors and asked if anyone wanted to address the board.

Deputy Village Mayor Bill Andrews announced that the Village of Brockport received a grant from the Greater Rochester Arts Council supporting the summer serenades and cultural performances held near the canal.

Cody Dean, representing Brockport Ambulance, informed the board that they were offering CPR classes for the community at the Seymour Library – anyone interested can contact the Brockport Ambulance at 637-1035.

Mr. Dean also gave the Board a brief report on the call coverage and response of 2014. They are staffed twenty-four (24) hours a day with volunteers completing the crews. Mr. Dean is very proud of the Brockport Ambulance and shared several ideas and plans for the upcoming year. He will forward a detailed report to the board.

APPROVAL OF MINUTES

Councilperson Muesebeck made a motion that was seconded by Councilperson Roberts to accept the minutes of the regular Town Board meeting held on February 24, 2015. All voted in favor of the motion – four ayes. Motion adopted. ******(Correction made – minutes of March 24, 2015 – Supervisor Carges abstained due to his absence from the meeting of February 24, 2015.)

SUPERVISOR'S CORRESPONDENCE

(*Board has copies)

2015 Received From:

*1. Kathy Roberts, Deputy Town Clerk

Comments:

Request to attend NYS Town Clerks' Association Conference

*2. Phyllis Brudz, Planning Clerk

Request for Walt Windus to attend the WNY Stormwater Management Training Series

RE: #1 Motion made by Councilperson Muesebeck and seconded by Supervisor Carges to grant the request of Kathy Roberts, Deputy Town Clerk to attend the NYS Town Clerks' Association Conference. All voted in favor of the motion – three ayes. Councilperson Roberts abstained.

RE: #2 Motion made by Councilperson Muesebeck and seconded by Supervisor Carges to grant the request of Phyllis Brudz for Walt Windus to attend the WNY Stormwater Management

Training Series. All voted in favor of the motion – three ayes. Councilperson Windus-Cook abstained.

DEPARTMENTAL REPORTS

February 2015 departmental reports were received and reviewed by the Town Board from the following departments: Building Department, Phyllis Brudz; Finance Director, Leisa Strabel; and Town Clerk, Karen M. Sweeting.

REPORTS

Recreation Assistant Deanna Irvine presented a written report to the Board. She detailed programming, participation and the cooperative efforts with Lifetime Assistance and Medical Motors.

Superintendent of Highways Brian Ingraham reported that the winter weather has “let up” so they have been busy with equipment maintenance and alleviating flooding conditions. Mr. Ingraham is obtaining quotes for brush grinding that is done jointly with the Village each year.

Recreation Supervisor Jill Wisnowski reported to the Board that the Wounded Warrior’s event was a success - \$1,300 was raised.

Mrs. Wisnowski announced the upcoming Easter breakfast to be held on March 28th. All other Spring programming is going well.

RESOLUTIONS

RESOLUTION NO. 30

Reducing the Number of Sweden Town Justices From Three (3) to Two (2)

WHEREAS, the position of Sweden Town Police Justice was created by a New York State legislative enactment, chapter 34 of the Laws of 1899, passed and becoming law on February 28, 1899 (a copy of which is attached hereto as Exhibit “A”); and

WHEREAS, the aforesaid law having been amended by New York State legislative enactment in chapter 123 of the Laws of 1899, passed and becoming law on March 23, 1899 (a copy of which is attached hereto as Exhibit “B”); and

WHEREAS, reference is hereby made to People Ex Rel. Holmes v. Lane, Appellate Division Fourth Department, 53 App. Div. 531 (1900), a case dealing with, among other things, the abolishment of the Brockport Village Police Justice Office, the above noted legislation and related jurisdictional issues (a copy of which is attached hereto as Exhibit “C”); and

WHEREAS, the Sweden Town Justice Court is currently presided over by Sweden Town Police Justice Mark Depferd, Sweden Town Justice Robert P. Connors and Sweden Town Justice Kevin G. Johnson; and

WHEREAS, the current term of office for Sweden Town Police Justice Mark Depferd expires on December 31, 2015; and

WHEREAS, the Sweden Town Board has investigated and reviewed whether the continuation of said Sweden Town Police Justice position and/or the continuation of having three (3) presiding Justices over the Sweden Town Court is necessary and effective; and

WHEREAS, it being recognized that the Village of Brockport has established a Brockport Village Justice Court, independent of the Sweden Town Court, and presided over by justices other than those identified hereinabove; and

WHEREAS, the Sweden Town Board has determined that it would be in the best interests of the Town of Sweden to reduce the number of Town Justices from three (3) to two (2) in that there is presently no need for three (3) Justices to handle the volume of matters in the Sweden Town Court; and

WHEREAS, the Town of Sweden is a Town of the first class subject to the provisions of Town Law §60-a(2) stating in sum or substance that in the event the Town Board determines that it would be in the best interests of the Town, such Town Board may, by the adoption of a Resolution, subject to permissive referendum, reduce the number of Town Justices; and

WHEREAS, Article VI, §17(d) of the New York State Constitution mandates in sum or substance that any such elimination of the aforesaid Sweden Town Police Justice position cannot take effect until the expiration of the term of the incumbent (in this case December 31, 2015); and

WHEREAS, reference is also made to New York State Attorney General Opinions 78-153, 79-248, 81-92, 83-59 and 97-55, all confirming the ability of the Town of Sweden to reduce the number of Town Justices from three (3) to two (2) as set forth herein.

NOW, THEREFORE, PURSUANT TO TOWN LAW §20(1)(B), TOWN LAW §60-A(2) AND ALL OTHER RELEVANT STATUTES, LAWS AND CASES OF THE STATE OF NEW YORK REASONABLY RELATED HERETO, IT IS HEREBY RESOLVED AS FOLLOWS:

Sec. 1. The office and judicial position of Sweden Town Police Justice, currently occupied and held by Justice Mark Depferd, is hereby eliminated so that the number of Sweden Town Justices in the Town of Sweden shall be reduced from three (3) to two (2) effective January 1, 2016.

Sec. 2. In accordance with Town Law §60-a(2) this Resolution shall not become operative or effective unless and until thirty (30) days have elapsed after the adoption of this Resolution and no Petition protesting against this Local Law (Resolution) signed and authenticated as required by law has been filed with the Town Clerk of the Town of Sweden, or, if such Petition is so filed, a proposition for approval of this Resolution has been submitted at the next general election or a special election for that purpose pursuant to said section and received by the affirmative vote of a majority of the voters voting thereon.

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

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Councilperson Roberts

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Donohue	<u>Absent</u>
Councilperson Muesebeck	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – March 10, 2015

Adopted

RESOLUTION NO. 31 Authorize Purchase of Front End 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 front end loader from the Highway Equipment Reserve; and

WHEREAS, there are funds available in the Highway Equipment Reserve for a portion of the purchase of a front end loader.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of up to \$110,000 from the Highway Equipment Reserve for the purchase of a front end 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.

MOTION for adoption of this resolution by Councilperson Roberts

Seconded by Councilperson Windus-Cook

Discussion: Replacing a twelve year (12) old machine.

VOTE BY ROLL CALL AND RECORD:

Councilperson Donohue	<u>Absent</u>
Councilperson Muesebeck	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – March 10, 2015

Adopted

RESOLUTION NO. 32 Authorize Wage Increase – Quill

WHEREAS, Joseph Quill has received a satisfactory review for his first six months of employment; and

WHEREAS, Sweden Highway Superintendent Brian Ingraham has recommended a wage increase and the extension of the probationary period for an additional six months.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes an increase in the hourly rate of pay for Joseph Quill to \$19.25 per hour effective March 7, 2015.

Sec. 2. That the probationary period for Joseph Quill be extended to September 8, 2015.

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Councilperson Windus-Cook

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Donohue	<u>Absent</u>
Councilperson Muesebeck	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – March 10, 2015

Adopted

RESOLUTION NO. 33 Authorize Fireworks Contract

WHEREAS, the Sweden Clarkson Community Center holds an annual fireworks display on July 3 and intends to apply for a Fireworks Permit for 2015; and

WHEREAS, the Sweden Clarkson Community Center desires to contract with Young Explosives Corporation to furnish the exhibition of fireworks for the July 3, 2015 event.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Sweden Town Board hereby authorizes the Supervisor to sign the Fireworks Exhibition Agreement from Young Explosives Corporation.

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

MOTION for adoption of this resolution by Councilperson Roberts
Seconded by Councilperson Muesebeck

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Donohue	<u>Absent</u>
Councilperson Muesebeck	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – March 10, 2015

Adopted

RESOLUTION NO. 34 Authorizing Spring Clean-up for 2015

WHEREAS, the Town Highway Superintendent has recommended to the Town Board that special spring clean-up days be set for the Town of Sweden.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Spring Clean-up for the Town of Sweden for 2015 shall be during the week of April 27, 2015 through May 1, 2015.
- Sec. 2. That the Highway Superintendent is hereby authorized to execute said refuse operation in the Town of Sweden.
- Sec. 3. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Windus-Cook
 Seconded by Councilperson Roberts

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Donohue	<u>Absent</u>
Councilperson Muesebeck	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – March 10, 2015

Adopted

DISCUSSION AND ANNOUNCEMENTS

Workshop scheduled for Tuesday, March 17, 2015 at 7:00 p.m.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Muesebeck moved to adjourn the March 10, 2015 meeting of the Sweden Town Board at 7:42 p.m. Councilperson Roberts seconded the motion. All voted in favor of the motion – four ayes. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
 Town Clerk