

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, May 24, 2016.

Town Board Members present were Supervisor Robert Carges, Councilperson Robert Muesebeck, Councilperson Mary Rich, Councilperson Lori Skoog and Councilperson Danielle Windus-Cook. Also present were Finance Director Leisa Strabel, Superintendent of Highways Brian Ingraham, Town Attorney Jim Bell, Fire Marshal Michael Vergari and Town Clerk Karen Sweeting.

Visitors present were residents Joan Hamlin, Chris Hamlin, Tom and Pat Pawlaczyk, Laurie Scaglione, Pat and Lynette Cliff, Dale Robinson, Kathleen Breiner, Curt Conklin, Karen Conklin, Carla Carson, Claude Carson, Aimee Mesiti, Michelle Damico and Angelina Damico.

Supervisor Carges called the meeting to order at 7:05 p.m. and asked everyone present to say the Pledge to the Flag.

Town Attorney Jim Bell requested an opportunity to provide the Town Board with legal consultation on the resolutions pertaining to the Five Sons Winery/RG Brewery events.

The Town Board reconvened at 7:28 pm.

Supervisor Carges acknowledged the visitors present. Town Attorney Jim Bell addressed the visitors by stating that he was aware that most were in attendance to hear discussion on the Five Sons Winery/RG Brewery events. Mr. Bell explained that he, as an attorney representing the Town of Sweden, has advised the Board not to take action on the resolutions presented to grant noise exemption to the winery for particular events. He feels there are several procedural questions that are unanswered. The board agreed to remove the two resolutions "Granting Exception to Town Noise Ordinance", pertaining to events to be held at the Five Sons Winery/RG Brewery, from the agenda.

Supervisor Carges allowed visitors to comment on this topic.

Pat Pawlaczyk read a portion of the letter sent to the Town Board on May 22, 2016 presenting her concerns with the activities of the winery. The Pawlaczyk's are concerned with the potential noise generated from such events that, they feel, were not made part of the approval through the Sweden Planning Board in January of 2014. Mrs. Pawlaczyk quoted Planning Board minutes and suggested the Town Board adopt ordinances to control noise levels of special events.

Aimee Mesiti stated the business is located within an Agricultural District and they are protected by NYS Farm Laws which allow certain events. Mrs. Mesiti explained that one particular event scheduled for May 28<sup>th</sup> is a wedding, which is a normal activity of many wineries. She added the intent of these planned events is to promote travel and tourism, the county and town and particularly the product of the farm – wine and beer.

The following neighbors stated that they support the activities of the winery and haven't had any issues with noise: Kathleen Breiner, Carla Carson, Claude Carson, Lori Scaglione, Curt Conklin, Dale Robinson, Angelina Damico, Michelle Damico, Lynette Cliff and Karen Conklin.

Carla Carson asked the board since they were not going to take action, what about the wedding scheduled for May 28<sup>th</sup>. Discussion.

Aimee Mesiti stated that the winery does not need the Town Board's approval, they presented the event as a courtesy.

Tom Pawlaczyk stated the only reason they were present was because a request was submitted to the Town. They have no intention of disrupting the wedding, just would like the Town Board to set a limit for the level of noise allowed.

Supervisor Carges closed the public comment at 7:42pm – most visitors left the meeting.

#### APPROVAL OF MINUTES

Councilperson Muesebeck made a motion that was seconded by Councilperson Windus-Cook to approve the minutes of the regular Town Board meeting held on May 10, 2016. All voted in favor of the motion. Motion adopted.

No correspondence noted.

#### REPORTS

Fire Marshal Michael Vergari indicated only minor violations have been sited at several businesses – new CO detector laws are now in place.

Superintendent of Highways Brian Ingraham reported that the cement pad for the gazebo at Lakeview Cemetery is in place and they have begun county road projects on White Road and Sweden Walker Road. Councilperson Skoog added that she and Councilperson Rich toured the Whittier Road milling project and were impressed with how well that project was moving along. Supervisor Carges complimented Brian and his crew on the completion of the pond at the Dog Park. It has been a huge success and a nice addition to the park.

Councilperson Skoog reported that the garden at The Center will be planted this week – donations received from Sara's Garden Center and Skoog Farm. Mrs. Skoog also met with the Farmers Museum Committee to discuss a possible event in September.

Councilperson Rich reported that she has been working with Walt Windus and has spoken with a constituent regarding a drainage issue.

Councilperson Muesebeck reported on the progress of the gazebo at the cemetery, met with Finance Director Leisa Strabel and a park grant representative regarding the lodge at the Town Park, and met with the Town Auditor Chris Trento to go over the court audit.

Town Attorney Jim Bell reported several assessment grievances.

Supervisor Carges attended the Genesee Finger Lakes Regional Planning Council training seminar. He sat in on a walkable community seminar and also learned more about what projects the Army Corps of Engineers deal with. Mr. Carges also attended the monthly Supervisors' meeting. The County EMS conducted a presentation on the 911 system. Mr. Carges would like them to do a presentation for the other board members. The Town of Greece is sponsoring a seminar on "zombie homes" – discussion. Mr. Carges spoke with the Monroe County Treasury about unpaid property taxes in the Town. Discussion of tax foreclosures.

Finance Director Leisa Strabel provided an update to the vandalism done at the Town Park. The case is currently in court – restitution was awarded for damages done – materials only, no labor costs. Mrs. Strabel attended a Workers Compensation meeting. The Town of Sweden received the "No Lost Time" award.

#### RESOLUTIONS

RESOLUTION NO. 56

Approving Fireworks Application and Permit

Special Olympics NY, SUNY Brockport – June 10, 2016

WHEREAS, an application for the display of fireworks has been received from Special Olympics NY for an event to be held at SUNY Brockport for consideration by the Town Board. Said display to be held on June 10, 2016, at dusk on the practice field behind the football field on the SUNY Brockport campus; and

WHEREAS, the Fire Marshal for the Town of Sweden has reviewed said application.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board hereby approves the application for the display of fireworks from Special Olympics NY to be held at SUNY Brockport on June 10, 2016, and authorizes the Town Clerk to issue a permit for same.
- Sec. 2. That the applicant provide an indemnity policy with liability of at least \$1,000,000 conditioned for the payment of all damages which may be caused to a person or persons, or to property by reason of acts of the permittee, his agents, employees, etc. Such policy shall run to the Town.
- Sec. 3. That the issuance of the permit be subject to the review and approval of the Certificate of Liability by the Town Attorney.
- Sec. 4. That this resolution shall take effect immediately.

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

- Councilperson Muesebeck Aye
- Councilperson Rich Aye
- Councilperson Skoog Aye
- Councilperson Windus-Cook Aye
- Supervisor Carges Aye

Submitted – May 24, 2016

Adopted

RESOLUTION NO. 57

Appointment Laborer PT - Stieve

WHEREAS, the resignation of Ventura Soto has created a vacancy in the Building and Grounds Department; and

WHEREAS, the position was duly advertised and posted; and

WHEREAS, the Buildings and Ground Department and Recreation Leader recommend Edward Stieve for the vacancy.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden does hereby appoint Edward Stieve to the position of Laborer PT, not to exceed 28 hours per week.
- Sec. 2. That the rate of pay is \$12.00 per hour.
- Sec. 3. That the start date is June 6, 2016.

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

MOTION for adoption of this resolution by Councilperson Skoog  
Seconded by Councilperson Rich

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – May 24, 2016

Adopted

RESOLUTION NO. 58 Accepting Audit of Court Records

WHEREAS, the Town Board of the Town of Sweden retained Christopher Trento, Certified Public Accountant, to perform an audit of the Sweden Town Court records and dockets for the fiscal year ending December 31, 2015; and

WHEREAS, Mr. Trento submitted a report of the 2015 court audit on May 12, 2016; and

WHEREAS, the Sweden Town Board has had the opportunity to review the court audit report.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden accepts the findings of Christopher Trento, Certified Public Accountant pertaining to the 2015 Sweden Town Court records and dockets.

Sec. 2. That the Director of Finance is authorized to forward a copy of Mr. Trento’s report to the NYS Office of Court Administration.

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

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

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – May 24, 2016

Adopted

RESOLUTION NO. 59 Acceptance of the Stormwater Coalition of  
Monroe County 2015-2016 Draft Annual  
Report for Compliance with the Phase II

Stormwater Regulations

WHEREAS, the Town of Sweden has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA’s Phase II Stormwater Regulations under the Clean Water Act of 1999; and

WHEREAS, the Phase II Program requires each MS4 to prepare an Annual Report on the Town’s efforts to protect and improve the water quality of our streams and waterbodies; and

WHEREAS, the public is invited to review the Joint Annual Report and provide input; and

WHEREAS, a Joint Annual Report has been prepared in conformance with the Phase II Regulations by the Stormwater Coalition of Monroe County; and

WHEREAS, the Joint Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, NY by June 1, 2016.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Joint Annual Report is accepted by the Town Board of the Town of Sweden and that said Joint Annual Report is available for public review at <http://www.monroecounty.gov/des-stormwater-coalition>; the Town of Sweden Town Hall and the Town’s website at [www.townofsweden.org](http://www.townofsweden.org)

Sec. 2. That all comments on the Joint Annual Report will be incorporated into 2015-2016 or 2016-2017 Annual Reports to the NYSDEC.

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

MOTION for adoption of this resolution by Councilperson Skoog  
Seconded by Councilperson Rich

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Muesebeck	<u>Aye</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Carges	<u>Aye</u>

Submitted – May 24, 2016

Adopted

RESOLUTION NO. 60

Memorandum of Understanding NYS ORPS

WHEREAS, the Assessor of the Town of Sweden has previously prepared a Plan for Cyclical Reassessments; and

WHEREAS, the New York State Department of Real Property Services has requested the Town of Sweden’s participation in a 2017 reassessment project; and

WHEREAS, the Town of Sweden is eligible for financial aid for the maintenance of a system of improved real property tax administration pursuant to Section 1573 of the Real Property Tax Law.

NOW, THEREFORE BE IT RESOLVED:

- Sec. 1. That the Assessor of the Town of Sweden is hereby authorized to undertake a 2017 reassessment project.
- Sec. 2. That the Town Board does hereby authorize the submission of an application for financial aid for the maintenance of a system of improved real property tax administration pursuant to Section 1573 of the Real Property Tax Law.
- Sec. 3. That the Assessor and Supervisor are authorized to execute a Memorandum of Understanding with the New York State Office of Real Property Tax Services regarding the 2017 reassessment project.
- Sec. 4. That this resolution shall take effect immediately.

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

Discussion: Councilperson Rich indicated that she had several questions pertaining to the MOU. Discussion. The Board will ask the Assessor, Tony Eaffaldano, to attend a workshop to explain the MOU and answer any questions.

\*\*Councilperson Rich made a motion that was seconded by Councilperson Skoog to TABLE this resolution. All voted in favor of the motion. Motion adopted.

Submitted – May 24, 2016

TABLED

#### APPROVAL FOR PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Windus-Cook made a motion that was seconded by Councilperson Rich authorizing payment of the bills in Abstract 5 dated May 25, 2016 in the amount of \$92,718.61. All voted in favor of the motion. Motion adopted.

General Fund: In the amount of \$78,357.10 as set forth in Abstract 5 dated May 25, 2016.

Highway Fund: In the amount of \$8,512.10 as set forth in Abstract 5 dated May 25, 2016.

Special Fund: In the amount of \$5,849.41 as set forth in Abstract 5 dated May 25, 2016.

#### DISCUSSION AND ANNOUNCEMENTS

Resident Joan Hamlin thanked the Town Board for attending the May 17<sup>th</sup> public information meeting on the proposed dissolution. She stated that she was disappointed that the Village Trustees did not attend the meeting.

#### ADJOURNMENT

As there was no further business to come before the Board, Councilperson Muesebeck moved to adjourn the May 24, 2016 meeting of the Sweden Town Board at 8:20 p.m. Councilperson Skoog seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,  
Karen M. Sweeting  
Town Clerk