

MINUTES OF TOWN BOARD MEETING
OF THE TOWN OF BRIGHTON, COUNTY OF
MONROE, NEW YORK HELD AT THE
BRIGHTON TOWN HALL, 2300 ELMWOOD
AVENUE, ROCHESTER, NEW YORK
February 24, 2010

PRESENT:

Supervisor Sandra Frankel
Councilmember Sheila Gaddis
Councilmember Louise Novros
Councilmember Ray Tierney
Councilmember James Vogel

William Moehle, Attorney for the Town
Susan Kramarsky, Town Clerk

MEETING CALLED TO ORDER: 6:40 PM

6:30 P.M. - MOTION TO GO INTO EXECUTIVE SESSION: 6:40

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to discuss the appointment of particular people and real estate negotiations.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to come out of executive session at 6:55 PM.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

RECOGNITIONS/PRESENTATIONS:

Women's History Month Proclamation, to be received by Jamie Columbus

OPEN FORUM:

Earth Hour - Margy Peet, Color Brighton Green

Community Budget Open Forums - Jill Vigdor Feldman, Communications Coordinator, Brighton Central School District

Entrance signs for the Town of Brighton - Bob Monahan

Veterans' Memorial Planning Update - Bergmann Associates

Monte Levine
Mordechai Rennert

APPROVAL OF AGENDA:

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to approve the agenda with the addition of two additional items of communications and appointment to the sustainability oversight committee.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to approve and file the Town Board meeting minutes for February 10, 2010.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Proposed amended Incentive Zoning Application from Tops Market LLC for Tops Brighton Plaza (see letter from Richard Rosenbloom, dated February 14, 2010; Brijen Gupta, dated February 19, 2010)

(Complete transcript under separate cover)

PETITIONS:

2 Petitions against Gasoline Station at Tops Plaza submitted by Dr. Grayson & Paul Horowitz added to record of Public Hearing Tops Market

COMMUNICATIONS:

FROM Rochester International Women's Day card announcing event on March 7, 2010

FROM Bob Monahan showing street signs for entrance to Brighton.

FROM Michael Guyon, P.E., Town Engineer, Department of Public Works, dated February 10, 2010, regarding the 2010 Community Development Block Grant (CDGB) Application for the Town of Brighton

FROM Linda A. Faubel, Acting Chair, Monroe County Planning Board, dated February 9, 2010, regarding information meetings for the Monroe County Proposed Capital Improvement Program for 2011-2016

FROM Barry Silverstein, Projection Technology Manager, Entertainment Imaging, Kodak, dated February 12, 2010, regarding Google's proposed high speed test network

FROM Ethan Montag, dated February 11, 2010, regarding Google's proposed high speed test network

FROM Charlie Hacker, dated February 10, 2010, regarding Google's proposed high speed test network

FROM Steve Verdine, Project manager, Villager Construction Inc., dated February 12, 2010, regarding the South Clinton Avenue Water Supply Phase One for conduits 2 and 3

FROM Lisa M. Zafonte, Senior Counsel, Attorney for National Grid, dated February 9, 2010, additional materials regarding Application of Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need for the Reconstruction of Transmission Line 111 from Lockport to Mortimer, New York

FROM Anthony J. Costello, Chairman and CEO, Anthony J. Costello & Son Development, LLC, dated February 11, 2010, regarding an amendment to the Rezoning Incentive Zoning Resolution for "The Reserve"

FROM The Monroe County Department of Public Safety regarding the 14th Annual STOP-OWII Traffic Safety Awards Luncheon on March 3, 2010

FROM Dave Brooke, dated February 2, 2010, regarding the wonderful help he received from the Police Department and Brighton Volunteer Ambulance during and after an accident in May 2009

FROM Joan Stormont, dated February 12, 2010, expressing gratitude over the sidewalk between Elmwood and Clover Street

FROM Buckingham Properties and Pride Mark Homes, regarding a neighborhood meeting on Wednesday, March 3rd to discuss Winfield Park

FROM Scott M. Adair, Chief Financial Officer, Monroe County Department of Finance, dated February 12, 2010, regarding Monroe County sales tax distribution for the fourth quarter of 2009

FROM Renee Casler, Planner II, Monroe County Department of Planning and Development, dated February 9, 2010, regarding three (3) lots in the Greco Estate Subdivision and the Monroe County Department of Planning and Development's response to the Development Review Referral

FROM Monte and Nancy Lavine, Brighton residents, dated February 14, 2010, regarding potential safety issues surrounding the potential car wash at the corner of Clover Street and Monroe Avenue

FROM Jill Vigdor Feldman, Communications Coordinator, Brighton Central School District, dated February 24, 2010, regarding community budget open forums

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to receive and file the aforementioned communications.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services-Next meeting March 18, 2010 7 PM
 Finance and Administrative Services-February 18, 2010. Next meeting March 3, 2010.
 Public Safety Services-Next meeting March 8, 2010 8 AM.
 Public Works Services-Next meeting March 1, 2010 9 AM.

NEW BUSINESS:

MATTER RE: Reading and approval of claims

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Supervisor read and approve payment of claims as set forth in Exhibit NO. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize the Supervisor to execute an agreement between the Town of Brighton and Video Propulsion, Inc. for Cable Television Programming Services between January 1, 2010 through December 31, 2010, not to exceed \$53,000 (see Resolution #1; letter from Doug Clapp, Director of Communications, dated February 17, 2010)

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO.2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MArrER RE: Authorize year-end transfers and amendments to address object-level negative balances in the 2009 Town, Special District, and Capital bUdgets (see Resolution #2; letter from Paula Parker, Director of Finance, dated February 17, 2010)

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO.3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MAner RE: Authorize approval of a 2010 budget transfer of \$3,000 to the Parks and Recreation Department to account for the cost associated with the instillation of the vertical wind turbine donated by Windspire in late 2009 (see Resolution #3; letter from Paula Parker, Director of Finance, dated February 18, 2010)

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MAner RE: Authorize the appointment of John Short as a part-time firefighter, effective, February 24, 2010, with a probationary period of fifty two (52) weeks (see Resolution #4; letter from Christopher Roth, Chief Fire Marshall, dated February 16, 2010)

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MAner RE: Authorization for the Police Department to upgrade their cell phone service, provided by Verizon Wireless, to include both texting and limited internet functionality for a total monthly expense increase of \$167.30, and to purchase four new Blackberry cell pones at the cost of \$49.99 each to replace the current standard cell phones (see Resolution #5; letter from Thomas Voelkl, Chief of Police, dated February 12, 2010)

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MAner RE: Authorize approval of a 2010 budget appropriation in the amount of \$24,000 to purchase one additional police cruiser (see Resolution #6; letter from Paula Parker, Director of Finance, dated February 17, 2010)

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO. 7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MAAnER RE: Authorize Supervisor to execute the amendatory agreement for the Community Development Block Grant (CDBG) for Dorking and Holloway Roads (see Resolution #8; letter from Tim Keep, Commissioner of Public Works, dated February 19, 2010)

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO.8 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MAAnER RE: Authorize the amendment of the Sustainability Oversight Committee's Policy to provide for staggered two-year terms for Committee members (see Resolution #7)

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO.9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MAAnER RE: Appointment of members to sustainability oversight committee; Erin Ryen of Edgemoor Road (2 years), Peter DeBaal of Pickford Drive (1 year) Stephen Kittelberger of Penarrow Road(2 years) Paul Tankel of Penarrow Road (2 years) Karen Berger of Thackery Road (2 years) Paul Gardner of Fairhaven Road (1 year) Allison Bates Dollinger of Cheswell Road (1 year)

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to appoint the aforementioned for the terms shown.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board receive and file the January 2010 Expense and Revenue Report

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION:

MEETING ADJOURNED:

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to adjourn at 10:20 PM.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Susan Kramarsky, 79 Monteroy Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceedings of the Town of Brighton County of Monroe, State of New York meeting held on the 24th of February 2010 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

February 24, 2010

THAT THE CLAIMS AS SUMMARIZED BELOW HAVING BEEN APPROVED BY THE RESPECTIVE DEPARTMENT HEADS AND AUDITED BY THE TOWN BOARD AUDIT COMMITTEE ARE HEREBY APPROVED FOR PAYMENT.

A - GENERAL	\$	<u>4,109,090.28</u>
D - HIGHWAY		<u>105,603.48</u>
H - CAPITAL		<u>730,000.00</u>
L - LIBRARY		<u>153,254.10</u>
SA - AMBULANCE DIST		<u>2,455.24</u>
SB - BUSINESS IMPROVM		<u>3,117.00</u>
SN-NEIGHBORHOOD DIS1.		<u>12,716.00</u>
SR-REFUSE DISTRICT		<u>62,042.92</u>
SS - SEWER DIST		<u>42,733.59</u>
TA - AGENCY TRUST		<u>30,597.78</u>
	TOTAL \$	<u>5,251,610.39</u>

UPON ROLL CALL MOTION CARRIED _____

APPROVED BY: _____
SUPERVISOR

COUNCIL MEMBER

COUNCIL MEMBER

TO THE SUPERVISOR

I CERTIFY THAT THE VOUCHERS LISTED ABOVE WERE AUDITED BY THE TOWN BOARD ON THE ABOVE DATE AND ALLOWED IN THE AMOUNTS SHOWN. YOU ARE HEREBY AUTHORIZED AND DIRECTED TO PAY TO EACH OF THE CLAIMANTS THE AMOUNT OPPOSITE HIS NAME.

DATE

TOWN CLERK

At a Town Board Meeting of the Town of Brighton, Monroe county, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 24th day of February 2010.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated February 17, 2010 from Douglas S. Clapp, Director of Communications, concerning a contract extension for cable television programming services, together with an attachment thereto, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Video Propulsion, Inc. for cable television programming services during 2010, at a cost not to exceed \$53,000, which agreement shall be in form attached to the above correspondence.

Dated: February 24, 2010

Sandra L. Frankel, Supervisor	Voting
James R. Vogel, Councilman	Voting
Raymond J. Tierney III, Councilman	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting

At a Town Board Meeting of the Town of Brighton, Monroe county, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 24th day of February 2010.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that a memorandum dated February 17, 2010, from Paula A Parker, Director of Finance, concerning year-end budget transfers and amendments to address object-level negative balances in the 2009 Town, Special District and Capital Budgets, together with an attachment thereto, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves each of the Town, Special District and Capital Budget transfers and amendments set forth in the attachment to the above-referenced correspondence.

Dated: February 24, 2010

Sandra L. Frankel, Supervisor	Voting
James R. Vogel, Councilman	Voting
Raymond J. Tierney III, Councilman	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting

At a Town Board Meeting of the Town of Brighton, Monroe county, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 24th day of February 2010.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons

RESOLVED, that a memorandum dated February 18, 2010, from Paula A Parker, Director of Finance, concerning a 2010 budget transfer for the Parks and Recreation Department, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the transfer of \$3,000 from account A.UNDST.1990.490 (Contingency) to account A.REC.7116.260 (Parks and Recreation - Facilities Improvement), in order to fund the cost of the installation of the vertical wind turbine at Buckland Park.

Dated: February 24, 2010

Sandra L. Frankel, Supervisor	Voting
James R. Vogel, Councilman	Voting
Raymond J. Tierney III, Councilman	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting

At a Town Board Meeting of the Town of Brighton, Monroe county, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 24th day of February 2010.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons

RESOLVED, that a memorandum dated February 16, 2010, from Christopher Roth, Fire Marshal, concerning the appointment of a part-time Firefighter for the West Brighton Fire Protection District, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the appointment of John Short as a part-time Firefighter for the West Brighton Fire Protection District, on a probationary basis, effective February 24, 2010, with a salary of \$19.43 per hour and a fifty two (52) week probationary period.

Dated: February 24, 2010

Sandra L. Frankel, Supervisor	Voting
James R. Vogel, Councilman	Voting
Raymond J. Tierney III, Councilman	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting

At a Town Board Meeting of the Town of Brighton, Monroe county, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 24th day of February 2010.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

RESOLVED, that correspondence dated February 12, 2010, from Thomas M. Voelkl, Chief of Police, concerning an upgrade to Police Department cell phone service, be received and filed; and be *it* further

RESOLVED, that the Town Board hereby approves the purchase of four (4) Blackberry cell phones at a cost of \$49.99 each, to be funded from forfeited assets, with a related increase in monthly charges of \$62.30 each, in each case under the relevant state contract with Verizon Wireless; and be **it** further

RESOLVED, that the service on seven (7) additional cell phones be upgraded to include text messaging services, at an additional monthly cost of \$10.00 per phone, under the state contract with Verizon Wireless.

Dated: February 24, 2010

Sandra L. Frankel, Supervisor	Voting
James R. Vogel, Councilman	Voting
Raymond J. Tierney III, Councilman	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting

At a Town Board Meeting of the Town of Brighton, Monroe county, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 24th day of February 2010.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated February 17, 2010, from Paula A Parker, Director of Finance, concerning a 2010 budget appropriation for the purchase of a police vehicle, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the appropriation of \$24,000 to account A.POLCE.3120.221 (Police Department - Automobiles) to purchase an additional police vehicle in 2010, which was originally anticipated to be purchased in 2009.

Dated: February 24, 2010

Sandra L. Frankel, Supervisor	Voting
James R. Vogel, Councilman	Voting
Raymond J. Tierney III, Councilman	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting

At a Town Board Meeting of the Town of Brighton, Monroe county, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 24th day of February 2010.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated February 22, 2010 from Timothy E. Keef, P.E., Commissioner of Public Works, together with correspondence dated January 22, 2010 from William D. Fritsch, Senior Program Specialist, Department of Planning and Development of Monroe County, and a proposed Amendatory Agreement No. 1 attached thereto, concerning an amendatory agreement for the paving of Dorking and Holloway Roads, a project funded under a Community Development Block Grant, be received and filed; and be *it* further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute and deliver Amendatory Agreement No.1, by and between the Town and Monroe County, that will extend the contract term for the Dorking and Holloway Roads paving project, funded under the Community Development Block Grant Program, through November 1, 2011, which Amendatory Agreement No. 1 shall be in the form attached to the correspondence from Mr. Fritsch referenced above.

Dated: February 24, 2010

Sandra L. Frankel, Supervisor	Voting
James R. Vogel, Councilman	Voting
Raymond J. Tierney III, Councilman	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting

At a Town Board Meeting of the Town of Brighton, Monroe county, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 24th day of February 2010.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

WHEREAS, the Town Board previously adopted a Policy for Sustainability Oversight Committee, under which the Town Board appoints seven members of the Town Sustainability Oversight Committee, each for a two year term; and

WHEREAS, the Town Board desires to adopt a plan of staggered terms for Committee members, to maintain continuity in membership over time, and to that end desires to amend the Policy; it is therefore

RESOLVED, that the Town Board hereby amends Paragraph 3A of the Policy for Sustainability Oversight Committee, to read in its entirety as follows:

A. The Committee shall consist of seven (7) members who shall be appointed by the Town Board. Persons residing within the Town of Brighton who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as a member of the Committee. The members shall be appointed for a two-year term, except that three (3) of the initial members appointed shall serve an initial one-year term. Thereafter all appointments shall be for a two-year term. Vacancies on the Committee shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of a term of office shall be filled only for the remainder of the unexpired term. Good faith efforts shall be made to provide that at least one member shall be a professional with

energy-related technical expertise, and that at least one member shall be a business owner residing in the Town. Consideration should be given to the appointment to this Committee of members of other citizen boards.

Dated: February 24, 2010

Sandra L. Frankel, Supervisor	Voting
James R. Vogel, Councilman	Voting
Raymond J. Tierney III, Councilman	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting