

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  
March 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:** 7:10 pm

**RECOGNITIONS/PRESENTATIONS:**

Earth Hour Proclamation

Red Cross Month Proclamation

Swearing-In Ceremony for Brighton Police Officer Jeffrey Hoffman

Introduction of Torie Bonnet and Jonathan Furman, Rochester Institute of  
Technology Interns

**OPEN FORUM:**

Dan McCue, President, Brighton Volunteer Ambulance Board of Directors Presentation of 2009  
Annual Report  
Winfield Park Development Proposal  
Mordechai Rennert  
Paul Holohan

**APPROVAL OF AGENDA:**

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to  
approve the agenda with the addition of 2 items of communication and the removal of one matter.

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 March 10, 2010.

UPON ROLL CALL VOTE the following vote was recorded

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

MOTION CARRIED

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to  
approve and file the Town Board minutes for March 17, 2010.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize bid award, not exceeding \$51,756., to Pro Construction of Rochester, NY, for the 2010 South Clinton Avenue Sidewalks Project (see Resolution #1; letter from Timothy E. Keef, Commissioner of Public Works/Highway Superintendent, dated March 15, 2010).

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. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Paul Holohan regarding The Reserve, development of Anthony Costello & Sons, revised plan

**FROM** Brighton Volunteer Ambulance Board of Directors Presentation of 2009 Annual Report

**FROM** Chris Mueller, Manager, Government Affairs, Time Warner Cable, dated March 19, 2010, regarding certain programming and services

**FROM** Thomas M. Voelkl, Chief of Police, dated March 15, 2010, expressing support for the proposed completion of Senator Keating Boulevard

**FROM** Daniel McCue, President, Board of Directors, Brighton Volunteer Ambulance, dated March 10, 2010, expressing support for proposed completion of Senator Keating Boulevard

**FROM** Ellen Penepent, Engineer, New York State Department of Transportation, dated March 23, 2010, advising of maintenance project on Route 15 on-ramp to 1-390 beginning April 2010 through August 2010

**FROM** Tom Hack, dated March 22, 2010, commenting on how instrumental Jerry LaVigne, Director of Recreation, Parks and Community Service Department, and Mark Kritall of the Recreation and Parks Department have been in Boy Scouts of America Eagle Scout projects

**FROM** Michele R. Rosenbaum, VMD, dated March 15, 2010, reporting a problem with off-leash dogs on trails along the west side of Meridian Centre Park

**FROM** Kailey Hogan, dated March 16, 2010, expressing concern for safety and the need for street lights in the Shoreham Drive neighborhood

**FROM** Al Antonez, dated March 13, 2010, complementing Jerry LaVigne, Director of Recreation, Parks and Community Service Department, on his presentation at the Lynch Woods Park public information meeting

**FROM** Audrey McK. Fernandez, dated March 9, 2010, suggesting the need for planting trees at the west end of Buckland Park in light of the proposed developments along Westfall Road

**FROM** Wayne L. Winert, Rochester Local Census Office Manager, dated March 11, 2010, asking for assistance in encouraging people to call 1-266-861-2010 to schedule basic skills tests to qualify as census workers

**FROM** Rachel and David Garofalo, dated March 24, 2010, listing concerns with the proposed Winfield Park development

**FROM** Zina Lagonegro, AICP, City of Rochester, Neighborhood and Business Development, dated March 10, 2010, regarding the University of Rochester Zoning Map amendment

**FROM** Timothy E. Keef, Commissioner of Public Works/Highway Superintendent, dated March 19, 2010, regarding necessary removal of the 23" Hybrid Elm tree at 2300 Elmwood Avenue

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMIInEE REPORTS:**

Community Services - Councilmember Louise Novros reported on meeting of March 18, 2010. Next meeting April 15, 2010  
 Finance and Administrative Services - Next meeting April 7, 2010 and special meeting April 19, 2010  
 Public Safety Services - Councilmember Ray Tierney reported on meeting of March 8, 2010. Next meeting April 12, 2010  
 Public Works Services - Councilmember James Vogel reported on meeting of March 24, 2010. Next meeting April 19, 2010

**NEW BUSINESS:**

**MATTER RE:** Reading and approval of claims

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Supervisor read and approve payment of claims as set forth in Exhibit No. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize that map file cabinet be declared surplus and disposed of at auction (see Resolution #2; memorandum from Timothy E. Keef, Commissioner of Public Works/Highway Superintendent, dated March 8, 2010, with attachment)

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.3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MAner RE:** Authorize appointment of Paul Deckard to position of part-time Recreation Assistant I, effective April 10, 2010, with 52- week probationary period (see Resolution #3; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated March 8, 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.4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize acceptance of donation from Blue Apple Productions for outdoor movie series with total in-kind value of \$10,000 as determined by vendor (see Resolution #4; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated March 8, 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. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize budget amendment for insurance recovery and necessary expenditures for demolition and removal of damaged pole barn and construction of storage building (see Resolution #5; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated March 9, 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. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Incentive Zoning Application for proposed Winfield Park Development by Buckingham Properties and PrideMark Homes (see Resolution #6; letter from Tim Gawenus, PE, Project Manager, Fisher Associates, dated March 5, 2010, with attachments)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Receive and File Planning Board Advisory Report for proposed car wash at 2875 Monroe Avenue (see Resolution # 9; Report dated March 23, 2010)

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney 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

**MEETING ADJOURNED:**

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis to adjourn at 9:15 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 24<sup>th</sup> of March 2010 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

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 March 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated March 15, 2010 from Timothy E. Keef, P.E., Commissioner of Public Works, together with an attachment thereto, concerning the award of a bid for the 2010 South Clinton Avenue Sidewalks Project, be received and filed; and be **it** further

**RESOLVED**, that the bid for the 2010 South Clinton Avenue Sidewalks Project be awarded to Pro Construction in the unit prices as calculated from their bid, and for a total cost not to exceed \$51,756.00; and be **it** further

**RESOLVED**, that the Supervisor is hereby authorized to execute any necessary change orders that do not exceed \$5,175.60 in the aggregate, without further Town Board action; and be **it** further

**RESOLVED**, that the Director of Finance is hereby authorized to make the necessary budget transfers to implement the above resolutions.

Dated: March 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

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

March 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>226,833.94</u>
D - HIGHWAY	<u>100,067.49</u>
H - CAPITAL	<u>14,398.16</u>
L -LIBRARY	<u>28,564.45</u>
SK - SIDEWALK DIST	<u>71.30</u>
SS - SEWER DIST	<u>30,000.42</u>
SW - WATER DIST	<u>3,000.00</u>
TA - AGENCY TRUST	<u>28,724.60</u>
TOTAL	\$ <u>431,660.36</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 March 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated March 8, 2010 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning the disposal of a map file cabinet, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Town Board hereby declares the KingFile map file to be surplus and directs that it be disposed of at auction.

Dated: March 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 March 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated March 8, 2010 from Jerry LaVigne, Director of Parks and Recreation, concerning the appointment of Paul Deckard as a part-time Recreation Assistant, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby appoints Paul Deckard to the position of part-time Recreation Assistant I, effective April 10, 2010, at an hourly rate of \$13.30, on a probationary basis, with a 52 week probationary period.

Dated: March 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 March 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated March 8, 2010 from Jerry LaVigne, Director of Parks and Recreation, concerning the donation of a the public showing of eight family movies, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby gratefully accepts the donation of an Outdoor Summer Movie Series consisting of eight family-oriented movies to be shown at Meridian Centre Park, from Blue Apple Productions.

Dated: March 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 March 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated March 9, 2010 from Jerry LaVigne, Director of Parks and Recreation, concerning budget transfers in connection with the insurance recovery for the destruction of a metal pole barn at Buckland Park, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes the 2010 budget amendments as more fully set forth in the above referenced correspondence.

Dated: March 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 March 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**WHEREAS,** Fisher Associates previously submitted a proposed incentive zoning and re-zoning application for the proposed Winfield Park Project on behalf of Buckingham Properties and Pride Mark Homes, which was received and filed by the Town Board; and

**WHEREAS,** Fisher Associates has now submitted an amended zoning and re-zoning application for such project, now consisting of approximately 135.3 acres on Brighton Henrietta Townline Road in the Town of Brighton; and

**WHEREAS,** the Commissioner of Public Works recommends that such amended application be accepted as sufficient for review and referral to the Planning Board, subject to the submission by the applicant of revisions as more fully set forth below; **it is therefore**

**RESOLVED,** that correspondence dated March 5, 2010 from Tim Gawenus, P.E., Project Manager, Fisher Associates, together with a preliminary engineer's report for Winfield Park, published October 2009 and updated March 2010, prepared by Fisher Associates, be received and filed; and **be it further**

**RESOLVED,** that the Town Board hereby determines that such incentive zoning and rezoning application is worthy of further consideration and refers that application to the Planning Board for its review and advisory report, provided that the applicant review and revise the section of the application entitled "Tax Impact Summary"

"Single Family Homes" and "Proposed Development<sup>U</sup> and further review and revise the section entitled "Summary<sup>U</sup> on page 7 thereof; and be it further

**RESOLVED**, that the Town Board hereby declares itself to be lead agency for the environmental review of such project under the State Environmental Quality Review Act, and directs the Town's Environmental Liaison to give the necessary notices thereof; and be it further

**RESOLVED**, that the Commissioner of Public Works is hereby directed to send a copy of the amended incentive zoning and rezoning application to the Superintendent of the Rush Henrietta Central School District.

Dated: March 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 March 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**WHEREAS**, a proposed incentive zoning and re-zoning application was previously submitted for a proposed car wash at 2875 Monroe Avenue, which was received and filed by the Town Board and referred to the Planning Board; and

**WHEREAS**, such proposal was amended and resubmitted to the Planning Board, which previously issued an advisory report and a supplemental advisory report on such project, and has now prepared a second supplemental advisory report, which recommends that the Town Board request that the New York State Department of Transportation review the traffic report submitted by the applicant and further obtain an independent traffic study, at the developer's expense; it is therefore

**RESOLVED**, that correspondence dated March 23, 2010 from Ramsey Bohner, Executive Secretary of the Town Planning Board, the second supplemental advisory report of the Planning Board with respect to the proposed car wash incentive zoning and rezoning application for property located at 2875 Monroe Avenue, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby directs the Commissioner of Public Works to request that the State of New York Department of Transportation review the traffic study previously prepared on behalf of the applicant for the proposed car wash at 2875 Monroe Avenue, focused on the issues raised in the Planning Board's second

supplemental advisory report on such application; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Commissioner of Public Works to issue a request for proposals for a traffic consultant to review the traffic report prepared by the applicant's engineer in light of the issues addressed in the second supplemental advisory report, which consultant shall be retained by the Town at the applicant's sale expense.

Dated: March 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