

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  
 August 11, 2010

**PRESENT:**

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

William Moehle, Attorney for the Town

Susan Kramarsky, Town Clerk

**EXECUTIVE SESSION:**

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney to go into executive session to discuss contract negotiations at 6:30 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel to come out of executive session at 6:50 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**OPEN FORUM:**

Susan Kramarsky, Brighton Town Clerk/Receiver of Taxes--Election/Polling Places & Equipment

Mario Daniele  
 Robert Monahan  
 Al Antonez  
 Sue Gardenr Smith  
 Anastasi Meter  
 Susan Keth  
 Rueben Garcia  
 Roger Chicarelli  
 Bob Toome  
 Pat Burke  
 Don Carroll  
 Anthony Daniele  
 Roger Chicarelli  
 Paul Holohan  
 Cosh Grasisdis  
 Mordechia Rennert  
 Shelly Weinstein

**APPROVAL OF AGENDA:**

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to approve the agenda with the addition of two items of communication

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**APPROVE AND FILE TOWN BOARD MEETING MINUTES:**

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to approve and file minutes for July 28, 2010

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**PUBLIC HEARINGS:**

**MATTER RE:** Approval of Extension #01 to the Wyatt Drive Refuse District, 25 Gordon Heights Road. (see Resolution #9, letter to Town Board from Tim Keef, Commissioner of Public Works for the Town of Brighton confirming petition, map and description of request is all in order.

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

**BIDS:**

**MATTER RE:** Approval to the Town of Brighton Police Department to purchase a replacement vehicle from **Marina Chrysler Dodge Jeep**. Purchase price meets all budget allocation requirements. (see Resolution #1, letter from Mark Henderson, Brighton Chief of Police and bid cost comparison analysis from Al Sienkiewicz, dated July 27, 2010).

Motion by Councilmember Ray Tierney 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

**MATTER RE:** Approval to award contract to **Spampinato Mechanical Contractors, Inc.** to perform work needed for the 2010 Buckland House Community Gardens Water Main Extension project. Pricing meets all bid processes and budget allocation requirements (see Resolution #2, letter and bid cost comparison analysis from Chad Roscoe, Town of Brighton Drafting Technician, DPW).

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

**MATTER RE:** Authorization to solicit requests for proposals due to the dissolution of current video production service provider (Video Propulsion, Inc., effective August 31, 2010) for the following:

Interim video production services for Town of Brighton for period September 1 through December 31, 2010.

Video production services to Town of Brighton for period January 1, 2011 through December 31, 2011.

(see Resolution #3, letter from Douglas Clapp, Dir. of Communications, Town of Brighton, Notice of Dissolution from Video Propulsion, Inc. dated July 30, 2010, letter dated July 30, 2010 from Douglas Clapp advising Video Propulsion of its' obligation to provide 30 days notice of intent to cancel existing contract, *ref. attached copy of contract*, and response letter from Video Propulsion confirming that they will provide video production services through August 31, 2010, which will constitute a 30 day notice of impending cancellation.

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. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Elinor Freer received July 29, 2010 expressing appreciation for the Town of Brighton's support of bicycling, bike safety and greener methods of transportation. Letter included ideas relating to events for the Town Board to consider in further promoting this topic.

**FROM** Time Warner Cable, Chris Mueller - Manager, Government Relations dated August 1, 2010 to Supervisor listing of channels with soon to be expired contracts with Time Warner Cable, which may or may not be renewed.

**FROM** Brian Moon, Real Property Analyst 2 for State of NY Office of Real Property Tax Service, dated July 23, 2010 to Supervisor, certifying a final State equalization rate of 100.00 has been established for the Town of Brighton.

**FROM** Town of Brighton Historic Preservation Commission dated July 29, 2010 from Ramsey Boehner, Commission Secretary to Supervisor Frankel, informing Supervisor that Landmark designation has been assigned to 281 Edgewood Avenue known as the Evans-Watkins House.

**FROM** Monroe County Clerk of the Legislature, Cheryl M. Rozzi, letter dated July 30, 2010 with electronic version of the Proceedings of the Legislature of Monroe County for 2008. (actual CD is available for viewing in the Town of Brighton's Clerk's office).

**FROM** The New York Municipal Insurance Reciprocal (NYMIR) to Supervisor - 2009 Annual Report received July 28, 2010

**FROM** Bill & Janine Mahoney expressing appreciation to Supervisor for the courteous and professionalism exhibited by Brighton Police Officer Bruce Blackman during their interaction with him relating to a neighborhood issue

**FROM** Sara Rubin dated July 28, 2010 to Supervisor and other members of area Conservation Committees, including Rome Celli, Brighton Chamber of Commerce President regarding progress of the Buckland Creek Remediation Plan.

**FROM** Paul A. Johnson, Monroe County Department of Planning & Development, dated August 5, 2010, copy of the adopted 2011-2016 Capital Improvement Plan (actual plan can be reviewed in Town Clerk's office).

**FROM** Robert Monahan dated August 10, 2010 regarding the proposed Car Wash on Monroe Ave.

**FROM** Paul Holohan dated August 11, 2010 regarding the proposed Car Wash on Monroe Ave.

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

Community Services--Next meeting August 19, 2010

Finance and Administrative Services--Next meeting August 18, 2010

Public Safety Services--Next meeting September 14, 2010

Public Works Services--Report from Councilmember James Vogel; next meeting September 13, 2010

**OLD BUSINESS:**

**MATTER RE:** Authorize approval of Incentive Zoning Amendment regarding proposed Car Wash located at 2875 Monroe Avenue, **2875 Monroe Clover LLC** owner (see Resolution #14, letter dated July 28, 2010 from Anthony Daniele and Brighton citizen communications from David Ross -July 29, 2010 Jim LeChase - July 30, 2010, Mary Lynne – July 29, 2010 Jim Smith, dated July 8, 2010 and Jeanne L. Rowe received on August 10, 2010 concerning same).

**Matter held**

**MATTER RE: RESERVE** - Authorize approval of Incentive Zoning Amendment in accordance and consistent with the previously prepared EIS and Finding Statement, previously adopted by the Brighton Town Board. (see Resolution #13 and revised Incentive Zoning Amendment Request)

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. 5 attached.

UPON ROLL CALL VOTE THE FOLLOWING VOTE WAS RECORDED

Councilmember Sheila Gaddis   abstain

Councilmember Louise Novros   no

Councilmember Ray Tierney    aye

Councilmember James Vogel    aye

Supervisor Sandra Frankel    aye

MOTION CARRIED

**MATTER RE: CHA Engineering Group** on behalf of **Tops Markets, LLC**- Authorize continuance of Public Hearing for August 25, 2010 concerning the Incentive Zoning application for Tops store improvements and fuel station (see Resolution #4 and letter from James Trasher – Project Manager CHA Engineering Group, dated July 28, 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. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**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. 7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize bid award to **GAR Associates, Inc.** for commercial valuation assistance to the Town of Brighton. (see Resolution #10, request from Elaine Ainsworth, Town of Brighton Assessor, and Commercial Valuation and Sales Database services proposal from GAR Associates, Inc.

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. 8 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Budget Transfers:

\$5,350 from Other Contracted Services budget to Overtime and Employee FICA to cover Police & Highway services provided to Parks & Recreation Dept. for July 4<sup>th</sup> Town of Brighton Celebration and;

\$2,300 from Town of Brighton Parks & Recreation Part time Salaries budget to Maintenance Repair budget to cover maintenance work performed on Security/Fire Alarm System at Buckland House

(see Resolution #5 and letter dated July 23, 2010 from Jerry LaVigne, Director of Parks & Recreation, Town of Brighton).

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. 9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize re-appointment of Erinn Ryen to the Town of Brighton Conservation Board, effective nunc pro tunc July 1, 2010 through June 30, 2012. (see Resolution #6).

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. 10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize expense of \$324.72 to be used for a memorial stone plaque to be placed in a garden on the Town Hall Campus, in honor of former Town of Brighton Court Clerk, Ginny Morris, now deceased (see Resolution #7 and letter dated July 29, 2010, from Dianne Burdett, Administrative Court Clerk, Town of Brighton).

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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute a Memorandum of Agreement with the Brighton Police Patrolmen's Association to modify language in Article 8 of the BPPA contract re: filling future Investigator vacancies (see Resolution #8, letter from Mark Henderson, Brighton Chief of Police dated August 2, 2010, approval letter from BPPA President Michael DeSain and Agreement).

Motion by Councilmember Ray Tierney 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.12 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE TOWN CLERK:**

**MATTER RE:** Authorize temporary change to work hours for a particular employee (see Resolution #11 and letter dated August 2, 2010 from Susan Kramarsky, Brighton Town Clerk).

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. 13 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Letter of resignation from Jennifer Sammon dated July 30, 2010, effective August 13, 2010.

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to receive and file the aforementioned communication

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED:**

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to adjourn at 11:25 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 11 August 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 11<sup>th</sup> day of August, 2010.

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

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In the Matter of  
Extension No. 1 of  
The Wyatt Drive Refuse District  
Town of Brighton, Monroe County,  
New York

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**WHEREAS**, a petition has been presented to and filed with the Town Board of the Town of Brighton by the record owners of certain real property more fully described in Exhibit A attached hereto and made a part hereof, being known as 25 Gordon Heights Road, praying that the Wyatt Drive Refuse District be extended to include said real property hereafter described and that said real property be incorporated into said District, said property being wholly within the said Town of Brighton, New York; and

**WHEREAS**, by said petition it appears that none of said property is located within a city or incorporated village; and

**WHEREAS**, it appears by said petition that services will be provided within said Extension, namely, refuse collection services, and that the entire cost is to be paid by the petitioner and no Town obligations will be required to be issued to defray said cost or any part thereof; and

**WHEREAS**, a map and plan and report, showing the boundaries of the proposed Extension has been presented to this Town Board as part of the record of the public hearing in the instant matter; and

**WHEREAS**, the cost of providing the ongoing refuse services shall be assessed and collected from real property within the proposed Extension on a benefits derived basis; and

**WHEREAS**, a public hearing having been duly called and held on August 11, 2010 at which all persons had the opportunity to be heard concerning the Extension.

**NOW, THEREFORE, BE IT ORDERED** by the Town Board of the Town of Brighton that it be and hereby is determined as follows: (1) that said petitions are signed and acknowledged or approved as required by law and is otherwise sufficient; and that the petitions comply with section 191 of the Town Law and such other sections of Chapter 62 of the Consolidated Laws of the State of New York as are properly applicable thereto; (2) that the petitioners own a majority of all of the taxable real property of the proposed Extension and of the resident owners of taxable real property in said proposed Extension according to the latest completed assessment roll in the Town of Brighton; and that all property and property owners benefited are included therein and that no property or property owners or interested persons benefited thereby have been excluded therefrom; and that all the property and property owners within the proposed Extension are benefited thereby; and that it is in the public interest to grant the whole relief sought in the said petitions; and be it further

**ORDERED**, that the said petition praying that Extension No. 1 of the Wyatt Drive Refuse District of the Town of Brighton be approved to include that certain real property hereinbefore described be, and the same hereby is, granted, with the costs thereof to be charged on a benefits derived basis; and be it further

**ORDERED**, that the Town Clerk be, and hereby is directed to record a certified copy of this Order in the office



of the Clerk of the County of Monroe and to file a certified copy of this Order within ten days after the adoption of this Order.

Dated: August 11, 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 11th day of August 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated July 27, 2010 from Al Sienkiewicz and correspondence dated July 26, 2010 Mark Henderson, Chief of Police, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the purchase by the Brighton Police Department of a replacement vehicle from Marina Chrysler Dodge Jeep, at the price set forth in the above-referenced correspondence.

Dated: August 11, 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 11th day of August 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated August 2, 2010 from Chad Roscoe, Drafting Technician, Department of Public Works, concerning the 2010 Buckland House Community Gardens Water Main Extension, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Spampinato Mechanical Contractors for the water main extension to serve the Community Gardens, in the unit prices calculated from Schedule A attached to the above correspondence, and for a total cost not to exceed \$11,500.

Dated: August 11, 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 11th day of August 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated August 2, 2010 from Douglas S. Clapp, Director of Communications, concerning the dissolution of Video Propulsion, Inc., together with correspondence dated July 30, 2010, from Paul Lossowski and David Barker, and correspondence dated July 30, 2010 from Douglas S. Clapp, with attachments thereto, be received and filed; and be it further

**RESOLVED**, that the Town Board affirms the termination of the agreement by and between the Town and Video Propulsion, Inc. for video services to the Town, effective September 1, 2010; and be it further

**RESOLVED**, that the Director of Communication is authorized to seek professional video production services on an interim basis during the period September through December 2010, notwithstanding the Town's Procurement Policy concerning the solicitation of requests for proposals for professional services; and be it further

**RESOLVED**, that the Director of Communications is further authorized to prepare and circulate a request for proposals for video production services to the Town of Brighton during 2011.

Dated: August 11, 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 11th day of August 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

**WHEREAS**, Anthony J. Costello and Son (Joseph) Development, LLC ("Costello"), previously submitted an Incentive Zoning and Rezoning application for approximately 63 acres in the Town of Brighton, which land is bounded on the north by Interstate Route 590, on the west by South Clinton Avenue, and a parcel owned by Entercom Rochester, on the east by the Town of Brighton Meridian Center Park, and on the south by the Erie Canal (the "Property"), which is more particularly described in Schedule A attached hereto and made a part hereof) seeking to rezone the Property from Residential B (RLB) to Waterfront Development District (WD), with various proposed incentives and amenities, in order to create a planned residential community on the Property (the "Project"); and

**WHEREAS**, in connection therewith, Costello submitted an Environmental Assessment Form, dated June 14, 2007 ("EAF") for the Project, and following the determination by the Town Board, that the development of the Project was a Type 1 Action under the State Environmental Quality Review Act ("SEQRA"), the Town undertook the environmental review under SEQRA; and

**WHEREAS**, following environmental scoping of the Project and public hearings, the Town Board approved the SEQRA Finding Statement with respect to the Project on February 25, 2009; and

**WHEREAS**, following SEQRA approval, the Town Board held two additional public hearings on the Project. The Planning Board also reviewed the Project and made recommendations, and the Town Board made its own findings with respect to the Project and approved the Project on March 25, 2009, subject to initial conditions set forth in Schedule C-1 to its Resolution and initial incentives set forth in Schedule D-1 to the Resolution and incentives set forth in Schedule D-2 to the Resolution; and

**WHEREAS**, by correspondence dated February 11, 2010, Costello requested various amendments to the Town's prior approval of the Project, to allow it to make certain changes to the buildings to be constructed as part of the Project and to amend the amount and timing of certain of the amenities previously agreed to by Costello; and

**WHEREAS**, the Town Board received and filed the proposed amendment on February 24, 2010 and set a public hearing to consider such proposed amendment on June 23, 2010, which was continued on July 14, 2010; and

**WHEREAS**, the Planning Board has reviewed the proposed amendments and on April 14, 2010 submitted its recommendation to the Town Board and the Town Board has reviewed and considered such recommendations; and

**WHEREAS**, the proposed amendments to the incentive zoning approval for the Project do not materially change the environmental impacts identified by the Town in its original review and approval of the Project under SEQRA; and

**NOW THEREFORE**, on motion of Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_, it is

**RESOLVED**, that the proposed amendments are consistent with the Town Board's approval of the Findings Statement for the Project under SQRA; and be it further

**RESOLVED**, that pursuant to the authority conferred by the Municipal Home Rule Law, Article 16 of the Town Law of the State of New York, and Chapter 209 of the Town Code of the Town of Brighton, the amended Incentive Zoning and Rezoning application be and it hereby is approved to the extent, and subject to the conditions set forth in Schedule B, attached hereto, and except as otherwise amended by this resolution and schedules attached hereto, the resolution of the Town Board dated March 25, 2009 with respect to the Project, remains in full force and effect.

Dated: August 11, 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 11th day of August 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

**WHEREAS**, Tops Markets, LLC previously submitted an Incentive Zoning application, dated September 1, 2009, for store improvements and a fueling station at the Tops market, located on South Clinton Avenue in the Town; and

**WHEREAS**, the application was referred to the Planning Board for its advisory report, and in response the Planning Board submitted its advisory report, dated November 18, 2009, which it later supplemented by a supplemental report dated January 27, 2010, to consider alternative locations for gasoline pumps as part of the fueling station component of the proposal; and

**WHEREAS**, the Town Board duly called and held a public hearing to consider the proposal and held such public hearing open, at the consent of the applicant and with the understanding of the applicant that at such time as the hearing would be reopened, the applicant would pay for the cost of notice thereof, and with direction by the Town Board to the applicant to submit an alternative proposal that did not involve a filling station; and

**WHEREAS**, the applicant thereafter submitted correspondence on May 17, 2010 responding to a request for additional information from the Town, but not responding to the direction of the Town Board to submit an alternative proposal not involving a fueling station; and



**WHEREAS**, on July 28, 2010, by correspondence, CHA Companies requested, on behalf of the applicant, that the public hearing be continued by the Town Board at its earliest opportunity; it is therefore

**RESOLVED**, that correspondence dated May 17, 2010 from Tops Markets, LLC to Timothy E. Keef, P.E., Commissioner of Public Works, and correspondence dated July 28, 2010 from James Trasher, Project Manager at CHA Companies, both concerning the Incentive Zoning application by Tops Markets, LLC, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby directs that the public hearing on the Tops Markets, LLC and the DiMarco Group Incentive Zoning application be reopened on August 25, 2010, at 7:30 p.m. at Brighton Town Hall, at which time all persons having an interest in such matter will have an opportunity to be heard therein; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to cause notice of such public hearing to be published and posted and that postcards sent to all nearby property owners, subject to the condition that the expense of such publication and postcard notice be borne by the applicant.

Dated: August 11, 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

August 11, 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>90,536.89</u>
D - HIGHWAY		<u>96,379.13</u>
H - CAPITAL		<u>600.00</u>
L - LIBRARY		<u>8.40</u>
SK - SIDEWALK DIST		<u>5,574.30</u>
SL - LIGHTING DIST		<u>19,682.93</u>
SN-NEIGHBORHOOD DIST.		<u>0.00</u>
SP-PARKS DISTRICT		<u>125.00</u>
SS - SEWER DIST		<u>12,973.99</u>
TA - AGENCY TRUST		<u>2,532.86</u>
	TOTAL \$	<u>228,413.50</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 11th day of August 2010.

**PRESENT:**

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

**RESOLVED**, that a memorandum dated July 6, 2010, from Elaine Ainsworth, Town Assessor, concerning a 2010/2011 contract for commercial valuation and sales database services, be received and filed, together with correspondence dated July 9, 2010 from F. Cindy Baire, GAR Associates, Inc. and an attachment thereto; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and GAR Associates, Inc., for commercial valuation and sales database services to the Town Assessor, at a cost not to exceed \$7,000.00, which agreement shall have terms consistent with the proposal attached to the correspondence referred to above and in form and substance as may be approved by the Attorney for the Town.

Dated: August 11, 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 11th day of August 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated July 23, 2010, from Jerry LaVigne, Director of Parks and Recreation, concerning budget transfers for the July 4<sup>th</sup> celebration and maintenance work on the security/fire alarm system at the Buckland House, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the budget transfers as set forth in the above-referenced correspondence from Jerry LaVigne.

Dated: August 11, 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  
11th day of August 2010.

**PRESENT:**

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

**RESOLVED**, that the Town Board hereby reappoints Errin G.  
Ryen to the Town Conservation Board, effective nunc pro tunc July 1,  
2010 through June 30, 2012.

Dated: August 11, 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 11th day of August 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

**RESOLVED**, that correspondence dated July 29, 2010, from Dianne Burdett, Administrative Court Clerk of the Justice Court of the Town of Brighton, concerning a memorial plaque and stone in memory of former Court Clerk, Ginny Morris, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes the cost of the memorial plaque and stone to be paid from the Justice Court's budget and further authorizes the budget transfer of \$324.72 requested in the above-referenced correspondence.

Dated: August 11, 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 11th day of August 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated August 2, 2010, from Mark T. Henderson, Chief of Police, concerning a Memorandum of Agreement by and between the Town and the Brighton Police Patrolman's Association for appointment of Investigators, be received and filed, together with correspondence dated April 8, 2010 from Michael R. DeSain, President, Brighton Police Patrolman's Association, together with an attachment thereto, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby affirms the execution and delivery of a Memorandum of Agreement by and between the Town and the Brighton Police Patrolman's Association, concerning the appointment of Police Investigators, by the Supervisor, which Memorandum of Agreement shall be in form and substance as approved by the Attorney for the Town.

Dated: August 11, 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 11th day of August 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

**RESOLVED**, that a memorandum dated August 2, 2010, from Susan Kramarsky, Town Clerk, concerning a proposed temporary change in the work hours for Deputy Town Clerk J.P. O'Brien, due to the vacancy in the position of Deputy Receiver of Taxes, be received and filed; and be it further

**RESOLVED**, that the work week hours for J.P. O'Brien, Deputy Town Clerk, are hereby increased from thirty-five to forty, including accrual of vacation and sick time, effective August 14, 2010, on a temporary basis.

Dated: August 11, 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	_____