

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  
September 7, 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

**MEETING CALLED TO ORDER: 7:10 PM**

**OPEN FORUM:**

Enhanced STAR and Real Property Tax Exemptions for Seniors with Limited Income eligibility criteria and renewal reminder – Elaine Ainsworth, Town of Brighton Tax Assessor (see Public Informational Handout).

Robert Levine  
Brijen Gupta  
Roger Ciccarelli  
Chad Cusimano  
Paul Holohan

**APPROVAL OF AGENDA:**

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to approve the agenda with the addition of communication from Robert Levine, & Roger Ciccarelli

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 minutes for the meeting of August 25, 2010

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**PUBLIC HEARINGS:**

**MATTER RE: Tops Markets, LLC-** Incentive Zoning application to upgrade and make various store improvements to the 1900 Clinton Avenue store including construction of a fueling facility. (see Resolution #10, letters from Marvin Malowitz, Bernice Regenstein, Angie Musso, all dated August 27, 2010, and Paul & Phyllis Horowitz, dated September 2, 2010 concerning opposition to proposed fueling facility). Requested letter from Tim Keef

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel that the Town Board adopt the resolution (as revised) prepared by the Attorney for the Town to deny the application, as set forth in Exhibit No. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Robert Levine regarding parking at the Lehigh Valley Trail

**FROM** Roger Ciccarelli regarding car wash at Monroe & Clover

**FROM** Daniel I. Katz, President & CEO, Jewish Senior Life, dated August 25, 2010 announcing achievement of receiving CARF-CCAC (Continuing Care Retirement -Rehabilitation Facilities) Accreditation.

**FROM** Chris Mueller, Manager, Gov't Relations, Time Warner Cable dated Sept. 2, 2010, listing of channels with soon to be expired contracts with Time Warner which may or may not be renewed.

**FROM** Friends of Brighton Memorial Library - September 2010 Newsletter.

**FROM** David Atias, Assistant Director of Advocacy for the Center for Disability Rights to Supervisor dated August 30, 2010. Recommendation that all Town and Village governments adopt an ordinance mandating all newly built single family homes be designed with specific accessibility features for those citizens with mobility impairments.

**FROM** James R. Reed, Sr. V.P. Marketing & Sales Excellus BC/BS to Supervisor, dated August 23, 2010. Notice of proposed rate changes and request for approval of "range" of changes that are outlined in communication.

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

Community Services - Next meeting September 16, 2010

Finance and Administrative Services - Next meeting September 20, 2010

Public Safety Services - Next meeting September 14, 2010

Public Works Services - Councilmember James Vogel reported on meeting of September 7, 2010. Next meeting October 4, 2010

**OLD BUSINESS:**

**MATTER RE:** Incentive Zoning Application regarding proposed Car Wash located at 2875 Monroe Avenue (see communication dated August 29, 2010 from Sidney C. Wilkin regarding opposition for use of this property for Commercial purposes).

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to receive and file communication

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. 2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval of a 2010 budget transfer appropriation in the amount of \$4,000 from account A. POLCE.3120 (Full-time Wages) to account A.POLCE.3120.2.17 (Police Equipment) to cover purchase of emergency equipment to be installed in new Town of Brighton Traffic Enforcement vehicle (see Resolution #1 and letter dated August 25, 2010 from Mark Henderson, Brighton Chief of Police).

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. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize acceptance of federal funding of up to \$10,000 from the NY State Division of Criminal Justice Services through the Federal Byrne JAG Grant program, thereby amending the 2010 Town of Brighton Budget to: (1) include funding of same and (2) increase appropriations in the following accounts; A.POLCE.3120.1.30 (Police Dept. Overtime) by \$1,000; A.POLCE.3120.2.17 (Police Dept. Equip.) by \$2,000; A.POLCE.3120.4.14 (Police Dept. Supplies) by \$500; and (3) authorize approval for Supervisor to serve as Signatory Agent for Federal Byrne JAG Grant program on behalf of the Town of Brighton during funding term (see Resolution #2, letter dated August 25, 2010 from Mark Henderson Town of Brighton Police Chief, letter dated August 25, 2010 from Sean M. Byrne, Acting Commissioner NY State Division of Criminal Justice Services and communication dated August 20, 2010 from Michele Mulloy, Criminal Justice Policy Analyst, Office of Program Dev. & Funding, NYS Division of Criminal Justice Services).

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. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute Notice of Termination of Declaration of Restrictions of Parcel A (5.4565 acres) of the former Gonsenhauser Farm property (see Resolution #3).

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. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Appointment of Mr. Kenneth Ginter as a Part-time Cleaner in the Shared Services Department of the Brighton Town Hall, effective September 13, 2010 with a 52 week probationary period before appointment is declared permanent. (see Resolution #4 and letter dated August 31, 2010 from Kevin Hall, Town of Brighton Shared Services Facilities Administrator).

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:** Authorize certain equipment and material to be declared as surplus and approve disposal of same (see Resolution #5 and letter dated August 30, 2010 from Timothy Keef, Brighton Commissioner of Public Works).

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. 7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize renewal and execution of Intermunicipal Agreement (IMA) with the Stormwater Coalition of Monroe County (see Resolution #6, letter dated August 26, 2010 from Timothy Keef, Brighton Commissioner of Public Works and Exhibits A, B and C).

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. 8 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize execution and delivery of Non-Disclosure Agreement, between the Town of Brighton and Walgreens Eastern Co. Walgreens to agree to submitting to the Town data concerning sales of the Walgreen store located at Elmwood Ave. and S. Clinton Ave. and where the Town of Brighton agrees to hold such data as confidential (except which data is covered under the NY State Freedom of Information Law). (see Resolution #9).

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

**MATTER RE:** Authorize execution of contract between the Town of Brighton and the "Skycoasters" for entertainment services to be provided at the 2011 July 4<sup>th</sup> celebration. (see Resolution #7, letter from Jerry LaVigne Director of Parks & Recreation, Town of Brighton).

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. 10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize renewal and execution of agreement between the Town of Brighton and Mohawk Valley Community College for contracted One Person Plowing (OPP) Personnel Training for Snow and Ice Control (see Resolution #8, letter dated August 27, 2010 from Timothy Keef, Brighton Commissioner of Public Works).

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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize execution of agreement between the Town of Brighton and Paul Lossowski for Cable Television Programming services to be provided to the Town, for the period September 1, 2010 through December 31, 2010 (see Resolution #11, letter dated September 2, 2010 from Douglas Clapp, Director of Communications-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. 12 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE SUPERVISOR:**

**MATTER RE:** Letter from Tim Keef regarding Emerald Ash-Borer infestation

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to receive and file aforementioned letter from Tim Keef

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED:**

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to adjourn at 10:45PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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 7th September 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 7th day of September, 2010.

**PRESENT:**

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

WHEREAS, Tops Markets, LLC submitted an application for Incentive Zoning, dated September 1, 2009, under which it proposed to renovate the existing Tops Market located in the Tops Plaza, 1900 South Clinton Avenue, and to construct and operate a fueling facility at such site; and

WHEREAS, the Town Board referred such application to the Planning Board, which issued an advisory report on November 18, 2009, and a supplemental advisory report dated January 27, 2010, both of which expressed various concerns with the project as proposed; and

WHEREAS, the Town Board held public hearings on the proposal on January 27, 2010, continued on February 10, 2010; and

WHEREAS, following the public hearing on February 10, 2010, the Town Board encouraged the applicant to submit a proposal that excluded a fueling facility, because it believed that there were many positive elements to the project other than the fueling station, and that pending consideration by the applicant of whether it would submit an amended application, the Town Board would hold the public hearing open to enable it consider such an option should it be proposed; and

WHEREAS, on July 28, 2010, the applicant submitted correspondence

requesting that the public hearing be re-opened and that the application would continue to include a fueling station; and

WHEREAS, the applicant completed Part 1 of an environmental assessment form under the State Environmental Quality Review Act ("SEQRA") for the project; and

WHEREAS, the Town completed Part 2 thereof, but based upon the expressed intent of the applicant to include a fueling station in the project and the expressed desire of the Town Board to consider only a project that did not include a fueling station, no recommendation has been made concerning the status of the proposal under SEQRA because further review of the project under SEQRA would be fruitless and counter-productive for the applicant in light of the opposition of the Town Board; it is therefore

RESOLVED, that based on the advisory report of the Planning Board, the materials submitted by the applicant and the testimony at the public hearing, the Town Board hereby denies the Incentive Zoning application submitted by Tops Markets, LLC on September 1, 2009.

Dated: September 7, 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

September 7, 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>130,125.80</u>
D - HIGHWAY	<u>93,864.17</u>
H - CAPITAL	<u>12,043.72</u>
L - LIBRARY	<u>128.05</u>
SA - AMBULANCE DIST	<u>1,802.50</u>
SB - BUSINESS IMPROVM	<u>390.00</u>
SD - DRAINAGE DIST	<u>1,306.25</u>
SF - FIRE DIST	<u>1,836.25</u>
SK - SIDEWALK DIST	<u>2,252.50</u>
SL - LIGHTING DIST	<u>24,581.35</u>
SM - SNOW REMOVAL DST	<u>2,571.25</u>
SN-NEIGHBORHOOD DIST.	<u>431.25</u>
SP-PARKS DISTRICT	<u>261.25</u>
SR-REFUSE DISTRICT	<u>72,347.92</u>
SS - SEWER DIST	<u>24,264.13</u>
SW - WATER DIST	<u>1,337.50</u>
TA - AGENCY TRUST	<u>37,481.03</u>
TOTAL	\$ <u>408,824.72</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 7th day of September, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated August 25, 2010, from Mark T. Henderson, Chief of Police, concerning a budget amendment for the purchase of emergency equipment to be installed in a police traffic enforcement vehicle, be received and filed; and be it further

**RESOLVED**, that \$4,000 be transferred from account A.POLCE.3120.1.1 to (Police - Full time Wages) to Account A.POLCE.3120.2.17 (Police - Equipment), to fund the purchase of emergency equipment to be installed in a replacement police emergency vehicle.

Dated: September 7, 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 7th day of September, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated August 25, 2010, from Mark T. Henderson, Chief of Police, correspondence dated August 25, 2010, from Sean M. Byrne, Acting Commissioner, New York State Division of Criminal Justice Services, and e-mail correspondence dated August 20, 2010 from Michele Mulloy, Criminal Justice Policy Analyst III, Office of Program Development & Funding, New York State Division of Criminal Justice Services, each concerning a Federal Byrne JAG Grant to the Brighton Police Department for support of the collection of DNA at crime scenes of burglarized locations, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby accepts a grant in the amount of \$10,000 from the New York State Division of Criminal Justice Services under the Federal Byrne JAG Grant Program for the collection of DNA at crime scenes of burglarized locations; and be it further

**RESOLVED**, that the Town Board hereby amends the 2010 Police Department Budget to increase appropriations in Account A.POLCE.3120.1.30 (Police Department - Overtime) by \$1,000, in Account A.POLCE.3120.2.17 (Police Department - Equipment) by \$2,000, in Account A.POLCE.3120.4.14 (Police Department - Supplies) by \$500, to be fully supported by increased revenues in Account A.POLCE.3120.4389 (Police Department - Federal Aid/DCJS Grant) in the amount of \$3,500; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to serve as signatory agent for any documents and agreements in connection with the above-referenced grant.

Dated: September 7, 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 7th day of September, 2010.

**PRESENT:**

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

**WHEREAS**, in 2000, the Town acquired certain real property, located on the South side of Westfall Road from the Estate of Max Gonsenhauser, based on the affirmative vote of the residents of Brighton for the Town's Parkland Acquisition and Development Program; and

**WHEREAS**, in connection with such acquisition, the Town required that an environmental audit be performed on the property, and during the course of such audit, it was determined that a small area of such land had been contaminated by petroleum products during the time it had been used for farm purposes; and

**WHEREAS**, under the terms of the purchase agreement for such property, a significant portion of the purchase price was held back to fund any remediation of contamination; and

**WHEREAS**, based on contamination that was identified, the Town concluded the acquisition and entered into various declarations and agreements with the New York State Department of Environmental Conservation that provided for the remediation of such property and the restriction of certain uses on a limited portion thereof during the term of the Declaration of Restrictions; and

**WHEREAS**, based upon the Department of Environmental Conservation approval of the remediation work plan, the Town received liability

release for such property; and

**WHEREAS**, the Department of Environmental Conservation has determined that the remediation and subsequent testing of ground water has been successfully completed, that the ground water meets applicable ground water quality standard and that conditions existing on the property are protective of public health and the environment for the unrestricted use of such land, and as a result it has determined that the Town may terminate the use restrictions contained in the Declarations of Restrictions for such land; it is therefore

**RESOLVED**, that correspondence dated August 17, 2010, from Maura C. Desmond, Senior Attorney, New York State Department of Environmental Conservation, be received and filed, together with the Termination of Declarations of Restrictions for the Reserved Parcel and Park Parcel of the former "Parcel A" of the former Gonsenhauser Farm Property, attached thereto; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and record a Notice of Termination of Declarations of Restrictions for the Reserved Parcel and Park Parcel portions of the former "Parcel A" of the Former Gonsenhauser Farm Property, which Termination of Declarations of Restrictions shall be in the form attached hereto.

Dated: September 7, 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 7th day of September, 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 31, 2010, from Kevin Hall, Shared Services Facilities Administrator, concerning the appointment of a Part-Time Cleaner in the Shared Services Department, be received and filed; and be it further

**RESOLVED**, that Town Board hereby appoints Kenneth Ginter as a Part-Time Cleaner in the Shared Services Department effective September 13, 2010, at Group 1, Step 1 of the Town's Salary Schedule, at a current hourly rate of \$9.99 for a twenty (20) hour work week, on a probationary basis with a fifty-two (52) week probationary period.

Dated: September 7, 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 7th day of September, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated August 30, 2010 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning the disposal of certain surplus equipment and material, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby declares the equipment and material listed in the above-referenced correspondence to be declared surplus and directs that the same be disposed of at auction, as more fully set forth therein.

Dated: September 7, 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 7th day of September, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated August 26, 2010 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning the renewal of the Intermunicipal Agreement for the Stormwater Coalition of Monroe County, be received and filed, together with the proposed Renewal Agreement attached thereto; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver the Renewal Intermunicipal Agreement for the Stormwater Coalition of Monroe County, in substantially the form attached to the above correspondence, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: September 7, 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 7th day of September, 2010.

**PRESENT:**

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

**WHEREAS**, the Town Board previously approved an incentive zoning and rezoning resolution for the construction and operation of the Walgreens store located at the corner of Elmwood Avenue and South Clinton Avenue, subject to a number of conditions, including the condition that sidewalks be constructed along Elmwood Avenue and South Clinton Avenue to connect with existing sidewalks, and that the store remain primarily a pharmacy, defined to mean that prescription sales constitute at least 60% of gross sales of the store; and

**WHEREAS**, sidewalk construction has now been completed along Elmwood Avenue and South Clinton Avenue; and

**WHEREAS**, the Town has demanded data from Walgreens demonstrating current sales of the store, to show prescription sales as a percentage of total sales to determine whether the store is currently in compliance with the conditions of the incentive zoning approval; and

**WHEREAS**, under the terms of the conditions, the Town and Walgreens agreed that they would enter into a non-disclosure agreement, because the sales information being provided to the Town is proprietary information, according to Walgreens, for purposes of the New York Freedom of Information Law; and

**WHEREAS**, the Town Board is willing to enter into such an agreement, based on the review thereof by the Attorney to the Town; it

is therefore

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver a Non-Disclosure Agreement, by and between the Town and Walgreens Eastern Co., Inc., under which Walgreens East will submit data concerning sales of the Walgreens store located at Elmwood Avenue and South Clinton Avenue, and the Town will hold such data confidential, except to the extent otherwise required by the New York Freedom of Information Law, or otherwise, which Agreement shall be in form and substance as approved by the Attorney to the Town.

Dated: September 7, 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 7th day of September, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated August 24, 2010 from Jerry LaVigne, Director of Parks and Recreation, concerning a contract with the Skycoasters for the 2011 July 4<sup>th</sup> celebration, 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 the Skycoasters for a performance at the Town's July 4<sup>th</sup>, 2011 celebration at a cost not to exceed \$3,300.

Dated: September 7, 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 7th day of September, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated August 27, 2010 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning an agreement with Mohawk Valley Community College for One Person Plowing Training, 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 Mohawk Valley Community College for training of Town personnel in one person snowplowing, at a cost not to exceed \$5,350, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: September 7, 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 7th day of September, 2010.

**PRESENT:**

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

**WHEREAS**, the Town previously contracted with Video Propulsion, Inc. to provide video services, including but not limited to the broadcast of Town Board meetings on Channel 12, cable community access television; and

**WHEREAS**, Video Propulsion, Inc. has dissolved, which triggered a termination of that contract, which had been scheduled to be in force through December 31, 2010; and

**WHEREAS**, the Town Board previously authorized the Director of Communications to solicit proposals for services for the balance of 2010, and he has done so and made a recommendation to provide the services; it is therefore

**RESOLVED**, that correspondence dated September 3, 2010 from Douglas Clapp, Director of Communications, concerning a contract with Paul Lossowski for video services to the Town for the balance of 2010, 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 Paul Lossowski, individually and on behalf of a corporation to be formed, to provide video services to the Town from September 1, 2010, through December 31, 2010, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: September 7, 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	_____