

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 22, 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: 6:30 PM

EXECUTIVE SESSION:

Motion by Councilmember Louise Novros seconded by Councilmember Ray Tierney to go into executive session to discuss Farash certiorari litigation matter at 6:30PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Louise Novros seconded by Councilmember Ray Tierney to come out of executive session 6:55 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

RECOGNITIONS/PRESENTATIONS:

Honorable Susan Kramarsky, Brighton Town Clerk - Swearing in of Sgt. Charles David Catholdi to rank of Lieutenant with the Town of Brighton Police Dept

September 19th – 25th is Deaf Awareness Week – Presentation by Jon Furman (Town of Brighton Communications Intern) & Proclamation to the Town of Brighton's Deaf Community

OPEN FORUM:

Judy Schwartz
Paul Holohan
Paul Horowitz
Patrick Kelly
Roger Cicarelli
Shirley Jacobsen
Carl Ost
Ken Worzoka
Danny Daniele
Paul Horowitz
Juan Navarez
Jerry Goldman
Mario Danile
Brijen Gupta
Marge Alaimo
Don Karal
Danny Daniele
Paul Holohan

APPROVAL OF AGENDA:

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney to approve the Agenda with the addition of 3 items of communication

BIDS:

MATTER RE: Authorize solicitation of bids for uniform cleaning services to be provided to the Brighton Police Department for the year 2011 (see Resolution #1 and letter dated September 7, 2010 from Mark Henderson, Town of Brighton Chief of Police).

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. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize bid award to Building Innovation Group, Inc. to replace metal Maintenance Building at Buckland Park, which was destroyed in a 2009 wind storm, at a bid price of \$84,243.00 (see Resolution #2, letter from Jerry LaVigne, Director of Parks & Recreation for the Town of Brighton dated September 14, 2010, and bid submission pricing information).

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. 2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Judy Schwartz, regarding proposed Car Wash

FROM Paul Holohan, regarding proposed Car Wash

FROM Patrick Kelly regarding proposed Car Wash

FROM United States Senator Kirsten E. Gillibrand dated August 25, 2010 to Supervisor expressing her appreciation for Supervisor's support and help in arranging the Senator's address at the Brighton Sr. Center and for all the work that the Town of Brighton is doing at the Center to improve the quality of life for Brighton Seniors.

FROM The League of Women Voters Local Government Committee; Announcement of Forum to be taking place on October 7, 2010 at 7:00 p.m. at the Brighton Town Hall Auditorium regarding Re-districting 2011.

FROM Barbara Boyarski, V.P. of Marketing for American Water Resources of New York to Supervisor, dated September 3, 2010 and follow up letter communication from same, dated September 16, 2010 advising of mailing that will soon be sent to Brighton homeowners concerning their ownership of water service lines installed on their property and what their responsibilities are relating to costs for any needed repairs that could arise in the future as owners of same.

FROM Paul and Phyllis Horowitz dated September 10, 2010 to the Town Board members thanking them for not approving the request by Tops Markets, LLC for a fueling station but encouraging them to continue with their Store improvement plans.

FROM Ann Marie Sanders, Secretary-Board of Directors of the Downstairs Cabaret Theatre dated September 9, 2010 notifying Supervisor that they will be applying for an *On-Premises liquor license* for their property located at 3450 Winton Place.

FROM United States Senator Kirsten E. Gillibrand dated August 25, 2010 to Douglas Clapp, Town of Brighton Communications Director expressing her appreciation for his help in arranging the Senator's visit at the Brighton Sr. Center that took place on August 17, 2010.

FROM Carl Ast, Transportation Group Manager for T.Y. LIN International Engineering firm dated September 9, 2010 to Sheila Gaddis regarding the Public Works Committee meeting held on September 7, 2010 concerning the proposed Car Wash at 2875 Monroe Avenue and their attendance at same.

FROM David J. Swarts, Chair & Commissioner of State of NY Governor's Traffic Safety Committee dated September 10, 2010. Notification of STEP (Selective Traffic Enforcement Program) Grant Award in the amount of \$9,860. Final approval from the NY State Office of the State Comptroller is pending.

FROM Carol A. Trapasso dated September 17, 2010 to Supervisor complimenting on the excellent customer service provided to her by Trasey Major, a Town of Brighton Dept. of Public Works employee.

FROM Geoff Benway, Chairman of the Stormwater Coalition of Monroe County dated September 2, 2010 to Supervisor highlighting the organizations 2009 Projects, Programs and Accomplishments.

FROM Timothy Frelier, P.E., Associate Engineer, Monroe County Dept. of Transportation to Dr. Holub, with c.c. to Supervisor Frankel, dated September 16, 2010 re: narrowing of road shoulder at intersection of Edgewood Avenue at French Road.

FROM Anna Sears, dated September 22, 2010 to Supervisor thanking her for her support and comments at the forum held on September 21, 2010 at the Brighton Town Hall concerning Hydrofracturing and the Marcellus Shale.

FROM NYSEG/Rochester Gas & Electric News Release dated September 22, 2010 concerning the reopening of NYSEG's and RG&E's residential gas rebate program on October 1, 2010.

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services – Councilmember Louise Novros reported on meeting of September 16
 Finance and Administrative Services – Councilmember Sheila Gaddis reported on meeting of September 2
 Public Safety Services – Councilmember Ray Tierney reported on meeting of September 14
 Public Works Services – Councilmember James Vogel reported on meeting of September 7

OLD BUSINESS:

MATTER RE: Incentive Zoning Application for proposed Car Wash located at 2875 Monroe Avenue submitted by owner, 2875 Monroe Avenue, LLC. (see Resolution #11, Proposed Incentives and Negative Declaration dated August 11, 2010); and Receive and File letter from Anthony J. Daniele to Tim Keef with communication from Sonny's The Car Wash Factory regarding Carwash System capacity (speed of carwash).

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 the FOLLOWING VOTE WAS RECORDED:

Councilmember Sheila Gaddis aye
 Councilmember Louise Novros no
 Councilmember Ray Tierney no
 Councilmember James Vogel aye
 Supervisor Sandra Frankel aye

MOTION 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. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Presentation of the Supervisor's 2011 Preliminary Operating and Capital Improvement Budgets for the Town of Brighton to members of the Town Board.

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to receive and file the preliminary budget.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set Public Hearing Dates for October 13, 2010 and October 27, 2010 at 7:30 p.m. for presentation and consideration to adopt Supervisor's 2011 Town of Brighton Preliminary Operating and Capital Improvement Budgets (see Resolution #6).

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. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set Public Hearing Dates for October 13, 2010 and October 27, 2010 at 7:30 p.m. for presentation and consideration to adopt Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvement Districts within the Town of Brighton (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. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set Public Hearing Dates for Wednesday October 13, 2010 and Wednesday, October 27, 2010 at 7:30 PM to consider Agreements between the Town of Brighton and West Brighton Fire Dept., and the Town of Brighton and the City of Rochester, for fire protection services within the West Brighton Fire District during 2011 (see Resolution #8).

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel that the

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: Receive and File Final Generic Environmental Impact Statement for proposed Citygate project, Anthony J. Costello and Son; project sponsor.
Motion made by Councilmember James Vogel seconded by Supervisor Sandra Frankel to receive and file Final Generic Environmental Impact Statement for proposed Citygate project. Motion withdrawn, no action taken

MATTER RE: Authorize approval for Supervisor to execute professional services agreement between the Town of Brighton and Harris Beach, PLLC for legal bond counsel services associated with the advance refunding of the Town of Brighton's 1999 Public Improvement Serial Bonds (see Resolution #10 and memo dated September 20, 2010 from William Moehle, Brighton Town Attorney).

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 approval for Supervisor to execute proxy for two new additional coverage options that would be available through the New York Municipal Insurance Reciprocal group (see Resolution #3, letter dated September 8, 2010 from Kevin Crawford, Executive Director-NYMIR and proxy voting form).

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 Appointment of Sgt. Charles David Catholdi to the rank of Lieutenant within the Brighton Police Dept. a position vacated by Robert Cline through his promotion from Lieutenant to Captain (see Resolution #4 and letter dated September 10, 2010 from Mark Henderson, Town of Brighton Chief of Police).

Motion by Councilmember Ray Tierney 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. 10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute Service Agreement with EBS/RMSCO to provide COBRA compliance services through Brown & Brown (see Resolution #5 and letter from Gary Brandt, Town of Brighton Director of Personnel dated September 15, 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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute Agreement with EBS/RMSCO to prepare amendment to Town of Brighton's Healthcare Flexible Spending Plan and distribute summary description to all of its' plan participants, as per the new Federal Health Care Reform Law. (see Resolution #13 and letter dated September 22, 2010 from Gary Brandt Town of Brighton Director of Personnel).

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. 12 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval for Supervisor to declare October 1, 2010 through October 10, 2010 as the Special Events period for 2010, in conjunction with the Brighton Chamber of Commerce and Brighton Central School's Homecoming celebration, pursuant to article VII of Chapter 207 of the Brighton Town Code (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. 13 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Revenue & Expense Reports for period ending August 31, 2010.

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel to receive and file the aforementioned reports

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to adjourn at 12:25 AM

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 22nd 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 22nd 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 September 7, 2010, from Mark T. Henderson, Chief of Police, concerning a contract for police uniform cleaning, be received and filed; and be it further

RESOLVED, that the Chief of Police is hereby authorized to solicit bids for the cleaning of police uniforms during 2011, with an option to renew for up to four (4) additional calendar years.

Dated: September 22, 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 22nd 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 September 14, 2010, from Jerry LaVigne, Director of Parks and Recreation, concerning bids for replacing the maintenance building at Buckland Park, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Town Board hereby awards the bid to reconstruct a maintenance building at Buckland Park to Building Innovation Group, Inc., at a bid price of \$84,243.00.

Dated: September 22, 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 22nd day of September 2010.

PRESENT:

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

WHEREAS, 2875 Monroe Avenue, LLC (the Applicant) owns that certain property located at the southwest corner of Monroe Avenue and Clover Street, tax account #150.07-2-19, known as 2875 Monroe Avenue (the Property); and

WHEREAS, Applicant has submitted an Incentive Zoning Application (the Application), seeking to permit such Property to be used as a car wash (the Project), which is not a permitted use within the BF-2 General Commercial zoning district in which the property is located, and seeking certain other incentives to modify various Town of Brighton Code (the Code) requirements, in order to develop the Project on the Property; and

WHEREAS, the proposal was referred to the Planning Board for its review and recommendations, and the Planning Board issued an advisory report on the project on November 18, 2009, all pursuant to the provisions of Chapter 209 of the Code; and

WHEREAS, following the initial Planning Board report, Applicant submitted additional information to the Planning Board, which issued a supplemental advisory report concerning the Project; and

WHEREAS, in response, the Applicant submitted three alternative proposed concept site plans, which were reviewed by the Planning Board on February 10, 2010 and March 17, 2010; and

WHEREAS, the applicant submitted a traffic report prepared by its consultant FRA Engineering, dated March 2010, to the Planning Board;

and

WHEREAS, following the alternative concept site plan and traffic study submissions by the Applicant, the Planning Board issued its second supplemental advisory report, dated March 23, 2010, which recommended that the Town Board hire a third party traffic engineer to review the FRA traffic report, and further request that the Town ask the State Department of Transportation to review the FRA report, and also recognized the desirability of developing the parcel, while expressing concerns with the aesthetics of the Proposal and recommending that the Planning Board be granted the authority to review and approve the site plan for the Project, so it could attempt to further mitigate its concerns; and

WHEREAS, in response to the recommendation of the Planning Board, the Town Board asked the State Department of Transportation to review the FRA Engineering traffic report and further directed that Stantec Consulting Services, Inc. be retained by the Town, with the expense thereof reimbursed by the Applicant, to also review the FRA traffic report on behalf of the Town; and

WHEREAS, David C. Goehring, P.E., New York State Department of Transportation Region 4 Regional Traffic Engineer submitted a comment letter, dated April 26, 2010 to Carl Ast, FRA Engineering, who submitted supplemental traffic information in a memorandum dated June 2, 2010; and

WHEREAS, William C. Holthoff, Principal at Stantec issued its Review of Monroe Avenue and Clover Street Car Wash TIS, dated June 8, 2010, which made various comments concerning the traffic impacts and made various recommendations and observations concerning traffic issues; and

WHEREAS, the Town Board duly called a public hearing to consider the Project, which public hearing was held on July 14, 2010 and continued on July 28, 2010, at which time all persons having an interest in the Project had an opportunity to be heard therein; and

WHEREAS, following the July 14, 2010 public hearing, the applicant submitted additional requested information related to the project, and environmental and traffic issues related thereto, by correspondence dated July 20, 2010; and

WHEREAS, applicant submitted an Environmental Assessment Form under the State Environmental Quality Review Act for the project, and after a hard look at all relevant impacts of the Project and the Environmental Assessment Form, the Town Board acting as Lead Agency under SEQRA, has determined that the Project will not have a significant adverse environmental impact.

NOW THEREFORE, on motion of Councilperson _____, seconded by Councilperson _____, it is

RESOLVED, that email correspondence dated September 21, 2010 from Mario Daniele, principal of the Applicant, together with correspondence dated September 14, 2010 from Jon Simmons, Northeast Regional Manager, Sonny's Enterprises, Inc., both concerning the capacity of the car wash proposed for the property in question, be received and filed; and be it further

RESOLVED, that based on the findings that the Project will not cause a significant environmental impact, the Town Board hereby approves and issues the Negative Declaration under SEQRA, in the form attached hereto as Schedule A; and be it further

RESOLVED, that the Town Board hereby makes the following findings with respect to the Project:

1. That the Town Board can not find a suitable community benefit on site of sufficient magnitude to provide sufficient public benefit to provide the requested incentive, and therefore has determined that it will require a cash payment in lieu of a portion of the provision of an amenity, pursuant to Section 209-6 of the Town Code.

2. The Project, together with the proposed amenities to be granted to the Town by applicant in connection therewith, will assist

the Town to implement the specific physical, cultural and social policies of the Comprehensive Plan of the Town, including the following:

a. The receipt of a cash amenity from the Applicant, which will be used by the Town in connection with implementing the recommendations of the Monroe Avenue charrette, or to otherwise benefit the Town and its residents.

b. Permit quality commercial development that will help provide a sound economic base for the Town and not compromise other community goals.

c. Provide a high quality of service to Town property owners and residents while containing service costs to control tax impacts.

3. The Project will result in a land use that is compatible with the Comprehensive Plan and with land use patterns and intensities of use of other developments in the area

4. The Application, as amended, will provide sufficient public benefit to provide the requested incentives; and it is 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, that the Application, as amended, be and it hereby is approved to the extent set forth in Schedule B and subject to the conditions set forth in Schedule B at the times set forth therein for each condition; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver the documents and agreements set forth in Schedule B; and be it further

RESOLVED, that subject to the conditions set forth in Schedule B attached hereto, this Resolution shall take effect upon due publication and posting thereof as required by law.

Dated: September 22, 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 22, 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>223,525.09</u>
D - HIGHWAY		<u>111,103.91</u>
H - CAPITAL		<u>3,962.80</u>
L - LIBRARY		<u>10,998.91</u>
SA - AMBULANCE DIST		<u>31,250.00</u>
SB - BUSINESS IMPROVM		<u>225.00</u>
SS - SEWER DIST		<u>62,365.24</u>
TA - AGENCY TRUST		<u>27,368.49</u>
	TOTAL \$	<u>470,799.44</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 22nd day of September, 2010.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

On motion of Councilperson _____, seconded by Councilperson _____, it is

ORDERED, that pursuant to Section 108 of the Town Law of the State of New York, public hearings will be held by the Town Board of the Town of Brighton on the 13th day of October, 2010 and the 27th day of October, 2010 at 7:30 o'clock P.M., prevailing time, at the Town Hall, 2300 Elmwood Avenue, in said Town, to consider the adoption of the Preliminary Budget for the Town of Brighton for the Year 2011 and the Capital Improvements Program for 2011 for the Town of Brighton and to hear all persons interested therein and to take such action as may be proper, and it is further

ORDERED, that Notice of the times and places of such hearings describing the Preliminary Budget for the Town of Brighton for the Year 2011 and the Capital Improvements Program for 2011 for the Town of Brighton be published and posted by the Town Clerk as required by the Town Law of the State of New York.

Dated: September 22, 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 22nd day of September, 2010.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

On motion of Councilperson _____,
seconded by Councilperson _____, it
is

ORDERED, that pursuant to Section 239 of Town Law of the State of New York, public hearings will be held by the Town Board of the Town of Brighton on the 13th day of October, 2010 and the 27th day of October, 2010 at 7:30 o'clock P.M., prevailing time, at the Town Hall, 2300 Elmwood Avenue, in said Town, to consider the adoption of Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvements Districts and for Special Improvements for the Town of Brighton for those Districts listed on Schedule "A" attached hereto and made a part hereof and to hear all persons interested therein and to take such action as may be proper, and it is further

ORDERED, that Notice of the times and places of such hearings describing the Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvements Districts and for Special Improvements for the Town of Brighton be published and posted by the Town

Clerk pursuant to Law, in addition to the notice previously given by mail by the Town Clerk as part of the Town's newsletter.

Dated: September 22, 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 22nd day of September, 2010.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

On motion of Councilperson _____,
seconded by Councilperson _____,
it is

ORDERED, that a Public Hearing be held by the Town Board of the Town of Brighton at meetings commencing at 7:30 o'clock P.M., prevailing time, on the 13th day of October, 2009 and the 27th day of October, 2010 at the Town Hall, 2300 Elmwood Avenue, in said Town, to consider Agreements by and between the Town of Brighton and the West Brighton Fire Department, Inc., and between the Town and the City of Rochester, both for fire protection services within the West Brighton Fire Protection District during 2011; and be it further

ORDERED, that the notice of the times and places of such hearing be published and posted by the Town Clerk pursuant to Law.

Dated: September 22, 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 22nd 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's financial advisor has advised the Town that it can advance refund the Town's 1999 bond issued in connection with the library expansion project, and realize significant interest savings; and

WHEREAS, the Town Board desires to appoint bond counsel to provide legal counsel and opinion in connection therewith; it is therefore

RESOLVED, that the Town Board hereby designates Harris Beach, PLLC as its bond counsel in connection with the advance refunding of the Town's 1999 bond and authorizes the Supervisor to execute and deliver a retainer agreement by and between the Town and Harris Beach, PLLC in connection therewith, which retainer agreement shall be in form and substance as may be approved by the Attorney to the Town.

Dated: September 22, 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 22nd 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 September 8, 2010, from Kevin Crawford, Executive Director, New York Municipal Insurance Reciprocal, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver the New York Municipal Insurance Reciprocal Proxy form to approve offering coverage for the cost of legal defense, even where no money damages are sought by a Plaintiff, and public officials surety bond coverage.

Dated: September 22, 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 22nd 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 September 10, 2010, from Mark T. Henderson, Chief of Police, concerning the appointment of a Lieutenant in the Brighton Police Department, be received and filed; and be it further

RESOLVED, that Charles David Catholdi be promoted to the office of Police Lieutenant in the Brighton Police Department, effective September 25, 2010, on a probationary basis with a probationary period of twenty-six (26) weeks, at a current annual salary of \$93,139.

Dated: September 22, 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 22nd 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 September 15, 2010, from Gary Brandt, Director of Personnel, concerning authorization to sign a Management Agreement for COBRA health insurance services, 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 EBS/RMSCO to provide compliance management services under the Consolidated Omnibus Budget Reconciliation Act (COBRA) to the Town at no cost to the Town, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: September 22, 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 22nd 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 September 22, 2010, from Gary Brandt, Director of Personnel, concerning an amendment to the Town's Section 125 Cafeteria Plan, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes EBS-RMSCO, Inc, the administrator of the Town's Section 125 Cafeteria Plan, to file the necessary amendment to the Town's Section 125 Cafeteria Plan, as required by the Patient Protection & Affordable Care Act of 2010, at a cost of \$300.

Dated: September 22, 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 22nd 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's Special Events Local Law authorizes the Town Board to set a period, not to exceed fourteen days in duration each year, as a Special Events period under Chapter 207 of the Town Code, during which time, various activities that would otherwise be prohibited in certain zoning districts are permitted, in order to allow businesses to engage in publicity and other activities; and

WHEREAS, the Town Board desires to set such dates in conjunction with the Brighton Chamber of Commerce and Brighton Central School District Homecoming celebration, which is being held October 8, 2010; it is therefore

RESOLVED, that the Town Board hereby designates October 1, 2010 through October 10, 2010 as the Special Events period for 2010, pursuant to Article VII of Chapter 207 of the Brighton Town Code, during which time the activities set forth in Section 207-37 of the Town Code will be permitted in the zoning districts described in Section 207-36 of the Town Code, without further reviews, approvals or permits, subject to the provisions of such Special Events Law.

Dated: September 22, 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	_____