

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

PRESENT: November 10, 2009

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

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

MEETING CALLED TO ORDER: 6:05 PM

6:00 P.M. _ MOTION TO GO INTO EXECUTIVE SESSION:

Motion by Councilmember Ray Tierney seconded by Councilmember Louise Novros to discuss the employment of a particular person.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

RECOGNITIONS/PRESENTATIONS:

Councilmember Sheila Gaddis-"The Nathaniel Award"

OPEN FORUM:

1. James Harper
2. Mordechai Rennert
3. Nick Koomen
4. Mordechai Rennert
5. Andrew Graff
6. Daniel Sui

APPROVAL OF AGENDA:

Motion by Councilmember Louise Novros seconded by Councilmember Ray Tierney to approve the agenda with the addition of correspondence from Monroe County.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to receive and file the minutes of October 28, 2009

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize \$41 ,958 bid award to Vision Ford, Inc. for two new 2010 vehicles to replace Highway Department vehicles, and authorize \$20,979 funds transfer (see Resolution #1; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated November 3, 2009; memorandum from Timothy E. Keef, P.E., Town Engineer, dated October 28, 2009)

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.1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize solicitation of bids for dumpster and recycling pick up services for Town Hall, DPW Operations Center and Town parks (see Resolution #2; letter from Laraine Albers, dated November 2,2009)

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.2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Josanne Reaves, Executive Director, Leadership Rochester, dated October 21, 2009, thanking Supervisor Frankel for participating in Leadership Rochester's Get Grounded Day

FROM David C. Goehring, P.E., Regional Engineer, New York State Department of Transportation, dated October 20,2009, advising of completion of the Browncroft Boulevard and Knollbrook Road intersection investigation

FROM Mary Clark, dated November 3, 2009, commenting on the proposed Faith Village

FROM Thomas Ferraro, Executive Director & Founder, Foodlink, dated November 2, 2009, inviting participation in the **Food for Families** fund drive on Friday, December 11th throughout the day at the four Tops market on South Clinton Avenue, Penfield Road, Lake Avenue and Mt. Read Boulevard

FROM Thomas Detrie, dated November 9,2009, regarding the South Clinton Avenue Water Supply Conduit Modernization Project

FROM: Press Release from Monroe County re H1 N1 vaccination clinics.

Motion by Councilmember Louise Novros seconded by Councilmember James VogelJo receive and file the aforementioned communications.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services Next meeting December 17, 2009

Finance and Administrative Services Councilmember James Vogel reported on the meeting of November 4, 2009. Next meeting November 18, 2009

Public Safety Services Councilmember Ray Tierney reported on the meeting of November 10, 2009. Next meeting December 8, 2009.

Public Works Services Councilmember James Vogel reported on the meeting of November 2,2009. Next meeting December 7, 2009

OLD BUSINESS:

MATTER RE: Amend Elmwood Avenue Relief Sewer Phase II Bond Resolution (see Resolution ; memorandum from Paula A. Parker, Director of Finance, dated November 4, 2009; and Timothy E. Keef, P.E., Town Engineer, dated October 23, 2009)

Motion by Councilmember James Vogel Seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the bond counsel as set forth in Exhibit NO. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

NEW BUSINESS:

MATTER RE: Reading and approval of claims

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros that the Supervisor read and approve payment of the claims as set forth in Exhibit NO. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Accept retirement of Jay Jeffries from position of Deputy Highway Superintendent, effective December 2, 2009 (see Resolution #3; letters from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated October 5, 2009 and Jay Jeffries, dated October 5, 2009)

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.5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize \$11 ,000 funds transfer for highway equipment maintenance (see Resolution #4; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated October 30, 2009)

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.6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize exception to procurement policy to allow purchase of large format scanner by use of three price quotes rather than competitive bids (see Resolution #5; letter from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated November 3, 2009, with attachments)

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.7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Excel/us for 2010 Self Insured Dental Plan and Third Party Administrative Services for town employees (see Resolution #6; letters from Gary Brandt, Director of Personnel, dated October 28, 2009 and Shelly Avery and Nicole Felts, Excellus, dated October 2009, with attachment)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MANER RE: Authorize certain information technology equipment be declared surplus and disposed of at auction (see Resolution #7; memorandum from Susan Wentworth, Coordinator of Data Processing, dated November 2,2009, with attachment)

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.9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MANER RE: Authorize certain information technology equipment be declared surplus and disposed of as junk (see Resolution #8; memorandum from Susan Wentworth, Coordinator of Data Processing, dated November 2,2009, with attachment)

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.10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize increase to Town Hall room rental rates (see Resolution #9; letter from Douglas S. Clapp, Director of Communications dated September 28,2009)

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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MANER RE: Authorize submission of comments to New York State Department of Environmental Conservation on the Brownfield Cleanup Program application for Town and Country Cleaners at 2308 Monroe Avenue (see Resolution #10; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated November 3, 2009)

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. 12 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MANER RE: Set December 9,2009 public hearing for proposed removal of 38" Norway maple tree at 425 French Road (see Resolution #11; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated October 8,2009, with attachment)

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

MANER RE: Set December 9, 2009 public hearing for proposed removal of 12" maple tree at 145 Norman Road (see Resolution #12; letters from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated November 2, 2009, and Robert P. Bringley, PE, Marathon Engineering, dated October 23, 2009, with attachment)

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. 14 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set December 9, 2009 public hearing for proposed stop sign installation at Warrington Drive at Varinna Drive (see Resolution #13; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated November 9, 2009)

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. 15 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MANER RE: Faith Village Draft Environmental Impact Statement

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to receive and file the aforementioned document.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to adjourn at 8:45PM

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 10th November, 2009 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 10th day of November, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

WHEREAS, the Town Engineer and Commissioner of Public Works have recommended the award of a bid for two replacement trucks, and the Town Board desires to act upon those recommendations; **it is therefore**

RESOLVED, that correspondence dated November 3, 2009 from Thomas A. Low, Commissioner of Public Works, and a memorandum dated October 28, 2009 from Tim Keef, Town Engineer, both concerning the purchase of replacement vehicles for the Commissioner of Public Works and Deputy Highway Superintendent, be received and filed; and be **it further**

RESOLVED, that the Town Board hereby awards the bid for the replacement of vehicles, to Vision Ford for the purchase of two 4-cylinder Escape Limited at a total cost of \$41,958.

Dated: November 10, 2009

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 10th day of November, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated November 2, 2009 from Laraine Albers, concerning a request to solicit bids for dumpster and recycling pick up at Town Hall, the DPW Operations facility and the Town parks, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the solicitation of bids for dumpster and recycling pick up services for Town Hall, the DPW Operations facility, and the Town parks.

Dated: November 10, 2009

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 Regular Meeting of the Town Board of the Town of Brighton, Monroe County, New York, duly held at Brighton Town Hall, 2300 Elmwood Avenue, Brighton, New York on the 10th day of November, 2009 at 7:30 p.m.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

SHEILA A. GADDIS
LOUISE NOVROS
RAYMOND J. TIERNEY, m
JAMES R. VOGEL,
Councilmembers,

be adopted

AMENDED AND RESTATED BOND RESOLUTION, DATED NOVEMBER 10, 2009, AMENDING AND RESTATING IN ITS ENTIRETY THAT CERTAIN BOND RESOLUTION, DATED JANUARY 10, 2007, AUTHORIZING NOT TO EXCEED \$920,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE TOWN OF BRIGHTON, NEW YORK TO FINANCE CAPITAL IMPROVEMENTS CONSISTING OF THE CONSTRUCTION AND/OR, RECONSTRUCTION AND INSTALLATION OF SANITARY SEWER TRUNK LINES CONSTITUTING THE ELMWOOD AVENUE RELIEF SEWER PHASE II LOCATED IN, OR PARALLEL TO, A PORTION OF ELMWOOD AVENUE TO SERVE THE BRIGHTON CONSOLIDATED SEWER DISTRICT, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH, AS SUCH BOND RESOLUTION WAS AMENDED PURSUANT TO THAT CERTAIN AMENDING BOND RESOLUTION, DATED AUGUST 27, 2008, ADOPTED BY THE TOWN BOARD OF THE TOWN OF BRIGHTON

WHEREAS, the Town Board of the Town of Brighton, New York (the "*Town*") duly adopted a certain Bond Resolution, dated January 10, 2007 (the "*Original Resolution*") authorizing, among other things, the issuance of its general obligation bonds in an amount not to exceed \$920,000 for the purpose or purposes therein specified (the "*Purposes*"); and

WHEREAS, the Original Resolution estimated the aggregate maximum cost to the Town of the Purposes to be \$920,000 and provided for the payment of such costs through the issuance of its obligations above-described; and

WHEREAS, the Town Board of the Town thereafter duly adopted a certain Amending Bond Resolution, dated August 27, 2008 (the "**Amending Resolution**" and together with the Original Resolution herein referred to as the "*Resolution*"); and

WHEREAS, pursuant to the Amending Resolution the Town amended the description of the Purposes, increased the aggregate maximum cost estimated for the Purposes and amended the plan of financing for such Purposes, all as more fully set forth therein; and

WHEREAS, the Town now further wishes to amend the description of the Purposes by deleting therefrom any and all references to the replacement of approximately eight hundred sixty (860) linear feet of six inch (6") and 12 inch (12") water mains; and

WHEREAS, the Town further wishes to amend the aggregate maximum cost to the Town for the Purposes by an amount equal to \$5,000, thus making the revised aggregate maximum cost to the Town for the Purposes \$1,605,000; and

WHEREAS, the Town also further wishes to amend the plan of financing for such Purposes by (i) providing for the issuance of bonds or bond anticipation notes in the amount of up to \$920,000, (ii) deleting all reference to the payment by the Monroe County Water Authority of the sum of \$10,000, (iii) decreasing the sum to be paid from the current funds of the Brighton Consolidated Water District by the sum of \$123,780, thus making the revised payment \$6,220, and (iv) providing for the payment of the balance of such aggregate maximum cost to the Town from the current funds of the Brighton Consolidated Sewer District in the amount of \$138,780.

WHEREAS, the Town further wishes to authorize the expenditure of the above-described current funds to pay for such increase in the aggregate maximum cost to the Town of the Purposes as hereinbefore described; now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK by the favorable vote of not less than two-thirds of

all of the members of such Board, the Resolution is hereby amended and restated in its entirety as follows:

Section 1. The Town shall undertake the construction and/or reconstruction and the installation of approximately two thousand sixty (2,060) linear feet of sanitary sewer trunk lines constituting the Elmwood Avenue Relief Sewer Phase II, in and under Elmwood Avenue from the northern terminus of the Elmwood Avenue Relief Sewer Phase I to Clover Street in the Town to serve the Brighton Consolidated Sewer District, including the acquisition of land or any rights in land and the acquisition of original furnishings, equipment, laterals, hydrants, short lines and apparatus required in connection therewith for such acquisition, construction, reconstruction and installation and District use (hereinafter referred to as "*purpose*"), and general obligation serial bonds (or a statutory installment bond) or bonds and notes as authorized pursuant to Section 169.00 of the Local Finance Law of the State of New York (the "*Local Finance Law*") in an aggregate principal amount not to exceed \$920,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The maximum cost to the Town of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof is estimated to be \$1,065,000 and said amount is hereby appropriated therefor. The plan for the financing of said purpose is to provide \$920,000 of said maximum cost by issuance of bonds or bond anticipation notes as herein authorized, \$6,220 from the current funds of the Brighton Consolidated Water District, and \$138,780 from the current funds of the Brighton Consolidated Sewer District. Further, the Town is hereby authorized to apply for and/or accept any funds or grant moneys from the State of New York and/or the United States of America in connection with all or any part of said purpose.

Section 3. To the extent that the authorization set forth in this resolution is inconsistent with the current capital budget of the Town, such capital budget is hereby amended.

Section 4. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) current funds are not required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, (c) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, (d) there are no outstanding bond anticipation notes issued in anticipation of the sale of said bonds, and (e) bonds and bond anticipation notes may be issued and provide in each instance for substantially level debt service.

Section 5. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the

Town is subject to the levy of ad valorem taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 6. The power to prescribe the terms, form and contents of said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, and to authorize the issuance of, and to sell and deliver said bonds and notes, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign any bonds and notes issued pursuant to this resolution, and the Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to affix to such bonds and notes the corporate seal of the Town and to attest the same.

Section 7. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on property in the Brighton Consolidated Sewer District in the manner provided by law, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an ad valorem tax, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Brighton together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law of the State of New York, and such publication shall be in the Brighton-Pittsford Post, the official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds, may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. In all other respects, the Resolution, as amended and restated in its entirety herein, is hereby ratified and confirmed and shall remain in full force and effect.

Section 10. This resolution shall take effect immediately upon its adoption.

Duly put to vote as follows:

Sandra L. Frankel, Supervisor

Sheila A. Gaddis, Councilmember

Louise Novros, Councilmember

Raymond J. Tierney, III,
Councilmember

James R. Vogel, Councilmember

Members of the Town Board of
Town of Brighton, Monroe County,
New York

NOTICE PURSUANT TO LOCAL FINANCE LAW SECTION 81.00

The bond resolution, a summary of which is published herewith, was adopted by the Brighton Town Board on November 10, 2009, and the validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Brighton, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied **with**, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Susan Kramarsky, Town Clerk
Town of Brighton, New York

AMENDED AND RESTATED BOND RESOLUTION, DATED NOVEMBER 10, 2009, AMENDING AND RESTATING IN ITS ENTIRETY THAT CERTAIN BOND RESOLUTION, DATED JANUARY 10, 2007, AUTHORIZING NOT TO EXCEED \$920,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE TOWN OF BRIGHTON, NEW YORK TO FINANCE CAPITAL IMPROVEMENTS CONSISTING OF THE CONSTRUCTION AND/OR, RECONSTRUCTION AND INSTALLATION OF SANITARY SEWER TRUNK LINES CONSTITUTING THE ELMWOOD AVENUE RELIEF SEWER PHASE II LOCATED IN, OR PARALLEL TO, A PORTION OF ELMWOOD AVENUE TO SERVE THE BRIGHTON CONSOLIDATED SEWER DISTRICT, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH, AS SUCH BOND RESOLUTION WAS AMENDED PURSUANT TO THAT CERTAIN AMENDING BOND RESOLUTION, DATED AUGUST 27, 2008, ADOPTED BY THE TOWN BOARD OF THE TOWN OF BRIGHTON

Object or Purpose: amending and restating the bond resolution previously adopted which authorized the construction and/or reconstruction and the installation of approximately two thousand sixty (2,060) linear feet of sanitary sewer trunk lines constituting the Elmwood Avenue Relief Sewer Phase II, in and under Elmwood Avenue from the northern terminus of the Elmwood Avenue Relief Sewer Phase I to Clover Street in the Town to serve the Brighton Consolidated Sewer District, including the acquisition of land or any rights in land and the acquisition of original furnishings, equipment, laterals, hydrants, short lines and apparatus required in connection therewith for such acquisition, construction, reconstruction and installation and District use

Period of Probable Usefulness: forty (40) years.

Maximum Maturity of Bonds: not to exceed forty (40) years.

Estimated Maximum Cost of Object or Purpose: increased by \$5,000, making the revised estimated maximum cost to the Town for such purposes \$1,065,000.

Amount of Debt Obligations Authorized: up to \$920,000.

Funds to be furnished by Town of Brighton Consolidated Water District: \$6,220.

Funds to be furnished by Town of Brighton Consolidated Sewer District: \$138,780.

A complete copy of the amending bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk of the Town of Brighton, New York, at the Brighton Town Hall, 2300 Elmwood Avenue.

Dated November __, 2009
Town of Brighton, New York

Town of Brighton

To: Paula Parker, Finance Director
 From: Tim Keef
 CC: Tom Low
 Date: 10/23/09
 Subject: EARS 2 Project Share Update

As we have discussed, payment request #5 has been received from Randsco Pipeline. This request also constitutes final payment and close out of the project. The following is a summary of the project shares as contracted versus actual:

<u>Share</u>	<u>Contract Amount</u>	<u>Actual Amount</u>	<u>Change</u>
Sanitary Sewer. ¹	\$906,978.00	\$979,313.00	+ \$72,335.00
Water System. ¹	\$92,541.00	\$6,220.00	(- \$86,321.00)
Subtotal Sewer/Water	\$999,519.00	\$985,533.00	(- \$13,986.00)
Sanitary Sewer. ²	-0-	12,558 - \$14,106.60	+ \$14,106.60
Sanitary Sewer. ³	\$9,000.00	\$10,175.00	+ \$1,175.00
Total Sewer	\$1,008,519.00	10,558 - \$1,003,594.60	(- \$4924.40)
Total Water	\$92,541.00	\$6,220.00	(- \$86,321.00)
Engineering	\$46,845.00	\$46,845.00	-0-

*1, *2 The original contract with Randsco (*1) included roadway restoration of Elmwood Avenue. Due to the reduction in the scope of the water system share, MCDOT allowed the Town to use an alternate resurfacing treatment, which required using the County Bid contractor (*2), Midland Asphalt, also causing the Town to pay Midland Asphalt directly (thereby the separate sub share within the sewer share). By using the alternate resurfacing treatment, the Town realized a savings of approximately \$30,000 (based upon Randsco's bid price, noting that the appropriate items were deleted from Randsco's scope of work).

*2 Payment to County bid contractor, Midland Asphalt

*3 Landscaping costs of \$9,000.00 associated with procurement of easement at #3437 Elmwood Avenue. Change order #1 for additional drainage (approved by FASC at the July 15th meeting) of \$1,175.00, resulting in a total value of \$10,175.00

Based upon the above information, particularly the sewer share, I would ask that the necessary actions be taken to amend the bond resolution, as well as any other steps that are necessary to provide funds for payment to Randsco Pipeline. As always, thank you for your assistance in matters such as this.

EXHIBIT NO.4

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

November 10, 2009

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>207,277.18</u>
D - HIGHWAY	<u>39,002.23</u>
H -CAPITAL	<u>9,480.10</u>
SL - LIGHTING DIST	<u>840.01</u>
SN-NEIGHBORHOOD DIST.	<u>0.00</u>
SP-PARKS DISTRICT	100.00
SR-REFUSE DISTRIICT	<u>68,749.48</u>
SS - SEWER DIST	<u>6,504.03</u>
TA - AGENCY TRUST	<u>3,399.86</u>
TOTAL	\$ <u>335,352.89</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 10th day of November, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated October 5, 2009 from Thomas A. Low, Commissioner of Public Works, and correspondence dated October 5, 2009 from Jay Jeffries, Deputy Highway Superintendent, both concerning the retirement of Mr. Jeffries as Deputy Highway Superintendent, be received and filed; and be it further

RESOLVED, that the Town Board hereby accepts the retirement of Jay Jefferies as Deputy Highway Superintendent, effective December 2, 2009, with deep regret.

Dated: November 10, 2009

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 10th day of November, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated October 30, 2009 from Thomas A. Low, Commissioner of Public Works, concerning a budget transfer for vehicle maintenance, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves an amendment to the 2009 Budget to transfer \$11,000 from account D.HWY.5130.222 (Machinery - Truck Purchases) to account D.HWY.5130.408 (Machinery - Vehicle Parts) in order to provide sufficient funding for the purchase of parts for highway equipment to operate through the end of the year.

Dated: November 10, 2009

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 10th day of November, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated November 3, 2009 from Thomas A. Low, Commissioner of Public Works, concerning the purchase of a large format scanner and a related exception to the Town's procurement policy, together with attachments thereto, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves an exception to the Town's procurement policy to allow the Commissioner of Public Works to purchase a large format scanner through quotations solicited by three vendors, based upon the recommendation of the Commissioner of Public Works and the minor price deviation from the maximum price contract allowed under the Town's procurement policy to be purchased by quotations and the significant cost and time delay of resubmitting this purchase to competitive bid, where such bidding is not required by Town Law; and be it further

RESOLVED, that the Town Board hereby approves the purchase of a Graphtec IS-210 Base - Large Format Scanner, at a purchase price of \$7,595.00, plus shipping.

Dated: November 10, 2009

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 10th day of November, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that a memorandum dated November 2, 2009 from Susan Wentworth, Coordinator of Data Processing, concerning the disposal of certain fixed assets, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Town Board hereby declares the items listed in the attachment of the above-referenced memorandum, to be surplus and directs that they be sold to the highest bidder by auction, to be conducted by the Town or by the Town's authorized agent.

Dated: November 10, 2009

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 10th day of November, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons.

RESOLVED, that a memorandum dated November 2, 2009 from Susan Wentworth, Coordinator of Data Processing, concerning the disposal of certain fixed assets, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Town Board hereby declares the items listed in the attachment of the above-referenced memorandum to be surplus and of no value and that they be disposed of as junk.

Dated: November 10, 2009

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 10th day of November, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated September 28, 2009 from Douglas S. Clapp, Assistant to the Supervisor, be received and filed, together with an attachment thereto; and be **it** further

RESOLVED, that the Town Board hereby approves the increases in rental rates for meeting rooms at Brighton Town Hall, all as set forth on the schedule attached to the above referenced correspondence, which increases shall become effective January 1, 2010.

Dated: November 10, 2009

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

Town of Brighton
PROPOSED Meeting Room Rental Rates for 2010
DRAFT

Auditorium

(Maximum Occupancy 125; tables, chairs, AV cart, podium w/microphone available)

Current Rate: \$40. flat

Raise to: \$60. for a.m. use/\$60. for afternoon use/\$60. for evening use

Downstairs Meeting Room

(Maximum Occupancy 80; tables, chairs, AV cart, podium available)

Current Rate \$40. flat

Raise to: \$50. for a.m. use/\$50. for afternoon use/\$50. for evening use

State Conference Room

(Maximum Occupancy 20; one conference table, chairs)

Current Rate: \$20. flat

Raise to: \$25. for a.m. use/\$25. for afternoon use/\$25. for evening use

If someone wishes to rent a room for the entire day, they will be charged a total of the combined fees for a.m./afternoon/evening for that room, as opposed to the current practice of renting at one flat rate regardless of whether for one hour, four hours or an entire day. All three rooms have free Frontier Wireless Internet service.

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 10th day of November, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated November 3, 2009 from Thomas A. Low, Commissioner of Public Works, concerning a Brownfield Cleanup Program Application for 2308 Monroe Avenue, be received and filed; and be it further

RESOLVED, that the Commissioner of Public Works is hereby authorized to submit comments to the New York State Department of Environmental Conservation, with respect to the Brownfield Cleanup Program Application for property located at 2308 Monroe Avenue, Town and Country Cleaners, to include the issues set forth in the above-referenced correspondence.

Dated: November 10, 2009

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 10th day of November, 2009.

PRESENT:

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

WHEREAS, the Commissioner of Public Works and the Town's consultant have both recommended that a significant Town tree located in the Town highway right-of-way adjacent to 425 French Road, which is in poor condition and also causes a blind spot for visibility to traffic exiting the driveway from such property onto French Road, be removed, which recommendation is subject to public hearing; **it is therefore**

RESOLVED, that correspondence dated October 8, 2009 from Thomas A. Low, Commissioner of Public Works, together with a Tree Risk Evaluation dated January 12, 2007 from Urban Forestry LLC attached thereto, concerning the proposed tree removal, be received and filed; and **be it further**

RESOLVED, that the Town Board hereby sets a public hearing to hear all persons for or against the removal of a significant Town tree, namely a 38" Norway Maple tree located in the highway right of way adjacent to 425 French Road, to be held on December 9, 2009 at 7:30 p.m. at Brighton Town Hall, 2300 Elmwood Avenue in the Town; and **be it further**

RESOLVED, that the Town Clerk is hereby directed to cause notice of such hearing to be given as required under Chapter 175 of the Town Code.

Dated: November 10, 2009

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 10th day of November, 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

WHEREAS, the owners of property located at 145 Norman Road have requested, through their engineering firm, that a 12 inch maple tree located in the Town highway right-of-way adjacent to 145 Norman Road, be removed in connection with the construction of a new driveway to serve a new house to be constructed on such site; and

WHEREAS, the owners of the property have not yet submitted proof that such tree is dead, diseased or a threat to life or property, and accordingly, such request can not be approved without a public hearing; **it is therefore**

RESOLVED, that correspondence dated November 2, 2009 from Thomas A. Low, Commissioner of Public Works, and correspondence dated October 23, 2009 from Robert P. Bringley, PE of Marathon Engineering, concerning the proposed tree removal, be received and filed; and **be it further**

RESOLVED, that the Town Board hereby sets a public hearing to hear all persons for or against the removal of a 12" Maple tree located in the highway right of way adjacent to 145 Norman Road, to be held on December 9, 2009 at 7:30 p.m. at Brighton Town Hall, 2300 Elmwood Avenue in the Town; and **be it further**

RESOLVED, that the Town Clerk is hereby directed to cause notice of such hearing to be given as required under Chapter 175 of the Town Code.

Dated: November 10, 2009

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 10th day of November, 2009.

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 correspondence dated November 9, 2009 from Thomas A. Low, Commissioner of Public Works, concerning a proposed Local Law concerning the installation of stop signs at the intersections of Warrington Dr. westbound at Varinna Drive and Warrington Dr. eastbound at Varinna Drive, respectively, be received and filed, together with the text of the proposed Law, and be **it further**

ORDERED, that pursuant to Article 3 of the Municipal Home Rule Law of the State of New York, a public hearing on a proposed Local Law of 2009 entitled "Second 2009 Traffic Control Device Local Law@, in the form presented to this meeting, be held by the Town Board of the Town of Brighton on the 9th day of December, 2009, at 7:30 o'clock PM, prevailing time, at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town to consider the proposed Local Law 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 time and place of such hearing, describing the purpose of said Local Law be published and posted by the Town Clerk pursuant to Law.

Dated: November 10, 2009

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