

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:

SEPTEMBER 23, 2009

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

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

MEETING CALLED TO ORDER: 6:40 PM

6:30 P.M. -- MOTION TO GO INTO EXECUTIVE SESSION:

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

To discuss certiorari settlements, HDL litigation, ESL litigation and the appointment of a particular person.

RECOGNITIONS/PRESENTATIONS:

International Day of Older Persons Proclamation

OPEN FORUM:

Anthony Daniele-Proposed Car Wash
Mordechai Rennert

APPROVAL OF AGENDA:

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to approve the agenda with the addition of communication from Anthony Daniele

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: HDL Property Group, LLC, and Fallsbridge Development VI,
LLC vs. Town of Brighton proposed settlement.

Hearing held open for Special Town Board Meeting September 30, 2009 7 PM.

COMMUNICATIONS:

FROM Alex Balboa, dated September 13, 2009, with Supervisor Frankel's reply, regarding concerns of coastal pollution within Monroe County

FROM Jacqui Lipschitz, dated September 13, 2009, with Supervisor Frankel's reply, regarding road markings at stop sign locations

FROM Chad G. Hume, Director, Office of Telecommunications, State of New York Department of Public Service, dated September 8,2009, advising that Temporary Operating Authority has been granted to Time Warner-Rochester Division for operation in the Town of Brighton until February 25,2010

FROM Mary Balme, Monroe #1 BOCES Assistant Superintendent for Instruction and Steve Orcutt, Monroe #1 BOCES Office of Instructional Technology, dated September 2009 extending and invitation to a Community Forum on the Statewide Educational Technology Plan, on Tuesday, October 13, 2009,4:00 to 6:00 p.m. at Monroe #1 BOCES, Office of School Improvement, 15 Linden Park, Rochester, NY 14625, with rsvp requested at 585-249-7026

FROM Jackie King, dated September 15, 2009 regarding concerns for the proposed Buckingham & Pride Mark Homes project

FROM Lydia Boddie-Rice, Manager, Public Affairs, RG&E, dated September 18, 2009, forwarding press release "NYSEG and RG&E: Electricity and Natural Gas Delivery Rate Increases Necessary To Cover Increasing Cost of Providing Safe, Reliable Service"

FROM Edward T. Marianetti, Executive Director, Monroe County Water Authority, dated September 17, 2009, regarding Brighton water main replacements

FROM Nicholas M. Graver, dated September 18, 2009, regarding the need for more sidewalk lighting in Brighton neighborhoods

FROM New York State Assemblyman Brian M. Kolb, dated September 4,2009, seeking support for convening a non-partisan, grassroots "People's Convention to Reform New York"

FROM Frances I. Tepper, CFE, Executive Director, Monroe County Fair & Recreation Association, enclosing the article she has contributed to the September/October issue of the fair industry publication *Fairs & Expos*

FROM Lynne M. Mitchell, dated September 18,2009, commenting on the cancellation of the Recreation Department's Monday Aquafitness program

FROM: Anthony Daniele dated September 23,2009 about a proposed Car Wash.

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services Councilmember Louise Novros reported on meeting of September 17, 2009. Next meeting October 15, 2009.

Finance and Administrative Services Councilmember Sheila Gaddis reported on meeting of Sept 17, 2009. Next meeting October 7,2009.

Public Safety Services Next meeting October 13, 2009

Public Works Services Next meeting October 5,2009.

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.1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Presentation of the Supervisor's 2010 Tentative Operating and Capital Budgets

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Accept donation from Metro Legacy Homes, LLC of 12' Blue Spruce to replace a tree on Babcock Drive (see Resolution #1 ; letters from Michael Millner, Metro Legacy Homes, LLC, dated September 7, 2009 and Rick Iuli, dated September 21 , 2009)

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. 2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize budget transfer for purchase of 2010 pickup truck to replace 2004 truck for Parks and Recreation Department (see Resolution #2; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated September 8, 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. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize budget transfer for necessary improvements to building to be used for Parks and Recreation Department storage and maintenance facility (see Resolution #3; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated September 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. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize budget transfer and appropriation for necessary Highway Department vehicle parts (see Resolution #4; memorandum from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, and Paula A. Parker, Director of Finance, dated September 11 , 2009)

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

MANER RE: Authorize budget transfer for purchase of Highway Department equipment (see Resolution #5; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated September 11, 2009)

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: Authorize appointment of Carl Jones to the full-time position of Motor Equipment Operator in the Highway Department, effective September 21, 2009 with twenty-six (26) weeks probationary period (see Resolution #6; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated September 8, 2009)

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

MANER RE: Authorize appointment of Ryan Bassford and Elmi Beha each to the full-time position of Laborer in the Highway Department, effective October 5, 2009 and October 19, 2009, respectively, both with probationary period of fifty-two (52) weeks (see Resolution #8; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated September 11, 2009)

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

MANER RE: Authorize contract award, not exceeding \$7,000., to Michael Krenzer for sidewalk snow plowing on the west side (see Resolution #9; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated September 15, 2009, with attachment)

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 \$7,600. contract award to Fisher Associates and \$4,000. amendment to the current contract with Stantec Consulting Services, Inc. for services related to the Expanded Winton/1590 Traffic Analysis for Clinton Crossings Corporate Center, which costs will be fully reimbursed by Anthony J. Costello & Son (see Resolution #10; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated September 15, 2009)

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 10 attached.

UPON ROLL CALL VOTE THE FOLLOWING VOTE WAS RECORDED

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

MOTION CARRIED

MAnER RE: Authorize appointment of Jennifer Sammon to permanent part-time position of Telephone Operator, effective September 28, 2009, with fifty-two (52) week probationary period (see Resolution #11 ; letter from Douglas S. Clapp, Director of Communications, dated September 15, 2009, with attachment)

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

MAnER RE: Authorize exception to Town's purchasing policy by not soliciting bids and allowing purchase of new doors for the main entrance to Town Hall per quote of \$15,400. provided by Alliance Door and Hardware, Inc., which exceeds our maximum quote allowance by \$400 (see Resolution #12; letter from Laraine Albers, dated September 15, 2009, with attachments)

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

MATTER RE: Authorize certain equipment be declared surplus and disposed of at auction (see Resolution #17; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated September 21,2009)

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

MATTER RE: Authorize Supervisor to execute Amendatory Agreement with New York State Department of Transportation for the Town's snow and ice control services during the 2008-2009 season reflecting the actual weather intensity thus paying the Town an additional \$22,603.05 (see Resolution #18; letter from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated September 10,2009, with attachment)

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 14 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MAnER RE: Authorize appointment of POMCO/EM Risk Management to serve as Town's

representative for reporting claims to US Centers for Medicare and Medicaid Services under the Medicare, Medicaid and SCHIP Extension Act (MMSEA) Section 111 Mandatory Reporting for a fee of \$10.85 per claim (see Resolution #19; letter from Gary Brandt, Director of Personnel, dated September 15, 2009, with attachment)

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. 15 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Revenue and Expense Reports for period ended August 31,2009

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION:

To discuss the employment of a particular person

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to go into executive session at 9:45 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to come out of Executive session at 10:20PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to adjourn at 10:25 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Susan Kramarsky, 79 Monteroy Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceedings of the Town of Brighton County of Monroe, State of New York meeting held on the 9 September 2009 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

EXHIBIT 1

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

September 23, 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>220,972.80</u>
D-HIGHWAY		<u>159,389.06</u>
H - CAPITAL		<u>23,228.74</u>
L - LIBRARY		<u>12,219.58</u>
SB - BUSINESS IMPROVM		<u>180.00</u>
SK - SIDEWALK DIST		<u>6,633.36</u>
SL - LIGHTING DIST		<u>19,340.03</u>
SN-NEIGHBORHOOD DIST.		<u>0.00</u>
SP-PARKS DISTRICT		<u>125.00</u>
SR-REFUSE DISTRICT		<u>68,730.48</u>
SS - SEWER DIST		<u>22,339.61</u>
TA - AGENCY TRUST		<u>24,842.24</u>
TOTAL	\$	<u>558,000.90</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 23rd day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons.

RESOLVED, that the Town Board hereby gratefully accepts a donation of a twelve foot Blue Spruce to be planted in the cuI de sac adjacent to 3 Babcock Drive, replacing a Norway Spruce formerly at that location, from Metro Legacy Homes, LLC.

Dated: September 23, 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

EXHIBIT NO.3

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 23rd day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated September 8, 2009, from Jerry LaVigne, Director of Parks and Recreation, concerning a budget transfer for the purchase of a 2010 pickup truck to replace a 2004 truck, be received and filed; and be **it further**

RESOLVED, that the Town Board hereby approves the budget transfer as more fully set forth in the above-referenced correspondence.

Dated: September 23, 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 23rd day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated September 9, 2009, from Jerry LaVigne, Director of Parks and Recreation, concerning a budget transfer, for replacement of the overhead doors at a cinderblock structure located on the Town land formerly owned by Mr. Groos, be used a storage and maintenance facility, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the budget transfer as more fully set forth in the above-referenced correspondence.

Dated: September 23, 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 23rd day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons .

RESOLVED, that a memorandum dated September II, 2009, from Thomas A. Low, Commissioner of Public Works, and Paula A. Parker, Director of Finance, concerning a budget transfer and appropriation to cover higher than anticipated costs for parts for highway equipment, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the budget transfer and appropriation as more fully set forth in the above-referenced correspondence.

Dated: September 23, 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



PAULA A. PARKER, DIRECTOR OF FINANCE
 2300 ELMWOOD AVENUE SUITE 110
 ROCHESTER, NEW YORK 14618
 Phone (585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board
 Attn.: Finance and Administrative Services **Committee**
 From: Thomas A Low, Commissioner of **Public Works** *TL*
 Paula A Parker, Director of Finance *AP*
 Date: September 11, 2009
 Subject: **2009 Budget Transfer / Appropriation**
 Highway Department Fund A to Fund D
 To Fund needed vehicle parts

I recommend that Your Honorable Body approve a 2009 budget transfer and appropriation as follows:

Fund A: (transfer)

From expenditure account:
 AHWY.5132.2.60 Facility Improvements \$8,710
 To expenditure account:
 AHWY.51329.35 Transfer to Highway Fund \$8,710

Fund 0: (appropriation)

To revenue account:
 D.HWY.5130 5010 Interfund Transfer (from A fund) \$8,710
 To expenditure account:
 D.HWY.5130 4.08 Machinery vehicle parts \$8,710

These funds are proposed to be used to cover higher-than-anticipated parts costs to keep our highway equipment on the road.

Authorization also for the Finance Director to make the necessary journal entries to complete the actual cash transfer upon Board approval.

We will be happy to respond to any questions that members of the Committee or other members of the Town Board may have regarding this matter.

Copy to: S. Frankel, B. Moehle

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 23rd day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that a memorandum dated September 11, 2009, from Thomas A. Low, Commissioner of Public Works, concerning a budget transfer for the purchase of highway equipment, be received and filed; and be **it** further

RESOLVED, that the Town Board hereby approves the budget transfer as more fully set forth in the above-referenced correspondence.

Dated: September 23, 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
MONROE COUNTY, NEW YORK

September 11, 2009

Honorable Finance Committee
Town of Brighton
2300 Elmwood Ave.
Brighton, NY 14618

Re: Transfer of Funds
Vehicle

Honorable Members:

I recommend that the following transfer be approved:

from:	Machinery- diesel fuel (D.HWY.5130.462)	\$32,000
to:	Machinery- vehicles (D.HWY.5130.222)	\$32,000

The funds are proposed to be used for a later, planned purchase of highway equipment .

Sincerely,



Thomas A. Low
Commissioner of Public Works

cc: P. Parker
J. Jeffries



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 23rd day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that a memorandum dated September 8, 2009, from Thomas A. Low, Commissioner of Public Works, concerning the appointment of a Motor Equipment Operator, be received and filed; and be it further

RESOLVED, that the Town Board hereby concurs in the appointment of Carl Jones, to the full-time 40 hour per week position of Motor Equipment Operator in the Highway Department, starting at a base hourly rate of \$23.10, effective September 21, 2009, on a probationary basis with a probationary period of 26 weeks.

Dated: September 23, 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 23rd day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons.

RESOLVED, that correspondence dated September 11, 2009, from Thomas A. Low, Commissioner of Public Works, concerning the appointment of two Laborers in the Highway Department, be received and filed; and be it further

RESOLVED, that the Town Board hereby concurs in the appointment of Ryan Bassford, to the full-time 40 hour per week position of Laborer in the Highway Department, at a base hourly rate of \$15.78, effective October 5, 2009, on a probationary basis with a probationary period of 52 weeks.

RESOLVED, that the Town Board hereby concurs in the appointment of Elmi Beha, to the full-time 40 hour per week position of Laborer in the Highway Department, at a base hourly rate of \$15.78, effective October 19, 2009, on a probationary basis with a probationary period of 52 weeks.

Dated: September 23, 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 23rd day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated September 15, 2009, from Thomas A. Low, Commissioner of Public Works, together with correspondence from Michael Krenzer, dated September 12, 2009, and a route map attached thereto, both concerning a contract for sidewalk snow removal in West Brighton, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized and directed to execute and deliver an agreement by and between the Town and Michael Krenzer for sidewalk snow removal services in West Brighton in the unit prices proposed and at a total cost not to exceed \$7,000.

Dated: September 23, 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 23rd day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons.

RESOLVED, that correspondence dated September 15, 2009, from Thomas A. Low, Commissioner of Public Works, concerning an agreement with Fisher Associates, and an amendment to the contract with Stantec Consulting Services, Inc., both related to the Winton/I590 traffic analysis for the Clinton Crossings Corporate Center, be received and filed, together with correspondence dated September 15, 2009 from William C. Holthoff, Principal at Stantec Consulting Services, Inc. and correspondence dated September 14, 2009 from Marenzo Rotoli, P.E., PTOE, Traffic Manager, Fisher Associates, P.E., L.S., P.C.; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Fisher Associates for a traffic study, including the traffic impact of the proposed Clinton Crossing Corporate Center on the Winton Road/I590 interchange area for the proposed New York State Department of Transportation Diverging Diamond Project, with the scope of work generally as set forth in their proposal, at a lump sum cost of \$7,600.00; and be it further

RESOLVED, that the existing contract with Stantec Consulting Services, Inc. for the environmental review of the proposed Clinton Crossing Corporate Center, be amended to direct Stantec to provide additional professional services to the Town associated with the traffic analysis to be prepared by Fisher Associates, which would increase the not to exceed cost of the contract by \$4,000 and to extend the term of the contract through June 30, 2010; and be it further

RESOLVED, that the Finance Director is hereby authorized to make the necessary budget amendments to increase appropriations and anticipated revenue to reflect the fact that both of the contracts are fully reimbursed by the developer of the proposed Clinton Crossing Corporate Center project proposed by Anthony J. Costello & Son.

Dated: September 23, 2009

Sandra L. Frankel, <u>Supervisor</u>	<u>Voting</u>
James R. Vogel, Councilman	Voting
Raymond J. Tierney III, Councilman	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

September 15, 2009

Honorable Finance Committee
Town of Brighton
2300 Elmwood Ave.
Brighton, NY 14618

Re: Professional Services Contract
Fisher Associates
Amend Current Contract
Stantec Consulting Services, Inc.
Expanded Winton/ 1-590 Traffic Analysis
Clinton Crossings Corporate Center

Honorable Members:

The current, NYSDOT model for the "diverging diamond" interchange does not include the full traffic impacts of the proposed corporate center. However, the impacts of the proposed corporate center on the NYSDOT proposal must be evaluated by the Town in order to make some rational assessment under SEQRA.

I recommend, therefore, that the referenced contract for these services be awarded to Fisher in the lump sum amount of \$7,600.00. Fisher would input the new trip volumes and distributions, as furnished by Costello, into the NYSDOT model, and would describe the resultant levels of service, queue lengths and vic ratios. Fisher was not selected per our standard procedure. They are uniquely qualified in the region, as they have the license to run the model.

I further recommend that the existing contract with Stantec, for the environmental review of the corporate center and dated 2/28/08, be amended to increase the "not to exceed" amount by \$4,000, and to extend the term through 6/30/10. Stantec would serve as our quality control on the inputs and outputs of the model, and would evaluate the balance of the traffic report in light of Fisher's findings.



The costs of both the Fisher contract and of the Stantec amendment would be fully reimbursed by the developer, Anthony J. Costello and Son. I recommend, finally, that the Finance Director be authorized to make the necessary budget amendments to both increase appropriations and to increase anticipated revenues.

Sincerely,

A handwritten signature in black ink, appearing to read 'TAL', with a long horizontal flourish extending to the right.

Thomas A. Low
Commissioner of Public Works

cc: P. Parker

September 14, 2009

Mr. Thomas Low
Town of Brighton
2300 Elmwood Avenue
Brighton, NY 14618

Re: Proposal for Expanded Winton Road Traffic Analysis

Dear Mr. Low:

The Town of Brighton has requested an expanded traffic analysis to assess a proposed higher intensity land use scenario than currently exists in the Town's Comprehensive Master Plan. The traffic assessment will specifically focus on land use and the resulting trip generation for the 82 acre northwest quadrant area of the I-590/Winton Road Interchange (aka Senator Keating Boulevard).

The assessment will utilize and expand upon the VISSIM traffic model developed for NYSDOT's Diverging Diamond Interchange (DDI) alternative for the I-590/Winton Road interchange and the Winton Road corridor (Meridian Centre Drive and Cambridge Place). The traffic assessment will determine impacts to the roadway network resulting from the proposed higher intensity land use and vehicular trip generation.

We propose the following scope of work:

BASE SCOPE OF WORK

A. Project Data Development

Base Condition Traffic Model

The base (existing) condition for this project will utilize NYSDOT's VISSIM traffic model for the Diverging Diamond Interchange alternative. The NYSDOT model incorporates the most current traffic volumes, signal operations, and roadway geometry for the AM and PM peak periods.

Project Corridor

The project intersections along Winton Road include:

- o Meridian Centre
- o French Road
- o I-590 Northbound Ramp
- o I-590 Southbound Ramp
- o Cambridge Place/SKB

Land Use Forecast Data & Trip Generations

The Town or Applicant will develop and provide the proposed high intensity land use scenario. The Town will provide the future conditions, full build volume diagrams for the Winton Road corridor (similar to the attached example from the NYSDOT project). Yearly growth factors will be applied by the Town for the future condition volumes.

B. **Capacity** Analyses

Traffic capacity analyses will be conducted for the proposed high intensity full build scenario during the AM and PM peak periods along the Winton Road corridor to determine design year (2020) Level of Service.

The proposed high intensity land use scenario traffic volumes will be incorporated into NYSDOT's VISSIM model to assess traffic conditions for full build out design year (2020). The scenario will be assessed with geometric modifications and/or corridor signal optimization (timings, phasing, and offsets).

C. **Project** Meetings

The Consultant shall attend two (2) meetings with the Town to present, coordinate, discuss, or receive direction on the work per the project scope. The meetings include:

- Get Start - Initial coordination with the Town and interested parties
- Draft Review - Present initial findings and discuss comments

No additional meeting materials such as presentation boards or handouts are included.

E. Deliverables

Fisher will compile a traffic Memorandum of Findings for the proposed land use scenario and submit one (1) PDF electronic copy to the Owner. The Memorandum will include:

- Level of Service (LOS) table
- Volume to Capacity ratio (*vic*)
- Available storage lengths
- Distance between intersections

ESTIMATED FEE

The estimated, not to exceed, LUMP SUM FEE to complete this traffic assessment scope of work is 57,600. This is based on an hourly fee that covers reimbursement for direct payroll costs as well as direct and indirect overhead. **If required,** reimbursement for direct non-salary costs such as transportation, reproduction and other project related items will be billed at a direct cost. This fee estimate is based on the scope of work as outlined, which represents our best judgment as to the level of effort required to satisfy the project's objectives.

ADDITIONAL CONSULTATION / SUPPLEMENTAL SERVICES

1. Additional Consultation Meetings
Follow-up consultation and/or attendance at meetings will be billed out at \$150 per hour.
2. Simulations (estimated fee \$800)
VISSIM simulation models for the AM and PM peak will be developed for presentation to the Town to facilitate traffic discussions and the decision making.

3. Lower Intensity Scenario Analysis (estimated fee \$3,500)

If the higher intensity land use scenario causes unacceptable traffic impacts, the Town can request analysis of **second**, smaller land use scenario. Fisher will rerun the analysis with low intensity land use scenarios (volumes and distributions) provided by the Town.

Additional services requests (scope and fee) will be identified in writing by Fisher. Upon fonnal approval from the Town of Brighton, Fisher will commence supplemental work.

TERMS, CONDITIONS, AND BASIS OF BILLINGS

Fisher's work will be completed in accordance with the tenns and conditions (January 2002) that are attached herewith and incorporated into this proposal. This proposal and the attached Statement ofTenns and Conditions shall fonn the basis of our agreement. Billings for Fisher's supplemental professional services will be based on an hourly cost as discussed above.

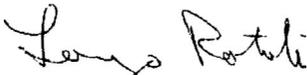
You will be notified of any conditions requiring an increase in the budget estimate as soon as such becomes evident, and will be given the opportunity to discuss the costs before we proceed with the additional work. Fisher will not undertake any additional work without your prior consent.

FORM OF ACCEPTANCE

This base scope of work proposal may be accepted by signing in the appropriate spaces below. Please return one original copy to us. This proposal is valid for a period of 15 calendar days from the date of issue. Should you have any questions regarding this proposal, please do not hesitate to call. Fisher Associates looks forward to working with you on this project.

Sincerely,

FISHER ASSOCIATES, P.E., L.S., P.C.



Lorenzo Rotoli, P.E., PTOE
Traffic Manager

ACCEPTANCE

This proposal for services is hereby accepted and executed by a duly authorized signatory who, by execution hereof, warrants that he or she has full authority to act, in the name of, and on behalf of the Town of Brighton or an approved representative. The signatory acknowledges a two party contract that requires direct payment to Fisher Associates for services rendered.

<u>Accepted</u> by		Title	
<u>Typed Name</u>		Date	

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 23rd day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated September 15, 2009, from Douglas S. Clapp, Director of Communications, concerning the appointment of a part-time Telephone Operator, together with an attachment thereto, be received and filed; and be **it** further

RESOLVED, that Jennifer Sammon, is hereby appointed to the position of part-time Telephone Operator at the wage rate of \$11.32 per hour, effective September 28, 2009, on a probationary basis with a probationary period of 52 weeks.

Dated: September 23, 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 23rd day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated September 15, 2009, from Laraine Albers, concerning the purchase of replacement doors for the Brighton Town Hall main entrance, and an exception to the Town's Purchasing Policy in connection therewith, 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 Purchasing Policy for the purchase of installation to replace the doors for the Brighton Town Hall main entrance, because the amount quoted was slightly in excess of the \$15,000 limit set forth in the Town's purchasing policy, for purchasing based on quotes, rather than competitive bids, but in compliance with the competitive bidding provisions of the New York General Municipal Law; and be it further

RESOLVED, that the Town Board hereby approves the purchase of replacement doors for the Brighton Town Hall main entrance from Alliance Door and Hardware, Inc. at the quoted price of \$15,400, all as more fully set forth in their quotation for the doors.

Dated: September 23, 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 23rd day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons.

RESOLVED, that correspondence dated September 21, 2009 from Thomas A. Low, Commissioner of Public Works, concerning the disposal of certain equipment as surplus, be received and filed; and be it further

RESOLVED, that the Town Board hereby declares the following items to be surplus, based upon the recommendation of the Commissioner of Public Works:

Vehicle No. 58 - 2000 Sterling 10 Wheel Heavy Dump Truck with Plow and all Seasons Body, Vin No. 2FZXEECB9YAB53086, Asset No. B53086 and Tire Changer, 1990 FMC Model 7600 Series L11FG353, Asset No. 02102; and be it further

RESOLVED, that the foregoing equipment be disposed of at auction.

Dated: September 23, 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 23rd day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons.

RESOLVED, that correspondence dated September 10, 2009 from Thomas A. Low, Commissioner of Public Works, concerning an amendment to the agreement between the Town and the New York State Department of Transportation (NYSDOT) for snow and ice removal, be received and filed; and be it further

WHEREAS, the Town of Brighton is under contract with the New York State Department of Transportation to provide snow & ice control on specified State roads within the Town and,

WHEREAS, the base agreement was extended for the 2010/2011 season by Resolution 11, dated February 11, 2009, setting an estimated total cost for the season at \$175,193.41

WHEREAS, due to the severity of the winter and the high cost of fuel during 2008/2009, the total cost to perform this service is estimated at \$197,796.46

NOW, THEREFORE, BE IT RESOLVED, to authorize the Supervisor to execute an Amendment to the present Agreement by and between the Town of Brighton and New York State Department of Transportation for snow and ice control. Said Amendment would increase the estimated cost to perform snow and ice removal control for the 2008/2009 season by \$22,603.05.

Dated: September 23, 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 23rd day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons.

RESOLVED, that correspondence dated September 15, 2009 from Gary Brandt, Director of Personnel, concerning the appointment of POMCO/EM Risk Management as authorized representative for reporting of claims to the Centers for Medicare and Medicaid Services (CMS) under Section 111 of the Medicare, Medicaid and State Children's Health Insurance Program, be received and filed; and be **it** further

RESOLVED, that the Town Board hereby designates POMCO/EM Risk Management to serve as the Town's Authorized Representative for reposting claims under Section 111, and authorizes the Supervisor to execute and deliver an Agreement by and between the Town and POMCO/EM Risk Management for such services, on substantially the terms set forth in the above referenced correspondence; and be **it** further

RESOLVED, that the Director of Personnel is hereby authorized to register POMCO/EM Risk Management as the Town's Authorized Representative with CMS as required by law.

Dated: September 23, 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