

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 9, 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: 5:40 PM**5:45 P.M.: MOTION TO GO INTO EXECUTIVE SESSION:**

To discuss matters of litigation related to HDLIWalgreens, the
appointments of particular people and contract negotiations

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney to go into
executive session at 5:45 PM to discuss the employment of a particular person and a matter of
litigation and contract negotiations.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to come out
of Executive Session at 7:15 PM.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

OPEN FORUM:

"Winfield Park" Proposal Presentation, Buckingham Properties, Ken Glazer

Tops Plaza Redevelopment Proposal Presentation, Thomas Fitzgerald, Tops and Thomas
Greiner, Esq.

Judy Schwartz
Jim Harper
Mordechai Rennert

APPROVAL OF AGENDA:

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to approve
the agenda with the addition of communication from Judy Schwartz and amendment of Incentive
Zoning agreement for Walgreens/HDL in settlement of related litigation.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:**MAITERRE:**

Proposed removal of a 37" spruce tree opposite 3 Babcock
Drive (see Resolution #12; letter from Michael Millner, Metro Legacy
homes LLC, dated September 7, 2009)

(Complete transcript under separate cover)

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Proposed "2009 Second Temporary Amendment to Noise Control Law" for City of Rochester Water Bureau work on South Clinton Avenue (see Resolution #13; communications from Judy Schwartz, dated August 18, 2009; Kenneth Avery, PE, D. WRE, Bergmann Associates, dated August 26, 2009, with attachments)
(Complete transcript under separate cover)

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: Proposed "Alarm Systems Local Law" of 2009 (see Resolution #11)
(Complete transcript under separate cover)

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO.3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

BIDS:

MATTER RE: Authorize bid award to Waste Management, Inc. for 2010 collection of refuse and recyclables in the Districts (see Resolution #1; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated August 31, 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. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Robert J. Kozarits, P.E., Monroe County Department of Transportation, dated September 1 and 3, 2009 regarding the South Winton Road resurfacing project

FROM Renee Casler, Planner II, Monroe County Department of Planning and Development, dated August 25 and 27, 2009 and September 2, 2009, regarding and Addendum to their Bicycle & Pedestrian Access Local Law

FROM Andrew S. Doniger, M.D., M.P.H., Director, Monroe County Department of Public Health, dated September 8, 2009, regarding the H1 N1 flu virus and vaccination

FROM Robert A. Traver, Acting Region 4 Director, New York State Department of Transportation, dated August 19, 2009, notifying of designation of restricted highway on 1-390 from 1-90 to the 1-590 split for pavement preventive maintenance until November 1, 2010

FROM Toby J. Silverman, expressing thanks to Commissioner Low and Councilman Vogel for going to their home to discuss concerns about the Town easement and drainage ditch that runs across their property

FROM United States Senator Charles E. Schumer, dated August 31, 2009, thanking Supervisor Frankel for contacting him regarding the Violence Against Women Act

FROM Sara B. Mobilia Fluskey, Director, Major Gifts & Planned Giving, Medaille College, thanking Supervisor Frankel for attending the recent dedication of their new Brighton location

FROM Dennis Roach, Hamlin Town Supervisor, dated August 31, 2009, providing an H1 N1 information meeting report

FROM John K. Steinbrenner, Chair, Brighton Recreation and Parks Advisory Board, dated August, 26, 2009, expressing the Board's strong support for a Town instructional program for community members interested in off-road cycling

FROM Bernice Regenstein, dated August 26, 2009, suggesting there be more designated smoking areas to ensure smoke-free access to stores and offices for non-smokers

FROM Beth Tarduno, dated September 2, 2009 and Supervisor Frankel, dated September 2, 2009, regarding the Rochester Broadway Theatre League's performing arts center location

FROM: Judy Schwartz, dated September 9, 2009 regarding Rochester Broadway Theatre League's performing arts center location

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services Next meeting September 17, 2009

Finance and Administrative Services Items discussed at September 2, 2009 are on this agenda.

Next meeting September 17, 2009

Public Safety Services Councilmember Ray Tierney reported on meeting of September 8, 2009. October 13, 2009

Public Works Services Councilmember James Vogel reported on meeting of August 31, 2009. 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 the claims as set forth in Exhibit No. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize submission of application to New York State

Energy Research and Development Authority for American Recovery and Reinvestment Act Program Opportunity Notice #4 funding for energy conservation study of the Town Hall's boilers and the Operations Center's lighting, total estimated cost not exceeding \$28,860. with **no** local share required, and if awarded authorize Supervisor to execute agreement with M/E Engineering, P.C. for such services (see Resolution #17; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated September 9, 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: Set October 14 and October 28, 2009 public hearings on Supervisor's 2010 Tentative Operating and Capital Budgets which will be presented at the September 23, 2009 Town Board meeting (see Resolution #16)

.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. 7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set October 14 and 28, 2009 public hearings for 2010 Assessment Rolls for service charges, maintenance charges, capital charges and sewer rent charges for Special Improvement Districts and Special Improvements (see Resolution #14)

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: Set October 14 and 28, 2009 public hearings for proposed Agreement by and between the Town of Brighton and the West Brighton Fire Department, Inc. for fire protection services during 2010 (see Resolution #15)

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

MATIERRE: Authorize the Supervisor to execute agreement with the Rochester-Monroe County Youth Bureau for the Town's 2009 Youth Asset Building Initiative funding, not to exceed \$12,538 (see Resolution #10; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated August 24, 2009)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Accept retirement of Officer Robin Riemer from the Brighton Police Department, effective September 12, 2009 (see Resolution #2; letter from Thomas M. Voelkl, Chief of Police, dated September 1, 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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize application submission to the New York State Department of Environmental Conservation Statewide Nonagricultural Nonpoint Source Abatement and Control Program for the creation of two bio-retention swales and a rain garden where Operations Center roof and employee parking lot stormwater runoff will be treated at estimated cost not to exceed \$102,000., with local share not to exceed \$15,500.; and declare Town as lead agency for environmental review (see Resolution #3; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated August 28, 2009, with attachments)

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 Supervisor to execute agreement with Monroe County to accept \$50,000. of 2009 CDBG Sidewalk Project Funding for South Clinton Avenue sidewalks between Woodsmeadow and Town Line Road (see Resolution #4; letters from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated August 24, 2009 and William D. Fritsch, Sr. Program Specialist, Monroe County Department of Planning and Development, dated August 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. 13 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Monroe County to accept \$73,765. of 2009 CDBG-R Road Resurfacing Project federal "stimulus" funds for resurfacing Dorking and Holloway Roads, Knolltop Drive and Idle Lane (see Resolution #5; letters from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated August 20, 2009 and William D. Fritsch, Sr. Program Specialist, Monroe County Department of Planning and Development, dated August 18, 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. 14 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and File Incentive Zoning Application from Tops Markets, LLC, Tops Brighton Plaza and refer to Planning Board for Advisory Report (see Resolution #7; letters from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated September 2, 2009; Thomas C. Greiner, Jr., Nixon Peabody LLP, dated September 1, 2009, with attachments)

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. 15 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Pitney Bowes for 51-month lease of postage machine, at \$281. per month (see Resolution #9; letter from Douglas S. Clapp, Director of Communications, dated September 1, 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. 16 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Designation of Special Events Period for 2009 Brighton Homecoming celebration (see Resolution #8)

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. 17 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approve Town's co-sponsorship of Brighton Community Homecoming Celebration (see Resolution #20; communication- from Rome Celli, dated September 4, 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. 18 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Accept donation of desk top computer from Patricia Chadwick for the Brighton Rotary History Center at the Buckland House (see Resolution #18; letter from Peter D. Schwarz, Brighton Rotary Service Foundation, Inc.)

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. 19 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Appointments to the Conservation Board

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to reappoint Sarah Rubin to the Conservation Board.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to appoint Richard Fox to the Conservation Board

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to appoint Eldred Chimowitz to the Conservation Board

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Appointment to the Zoning Board of Appeals

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to appoint Jason DiPonzio to the Zoning Board

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set September 23,2009 public hearing for proposed settlement of the litigation from HDL Property Groups LLCIWalgreens.

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 20. attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION:

To discuss matter of litigation

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to go into executive session at 10:00 PM to discuss matter of litigation

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel 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.

At a Town Board Meeting of the Town of Brighton, Monroe county, New York, held at the Brighton Town Hal 1, 2300 Elmwood Avenue, in said Town of Brighton on the 9th day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

WHEREAS, the Town Board previously received and filed correspondence from Thomas A. Low, Commissioner of Public Works, requesting that a public hearing be called to consider the removal of a significant Town tree, namely a 37" Norway Spruce tree located in the highway right of way adjacent to 3 Babcock Drive; and

WHEREAS, based upon such correspondence, the Town Board duly called and held a public hearing, pursuant to Section 175.8 of the Town Code, to consider the removal of such tree referenced in such correspondence, and all persons having an interest in such matter having had an opportunity to be heard at such hearing; it is therefore

RESOLVED, that the Town Board hereby determines that the Commissioner of Public Works has shown good cause for the removal of the tree, namely, the disease and/or decay of such trees and the consequent danger to person and/or property, and therefore determines that the recommendation of the Commissioner of Public Works to remove such trees be and it hereby is affirmed.

Dated: September 9, 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 9th day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

WHEREAS, the Town Board duly scheduled a Public Hearing to be held on the 9th day of September, 2009, at 7:30 P.M., prevailing time, to consider the adoption of a proposed Local Law of 2009 entitled "2009 Second Temporary Amendment to Noise Control Local Law" for the Town of Brighton, Monroe County, New York, and the environmental impact thereof; and

WHEREAS, such public hearing was duly called and held and all persons having an interest in the matter having had an opportunity to be heard; and

WHEREAS, based on the materials and the testimony received at the public hearing, the Town Board deems it necessary and advisable to adopt the proposed Local Law.

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

BE IT RESOLVED, that the Town Board hereby receives, files and adopts the Negative Declaration under the State Environmental Quality Review Act with respect to the proposed Local Law, based on its finding

that the adoption of the Local Law will not have an adverse impact on the environment; and

BE IT RESOLVED, that the Town Board of the Town of Brighton, pursuant to the provisions of Article 3 of the Municipal Home Rule Law of the State of New York, hereby enacts, ordains and adopts the Local Law of 2006 entitled "2006 Temporary Amendment to Noise Control Local Law", as attached hereto as Exhibit "A", for the Town of Brighton, Monroe County, New York; and

BE IT RESOLVED, that the Town Board hereby directs the Town Clerk to cause the Local Law to be filed with the Department of State.

Dated: September 9, 2009

Sandra L. Frankel, Supervisor

James R. Vogel, Councilman

Raymond J. Tierney III, Councilman

Louis Novros, Councilperson

Sheila A. Gaddis, Councilperson

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

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 9th day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

WHEREAS, the Town Board duly scheduled a Public Hearing to be held on the 9th day of September, 2009, at 7:30 P.M., prevailing time, to consider the adoption of a proposed Local Law of 2009 entitled "Alarm Systems Local Law" for the Town of Brighton, Monroe County, New York; and

WHEREAS, such public hearing was duly called and held and all persons having an interest in the matter having had an opportunity to be heard; and

WHEREAS, based on the materials submitted and testimony heard at the public hearing, the Town Board deems it necessary and advisable to adopt the proposed Local Law.

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

BE IT RESOLVED, that the Town Board of the Town of Brighton, pursuant to the provisions of Article 3 of the Municipal Home Rule Law of the State of New York, hereby enacts, ordains and adopts the Local

Law of 2009 entitled "Alarm Systems Local Law", as attached hereto as Exhibit "A", for the Town of Brighton, Monroe County, New York.

Dated: September 9, 2009

Sandra L. Frankel, Supervisor

James R. Vogel, Councilman

Raymond J. Tierney III, Councilman

Louise Novros, Councilperson

Sheila A. Gaddis, Councilperson

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

STATE OF NEW YORK)
COUNTY OF MONROE) ss:

I, SUSAN KRAMARSKY, Town Clerk of the Town of Brighton, Monroe County, New York, do hereby CERTIFY that I have compared the foregoing copy of the Order and Resolution with the original thereof adopted by the Town Board of Brighton, on the 9th day of September, 2009 and filed in my office on the same day, and that the said foregoing copy is a true and correct copy of said original Order and Resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the seal of said Town this _____ day of _____, 2009.

SUSAN KRAMARSKY, Town Clerk
Town of Brighton, Monroe County

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 9th 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 August 31, 2009, from Thomas A. Low, Commissioner of Public Works, concerning the award of a bid for the collection of refuse and recyclables in the refuse districts, be received and filed, together with attachments thereto; and be it further

RESOLVED, that in lieu of renewing the existing agreement, the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Waste Management of New York, LLC for new contracts for the collection of refuse and recyclables in the Town's refuse districts for 2010, with four, one-year renewal options, in the individual amounts bid for each district, at a bid price of \$195 per unit per year in the initial term.

Dated: September 9, 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.5

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

September 9, 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.

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 9th 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 4, 2009 from Thomas A. Low, Commissioner of Public Works, concerning an application to New York State Energy Research and Development Authority for funding under the American Recovery and Reinvestment Act for an energy conservation study of the Town Hall boilers and the Highway Department Operations Center lighting systems, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the submission of an application to the New York State Energy Research and Development Authority, for funding the under the American Recovery and Reinvestment Act for an energy conservation study of Town Hall boilers and the Highway Department Operations Center's lighting systems, at a cost not to exceed \$28,860, but with no cost to the Town of Brighton; and be it further

RESOLVED, that in the event the grant is awarded, the Supervisor be authorized to execute an agreement by and between the Town and M/E Engineering, P.C. for the professional energy conservation study that is the subject of the proposed grant; and be it further

RESOLVED, that in the event the grant is awarded, the Town Board hereby authorizes the Director of Finance to make any necessary amendments to the 2009 Budget and recognize such revenue and appropriate the funds.

Dated: September 9, 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 9th day of September, 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 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 14th day of October, 2009 and the 28th day of October, 2009 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 2010 and the Capital Improvements Program for 2010 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 2010 and the Capital Improvements Program for 2010 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 9, 2008

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 9th day of September, 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 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 14th day of October, 2009 and the 28th day of October, 2009 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 2010; 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 9, 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 9th day of September, 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 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 14th day of October, 2009 and the 28th day of October, 2009 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 9, 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

SCHEDULE A

- Brighton Fire District .
(Service)
- West Brighton Fire Protection District
(Service)
- Brighton Special Ambulance District.
(Service)
- Ashley Drive Refuse and Garbage District
(Service)
- Bel-Air Refuse and Garbage District
(Service)
- Brighton Meadows Refuse and Garbage District . . .
(Service)
- Brittany-Markay Refuse and Garbage District - - - -
(Service)
- Bronsonwood Refuse and Garbage District - - - - -
(Service)
- Council Rock Avenue Refuse and Garbage District.
(Service)
- Coventry Green Refuse and Garbage District
(Service)
- Dunrovin Lane Refuse and Garbage District . . .
(Service)
- East Avenue Refuse and Garbage District . .
(Service)
- Evans Farm Refuse and Garbage District
(Service)
- Fairhaven Road Refuse and Garbage District
(Service)
- Fairways Refuse and Garbage District
(Service)
- Far View Hill Refuse and Garbage District.
(Service)
- Forest Hills Refuse and Garbage District .
(Service)
- Frankland Refuse and Garbage District - - - -
(Service)
- Gailhaven Road Refuse and Garbage District
(Service)
- Greenaway Drive Refuse and Garbage District.
(Service)
- Hemingway Drive Refuse and Garbage District.
(Service)
- Home-Acres Refuse and Garbage District
(Service)
- Houston Barnard Refuse and Garbage District . .
(Service)
- Howland Avenue Refuse and Garbage District .
(Service)
- Kirk Astor Refuse and Garbage District . . .
(Service)
- Klink-Burkedale Refuse and Garbage District
(Service)
- Ledgerock Lane Refuse and Garbage District
(Service)
- Mandy/Woodgate Refuse and Garbage District
(Service)
- Maywood Refuse and Garbage District
(Service)
- Meadow View Refuse and Garbage District.
(Service)
- Meadowbrook Refuse and Garbage District.
(Service)

- Modelane Refuse and Garbage District
(Service)
- Monroe Meadows Refuse and Garbage District
(Service)
- Parkwood Avenue Refuse and Garbage District.
(Service)
- Pelham Road Refuse and Garbage District.
(Service)
- Pickford Refuse and Garbage District
(Service)
- Raw ingswood Refuse and Garbage District
(Service)
- Rockhill Refuse and Garbage District
(Service)
- Roselawn Refuse and Garbage District .
(Service)
- Row ands Refuse and Garbage District
(Service)
- Schoolhouse Lane Refuse and Garbage District
(Service)
- Second Rose Lawn Refuse and Garbage District
(Service)
- Shamar Refuse and Garbage District
(Service)
- South Landing Road Refuse and Garbage District .
(Service)
- Spier Avenue Refuse and Garbage District . . .
(Service)
- Struckmar Refuse and Garbage District
(Service)
- Thornwood Drive Refuse and Garbage District.
(Service)
- Village Lane Refuse and Garbage District
(Service)
- Westerloe Avenue Refuse and Garbage District
(Service)
- Wil owbend Refuse and Garbage District
(Service)
- Wyatt Drive Refuse and Garbage District
(Service)

- Bel-Air Lighting District
(Service)
- Clover-Elmwood Lighting District
(Service)
- College Complex Lighting District
(Service)
- Council Rock Lighting District
(Service)
- Council Rock Estates Lighting District
(Service)
- Deerfield Woods Street Lighting District
(Service)
- Dunn & Paul Lighting District
(Service)
- East Avenue Lighting District
(Service)
- Elmwood Manor Apartments Lighting District
(Service)
- Elmwood Terrace Lighting District
(Service)
- Ferndale Manor Lighting District
(Service)
- Home Acres Lighting District
(Service)
- Houston-Barnard Lighting District
(Service)

- Lac de Ville/Senator Keating Boulevard Lighting District
- (Service)
- Malvern Lighting District
- (Service)
- Meadowbrook Lighting District.
- (Service)
- Mercy Park Lighting District
- (Service)
- Meridian Centre Lighting District
- (Service)
- Metropolitan Park Lighting District - - - - -
- (Service)
- Penfield Landing Lighting District
- (Service)
- Penfield Road Lighting District
- (Service)
- Rose Lawn Lighting District
- (Service)
- Struckmar Lighting District
- (Service)
- Sunnymede Addition Lighting District
- (Service)
- Victory Lane Subdivision - Southland Drive Lighting District
- (Service)

- Bel-Air Sidewalk Snow Removal District
- (Service)
- Brookside Sidewalk Snow Removal District
- (Service)
- Council Rock Sidewalk Snow Removal District.
- (Service)
- Fairhaven Road Sidewalk Snow Removal District
- (Service)
- Grosvenor Sidewalk Snow Removal District
- (Service)
- Home Acres Sidewalk Snow Removal District.
- (Service)
- Meadowbrook Sidewalk Snow Removal District
- (Service)
- North Roselawn Sidewalk Snow Removal District
- (Service)
- Pelham Road Sidewalk Snow Removal District
- (Service)
- Roselawn Sidewalk Snow Removal District.
- (Service)
- Rowlands Sidewalk Snow Removal District - - - - -
- (Service)
- Struckmar Sidewalk Snow Removal District
- (Service)

- Barclay Square Drainage District
- (Improvement & Maintenance)
- Deerfield Woods Drainage District.
- (Improvement & Maintenance)
- Lac de Ville/Senator Keating Boulevard Drainage District
- (Improvement & Maintenance)
- Mercy Park Drainage District
- (Improvement & Maintenance)
- Meridian Center Boulevard Drainage District
- (Improvement & Maintenance)

Brighton Meadows Storm Water Drainage District .
 (Improvement & Maintenance)
 Heatherstone Storm Water Drainage District . . .
 (Improvement & Maintenance)

Brighton Meadows Lateral Water Main. . . .
 (Improvement & Maintenance)
 South Clinton - Westfall Water District . . .
 (Improvement & Maintenance)
 Consolidated Water District of the Town of
 Brighton
 (Improvement & Maintenance)

Consolidated Sewer District of the Town of
 Brighton
 (Improvement & Maintenance)
 Consolidated Sewer District Extension #67.
 (Improvement & Maintenance)
 Brighton Sewer District 87A.
 (Improvement & Maintenance)
 Western Drive Sanitary Sewer District . . .
 (Improvements & Maintenance)

Brighton Consolidated Sidewalk District . . .
 (Improvement & Maintenance)
 Mercy Park Sidewalk District.
 (Improvements & Maintenance)

Gail Haven/Markay Street Improvements . . .
 (Improvement)

Monroe Avenue Business Improvement District #1 . . .
 (Improvement & Maintenance)

Home Acres Neighborhood Improvements District - - - -
 (Improvement & Maintenance)

Kirk-Astor Park District
 (Improvement & Maintenance)

At a Town Board Meeting of the Town of Brighton, Monroe county, New York, held at the Brighton Town Hal 1, 2300 Elmwood Avenue, in said Town of Brighton on the 9th 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 August 24, 2009 from Jerry LaVigne, Director of Parks and Recreation, concerning the 2009 Youth Bureau Contract, 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 Monroe County for the Town's 2009 Funding for the Youth Asset Building Initiative, under which the Town will receive reimbursement for contract services in a minimum amount of \$12,538, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: September 9, 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 9th 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 1, 2009, from Thomas M. Voelkl, Chief of Police, concerning a retirement, be received and filed, together with attachments thereto; and be it further

RESOLVED, that the Town Board hereby accepts with regret the retirement of Police Officer Robin Riemer, effective September 12, 2009.

Dated: September 9, 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 9th 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 August 28, 2009 from Thomas A. Low, Commissioner of Public Works, concerning an application to the New York State Department of Environmental Conservation, under the Statewide Nonagricultural Nonpoint Source Control Program, for Operations Center Stormwater Improvements, be received and filed, together with an Environmental Assessment Form and draft Negative Declaration with respect thereto; and be it further

RESOLVED, that the Supervisor is hereby authorized to apply to the New York State Department of Environmental Conservation for funding under the Statewide Nonagricultural Nonpoint Source Control Program for the creation of two bio-retention swales and a rain garden for the treatment of stormwater runoff from the Highway Department roof and employee parking lot, the estimated total cost of which would not exceed \$102,000, with a local share not to exceed \$15,500; and be it further

RESOLVED, that the Town Board hereby declares itself to be the lead agency for the environmental review of this project under the State Environmental Quality Review Act; and be it further

RESOLVED, that based upon the Environmental Assessment Form, the Town Board hereby determines that the proposed action will not have a significant impact on the environment and therefore, issues a Negative Declaration with respect thereto under the State Environmental Quality Review Act.

Dated: September 9, 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 9th 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 August 24, 2009 from Thomas A. Low, Commissioner of Public Works, together with correspondence dated August 11, 2009 from William D. Fritsch, Sr. Program Specialist, Monroe County Department of Planning and Development, concerning an agreement with Monroe County for the Community Development Block Grant Sidewalk Project on South Clinton Avenue from Woodsmeadow Lane to Brighton-Henrietta Town Line Road; 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 Monroe County, together with any necessary certifications and related documents in connection with the 2009 Community Development Block Grant Sidewalk Project on South Clinton Avenue to Woodsmeadow Lane to Brighton-Henrietta Town Line Road, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: September 9, 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 9th 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 August 20, 2009 from Thomas A. Low, Commissioner of Public Works, and correspondence dated August 18, 2009, from William D. Fritsch, Sr. Program Specialist, Monroe County Department of Planning and Development, concerning an agreement with Monroe County for the 2009 Community Development Block Grant (CDBG-R) program for resurfacing Dorking Road, Holloway Road, Knolltop Drive and Idle Lane, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver and agreement by and between the Town and Monroe County, for the 2009 CDBG-R road resurfacing project for Dorking Road, Holloway Road, Knolltop Drive and Idle Lane, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: September 9, 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 9th 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 2, 2009 from Thomas A. Low, Commissioner of Public Works, concerning an Incentive Zoning Application from Tops Markets, LLC for the Tops Brighton Plaza, be received and filed, together with the Incentive Zoning Application for such project as prepared by Nixon, Peabody, LLP; and be it further

RESOLVED, that the Town Board hereby finds this Incentive Zoning proposal to be worthy of further consideration and hereby refers the proposal to the Planning Board for an advisory report.

Dated: September 9, 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 9th 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 1, 2009 from Douglas S. Clapp, Assistant to the Supervisor, concerning a postage machine lease, together with attachments thereto, be received and filed, and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver a lease with Pitney Bowes for a 51-month lease of a postage meter, including maintenance at a price of \$281 per month, which lease shall be in form and substance as may be approved by the Attorney for the Town.

Dated: September 9, 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 9th day of September, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

WHEREAS, the Brighton Chamber of Commerce has organized a Homecoming celebration in the Town, with the intent of highlighting both the schools in Brighton and Brighton businesses, and in connection therewith has requested that the Town Board invoke the Town's Special Events Law for the period August 31, 2009 through September 13, 2009; **it is therefore**

RESOLVED, that the Town Board hereby declares the period from August 31, 2009 through September 13, 2009 to be the Special Events Period under Article VII of Chapter 207 of the Town Code, nunc pro tunc.

Dated: September 9, 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 9th 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 authorizes the
Town to act as a co-sponsor of the 2009 Homecoming celebration.

Dated: September 9, 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 9th 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 from Peter B. Schwartz, Director, Brighton Rotary Service Foundation, concerning the donation of a used computer to the Brighton Rotary History Center at the Buckland House, be received and filed; and be it further

RESOLVED, that the Town Board gratefully accepts the donation of a computer from the Brighton Rotary Service Foundation to the Brighton Rotary History Center at the Buckland House.

Dated: September 9, 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 9th day of September 2009.

PRESENT:

SANDRA FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated September 9, 2009, William Meehle, Attorney for the Town, concerning the matter, entitled HDI Property Group, LLC, and Fallsbridge Development VI, LLC vs. [redacted] of Brighton, under which HDI agree to construct offsite sidewalks as required under original Incentive Zoning Agreement, previously approved by the Town Board, for the Walgreen's at Elmwood and South Clinton Avenues and the parties would to amend the Incentive Zoning Agreement to amend the definition

"Pharmacy" to be that at least 50.5% of annual dollar of sales must consist of prescription drugs and prescription medication, be received and filed; and be it further

RESOLVED, that the Town Board hereby sets a public hearing to be held at 7:30pm, prevailing time, on September 23, Brighton Town Hall, 2300 Elmwood Avenue

consider an amendment to the Incentive Zoning approval of Walgreen's at Elmwood and South Clinton Avenues, which was granted on March 22, 2007, and the Incentive Zoning Schedule read substantially as follows: Pharm... [redacted]

f annual use con
prescription drug prescri
permitted, subject compliance
allowing additional conditions

n

st

RESOLVED, approval amendmen
public hear the Super
enaby autho execute and deliver Settlement Agreement
nd Release by and among the Town, HDL Property Group LLC
Fallsbridge Deve opment I, LLC, and Walgreen Eastern ., .,
and an Escrow Agreement n connection therewith, by an
HDL Property LLC, Fallsbridge Development .,
James Morris, Esq. know agent, which Settlement
d Release and Es agreement and
may be approv

Septembe

aymond

Councilman

se Novros,

TO: Supervisor Frankel and Town Board
FROM: William Moehle, Esq.
RE: HDt Litigation Settlement and Incentive Zoning Amendment
DATE: September 9, 2009

It appears as though the parties have agreed on the basic terms of a settlement of the HDL et al. v Town of Brighton litigation. I recommend that the Town Board authorize the Supervisor to execute and deliver a settlement agreement and a related escrow agreement, under which Hon. James Morris will hold the letter of credit proceeds, currently held by the Town as security for the completion of the offsite sidewalks, until the sidewalks have been completed. Both agreements, when finalized, will be subject to my approval as Attorney for the Town.

In connection therewith, I also recommend setting a public hearing to amend the terms of the original Incentive Zoning Approval for the Walgreen's store. The only change will be to clarify that the definition of a Pharmacy, for purposes of the incentive zoning approval, means that at least 50.5% of gross revenues be derived from prescription sales.

While I believe the Town has a strong position in the litigation and that it did properly draw upon the letter of credit, I recommend this settlement to ensure that the sidewalks are constructed promptly. I will answer any questions you may have.