

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

April 22, 2009

PRESENT:

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

William Moehle  
Attorney for the Town

Town Clerk  
Susan Kramarsky

**MEETING CALLED TO ORDER:**

**MOTION TO GO INTO EXECUTIVE SESSION:**

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney that the Town Board go into Executive Session at 6:30 P.M to discuss matters of litigation, real estate and insurance claim.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Settlement of claim.

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis to settle a claim against the Town originating from a sewer backup on Superior Road in an agreement that shall be in a form and substance as may be approved by the Attorney for the Town as Exhibit No. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion Councilmember James Vogel seconded by Councilmember Ray Tierney to come out of executive session at 6:55 PM.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**RECOGNITIONS/PRESENTATIONS:**

Kevin Mc Gowan Brighton Central School District Superintendent

*Fred Bedet—Retirement from Brighton Police Department*

*National Crime Victims' Rights Week Proclamation*

*Earth Day & Arbor Day Proclamation*

**OPEN FORUM:**

Nathan Morton, Director of Operations, Medaille College Campus Relocation to Brighton  
Timothy Keef, Town Engineer Phase II Stormwater Regulations  
Joel Shapiro  
Jason Zoglin  
Tom Zuber of Raymond F. Wager, CPA, P.C.- Presentation of Town of Brighton 2008  
Basic Financial Statement

**APPROVAL OF AGENDA:**

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to approve the agenda.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:**

March 25, 2009  
April 7, 2009

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board approve and file the Town Board Minutes for March 25 and April 7, 2009.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**PUBLIC HEARINGS:**

**MATTER RE:** Proposed local law to allow speed limit reduction to 25mph on Ashley Drive, Woodmont Drive and Fairfield Drive (see Resolution #12).  
(Complete Transcript Under Separate Cover)

Motion by Councilmember Ray Tierney seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Proposed local law to allow installation of stop signs at Bonnie Brae Ave. and Danbury Circle North, southbound, northbound, eastbound and westbound (see Resolution #14).

(Complete Transcript Under Separate Cover)

Motion by Councilmember Ray Tierney Seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Proposed removal of 47" silver maple tree at 70 Kimbark

Road (see Resolution #13; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated March 27, 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. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**BIDS:**

**MATTER RE:** Authorize bid award, not exceeding \$208,160., to Concrete Slipform, Inc. for the 2009 Sidewalk Repair Program (see Resolution #1; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated April 10, 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. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize bid award, total not exceeding \$27,000, to Hilliano Construction and Electrical, Inc. for 2009 Westfall Road sidewalk installation (see Resolution #2; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated April 10, 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

**COMMUNICATIONS:**

**FROM** Kim Stubbe, Manager, Meals on Wheels, thanking Supervisor Frankel for her support and participation

**FROM** Charles Copeland regarding concerns with Metalico operations

**FROM** Rochester Mayor Robert J. Duffy, dated April 2, 2009, regarding the contract for inspection and plan review services between the City and Brighton

**FROM** Joel Shapiro, dated April 15, 2009, regarding a proposed Brighton Lifestyle Center

**FROM** Aurette DeCuffa, dated April 5 and, 2009, regarding a recent auto accident and a dangerous traffic pattern on Monroe Avenue near Clover Street

**FROM** Bill and Janine Mahoney, dated April 19, 2009, advising of recent bald eagle sightings in Ellison Park

**FROM** Kevin C. Bush, P.E., Regional Design Engineer, NYS Department of Transportation, dated April 9, 2009, regarding Route 15 pavement rehabilitation

**FROM** Kathleen n. Ludgate, Regional Director, United States Census Bureau, dated April 2009, notifying that between April and July 2009, U.S. Census employees will be visiting every housing unit

**FROM** Tom Tilebein, Village of Hilton, Chairman, dated April 8, 2009, regarding The Stormwater Coalition of Monroe County 2008 Accomplishments

**FROM** Nancy and Vince Reale, dated April 6, 2009, expressing displeasure with the roadway paving of Elmwood Avenue between Clover Street and East Avenue

**FROM** Christopher P. Noun, Hattie Harris Good Spirits Club International, dated April 25, 2009 regarding National Thank You for Elected Officials Day

**FROM** David Pratt, P.E., Environmental Engineer 2, NYS Department of Environmental Conservation, dated April 14, 2009, regarding groundwater monitoring at the Gonsenhauser Farm Brownfield Site

**FROM** Rita Clement/Sanko, dated April 9, 2009, expressing support for sidewalks along East Avenue

**FROM** Gussie Succes, dated April 11, 2009, expressing support for sidewalks along East Avenue

**FROM** Beth Tarduno, dated April 8, 2009, expressing opposition for the proposed road expansion and pedestrian walkway in Ellison Park

**FROM** Timothy E. Leahy, Principal, Siena Catholic Academy, dated April 8, 2009, expressing support for the "Safer Routes to School" Program

**FROM** Michael G. Hirsh, dated April 7, 2009, expressing concern for the speed limit on Clover Street

**FROM** Justin Ramsey, dated November 1, 2008, regarding conservation of University of Rochester wetlands

**FROM** Kevin Miller, L.A., Senior Landscape Architect, NYS Department of Transportation, dated April 9 and 14, 2009, regarding detectable warning fields

**FROM** New York State Governor David A. Paterson, dated April 1, 2009, thanking Supervisor Frankel for attending a recent State of the State Town Hall meeting

**FROM** Kevin Crawford, Executive Director, New York Municipal Insurance Reciprocal, dated April 2009, regarding their 2009 annual meeting

**FROM** John Williamson, Daniel Herman, Franz Tyson, Brent Irvine, Dayton Richards, Brendan Taylor, Lars Peterson, Kristen Lempicki, Nina Bharucha, Terri Worek, Judy Slomovic, James and Adele Carducci, Dave Meyer, Paul, Bekka Simone, Mark Delfs, Marja Poulsen, Renee Lamarque, Lynne Miller, Lynne LaMarque, and Lynne LaMarque Miller expressing opposition to Time Warner's proposed internet caps

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 May 21, 2009.

Finance and Administrative Services – no report given for April 15 & 17, 2009 meetings.. Next meeting will be held on May 6, 2009.

Public Safety Services - Next meeting May 12, 2009.

Public Works Services - Next meeting May 4, 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. 7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Receive and File Town of Brighton Financial Statements and OPEB Actuarial Valuation Report for year ended December 31, 2008.

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis that the Town Board receive and file the aforementioned reports.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Receive and File Police Department Annual Report

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board receive and file the Police Department Annual Report.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Accept donation of bench and tree for Corbett's Glen from Pat Dougherty in memory of her husband Dick Dougherty (see Resolution #3; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated April 9, 2009).

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 8 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize \$80,000. appropriation be recognized in the Shared Services Public Safety Wing account for HVAC project contracts (see Resolution #4; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated April 8, 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. 9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize disposal of surplus leaf compost by authorizing contract with Great Northeast Services for removal, as well as authorize Supervisor to execute any necessary further agreements for removal (see Resolution #5; letter from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated April 8, 2009).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute amendatory agreement with Brighton Chamber of Commerce for Monroe Avenue Improvements (see Resolution #6; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated April 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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Receive and File second draft of Sustainability Committee proposed Work Plan and Proposed Policy (see Resolution #7; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated April 8, 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. 12 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to submit purchase offer to Monroe County for property at Grosvenor Road, #137.07-4-1 and to execute documents necessary for closing (see Resolution #9; letters from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated April 14, 2009 and Timothy P. Murphy, dated April 13, 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. 13 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** First reading of Climate Smart Communities Pledge (see Resolution #8; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated April 8, 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

**MATTER RE:** Authorize agreement with Applied Business Systems for printing, inserting reply envelope and mailing tax bills (see Resolution #10; memorandum from Susan Kramarsky, Town Clerk, dated April 7, 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. 15 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set May 13, 2009 public hearing for authorization of budget transfer, not exceeding \$223,000, from Building Repair Reserve for Public Safety Wing mechanical and electrical work, parking lot resurfacing and re-striping, and replacement of Town Hall front entry steps and doors, with any unused funds returned to the Reserve (see Resolution #11; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, and Laraine Albers, dated April 13, 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. 16 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set May 13, 2009 public hearing for proposed "2009 Technical Code Amendments Local Law" (see Resolution #15; memo from Paul White, dated April 7, 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. 17 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE SUPERVISOR:**

**MATTER RE:** Revenue and Expense Reports for period ended March 31, 2009.

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board receive and file the Revenue and Expense Reports for the period ended March 31, 2009

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED:**

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adjourn at 10:00 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 22<sup>nd</sup> April 2009 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

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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 22<sup>nd</sup> day of April, 2009.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**WHEREAS**, the property located at 80 Superior Road suffered water damage following a sewer line blockage; and

**WHEREAS**, the owners of such property had made a claim against the Town and the Town desires to settle all claims relating to such damage, without prejudice and without an admission of liability by the Town; it is therefore

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and the owners of property located at 80 Superior Road, for claims related to water damage at such property, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: April 22, 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 22nd day of April, 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 22nd of April, 2009 at 7:30 P.M., prevailing time, to consider the adoption of a proposed Local Law of 2009 entitled "2009 Speed Limit Reduction 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**, the Town has determined that based on the testimony and other materials submitted at the hearing, it is necessary and advisable to adopt the proposed Local Law;

**NOW, THEREFORE**, on motion of Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_,

**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 2009 Speed Limit Reduction Local Law, as attached hereto as Exhibit A, for the Town of Brighton, Monroe County, New York.

Dated: April 22, 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 22nd day of April, 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 25<sup>th</sup> day of March, 2009, at a meeting commencing at 7:30 P.M., prevailing time, to consider a proposed Local Law entitled 2009 Traffic Control Device Local Law, amending Section 185-43 of the Code of the Town of Brighton relating to the installation of stop signs at the following locations:

Stop sign on Danbury Circle South, eastbound at Bonnie Brae Avenue  
Stop sign on Danbury Circle South, westbound at Bonnie Brae Avenue

**WHEREAS**, the Town Board duly held said public hearing in the matter at the stated time, and continued it on April 7, 2009 and April 22, 2009, and all parties desiring to be heard in connection therewith having had an opportunity to be heard; and

**WHEREAS**, based on the testimony at such public hearing and the materials submitted thereat, the Town Board deems it necessary to adopt the proposed Local Law;

**NOW, THEREFORE,** on motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_,

**RESOLVED,** that pursuant to the provisions of Article 3 of the  
Municipal Home Rule Law of the State of New York, the Town Board of the  
Town of Brighton hereby enacts, ordains and adopts the Local Law of 2009  
entitled 2009 Traffic Control Device Local Law, in the form attached  
hereto as Exhibit A, for the Town of Brighton, Monroe County, New York.

Dated: April 22, 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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 22nd day of April, 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 47" Silver Maple in the highway right of way adjacent to 70 Kimbark Road, along with certain other trees; and

**WHEREAS**, based upon such correspondence, the Town Board duly called and held a public hearing on March 11, 2009, pursuant to Section 175.8 of the Town Code, to consider the removal of such tree referenced in such correspondence, and while the removal of the other trees was approved following such hearing, the hearing was held open with respect to the tree located adjacent to 70 Kimbark Road, and such hearing was continued on April 22, 2009, and all persons having an interest in such matter having had an opportunity to be heard at such hearing; it is therefore

**RESOLVED**, that correspondence dated March 27, 2009 from Thomas A. Low, Commissioner of Public Works, with attached arborist's report, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby determines that the Commissioner of Public Works has shown good cause for the removal of the 47" silver maple tree located adjacent to 70 Kimbark Road, namely, the disease and/or decay of such tree and the consequent danger to person and/or property, and therefore determines that the recommendation of the Commissioner of Public Works to remove such tree be and it hereby is affirmed.

Dated: April 22, 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 22<sup>nd</sup> day of April 2009.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 10, 2009 from Thomas A. Low, Commissioner of Public Works, together with attachments thereto, concerning the award of the bid for the 2009 Sidewalk Repair Program, be received and filed; and be it further

**RESOLVED**, that the bid for the 2009 Sidewalk Repair Program be awarded to Concrete Slipform, Inc., in the unit prices bid and for a total cost not to exceed \$208,160; and be it further

**RESOLVED**, that the apparent low bidder, Hilliano Construction and Electrical, Inc. is hereby authorized to withdraw its bid due to a mathematical mistake in its bid, pursuant to the provisions of Section 103(11) of the General Municipal Law of the State of New York.

Dated: April 22, 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 22<sup>nd</sup> day of April 2009.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 10, 2009 from Thomas A. Low, Commissioner of Public Works, together with attachments thereto, concerning the award of a bid for construction of sidewalks on Westfall Road, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby awards the bid for the construction of sidewalks on Westfall Road to Hilliano Construction and Electrical, Inc., in the unit prices calculated from bid, not to exceed \$27,000 in the aggregate; and be it further

**RESOLVED**, that to reflect project funding from the Community Development Block Grant Program, the Town Board hereby amends the 2009 Budget to recognize revenues of \$36,000 in account A.DPW.5410.4895, and to increase appropriations in account A.DPW.5410.265 in the same amount; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver change orders to this contract that do not in the aggregate exceed available appropriations for such project.

Dated: April 22, 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	_____

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

April 22 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>236,613.78</u>
D - HIGHWAY		<u>83,480.50</u>
H - CAPITAL		<u>23,480.85</u>
L - LIBRARY		<u>45,219.84</u>
SA - AMBULANCE DIST		<u>186.90</u>
SF - FIRE DIST		<u>710.00</u>
SL - LIGHTING DIST		<u>19,959.80</u>
SR - REFUSE DIST		<u>65,292.55</u>
SS - SEWER DIST		<u>62,527.75</u>
TA - AGENCY TRUST		<u>25,057.60</u>
	TOTAL \$	<u>562,529.57</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  
22<sup>nd</sup> day of April 2009.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 9, 2009 from Jerry LaVigne, concerning the donation of a bench and tree for Corbett's Glen in memory of Dick Dougherty, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby gratefully accepts the donation of a granite bench and oak tree from Mrs. Pat Dougherty in memory of Dick Dougherty.

Dated: April 22, 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 22<sup>nd</sup> day of April 2009.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 8, 2009 from Thomas A. Low, Commissioner of Public Works, concerning the recognition of revenue and appropriation of funds for the Public Safety Wing HVAC Project, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby amends the 2009 Budget to recognize revenue from a New York State Power Authority grant in the amount of \$80,000, in account A.SSVCs.3010.2716 and that the same amount be appropriated in account A.SSVCs.3010.263 to cover the cost of the various contracts for the project.

Dated: April 22, 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 22<sup>nd</sup> day of April 2009.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 8, 2009 from Thomas A. Low, Commissioner of Public Works, concerning the disposal of leaf compost, be received and filed; and be it further

**RESOLVED**, that approximately 4,000 cubic yards of leaf mulch, processed and stockpiled from leaves collected in 2007, be declared surplus; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an agreement with Great Northeast Services under which Great Northeast Services would remove an indeterminate amount of the leaves and pay the Town \$.75 per cubic yard removed during 2009; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver one or more additional agreements for the disposal of any remaining 2007 leaf mulch declared surplus under the same terms and conditions, without further Town Board approval.

Dated: April 22, 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 22<sup>nd</sup> day of April 2009.

**PRESENT:**

SANDRA L. FRANKEL, Supervisor

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

**WHEREAS**, the Town Board previously authorized an agreement by and between the Town and the Brighton Chamber of Commerce for the use of State grant funds for improvements along Monroe Avenue; and

**WHEREAS**, the Brighton Chamber of Commerce and the Town now desire to amend that agreement; it is therefore

**RESOLVED**, that correspondence dated April 9, 2009 from Thomas A. Low, Commissioner of Public Works, concerning the amendment of the agreement by and between the Town and the Brighton Chamber of Commerce for Monroe Avenue improvements; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an amendment to the agreement by and between the Town and Brighton Chamber of Commerce, which amendment shall be in form and substance as may be approved by the Attorney to the Town, and shall eliminate the refurbishing of banners on Monroe Avenue and instead the Town will return the unused portion of the grant funds now on deposit with the Town, allow the Chamber of Commerce to commission and install a sculpture at the Twelve Corners Park and thereafter terminate the agreement; and be it further

**RESOLVED**, that the Town Board hereby gratefully accepts the intended donation of the sculpture.

Dated: April 22, 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

April 9, 2009

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

Re: Authorize Amended Agreement  
Brighton Chamber of Commerce  
Monroe Ave. Improvements

Honorable Supervisor and Members:

I recommend that your Honorable Body authorize the Supervisor to execute and deliver an amendatory agreement with the Brighton Chamber of Commerce. Under the former agreement (January, 2008), the Town contracted for improvements to Monroe Ave. (which included new, lighted flagpoles at the 12 Corners Park, resetting of the monument rock and the refurbishing of the banners along the Avenue). Under the new amendment:

- a) the refurbishing of the banners will not occur. Instead, the Chamber proposes to commission and install a sculpture at the Twelve Corners park. The Chamber will, as before, pay for these improvements from its \$30,000 grant from the State, and will secure the necessary reimbursements.
- b) the agreement will be terminated; and,
- c) the Town will return the unused portion of the initial deposit.

I further recommend that the Town accept the donation of the sculpture.

Sincerely,



Thomas A. Low  
Commissioner of Public Works

cc: P. Parker  
W. Moehle

cc: P. Parker, W. 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 22<sup>nd</sup> day of April 2009.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 8, 2009 from Thomas A. Low, Commissioner of Public Works, together with a memorandum dated April 8, 2009, from Thomas A. Low, Commissioner of Public Works, setting forth a work plan and draft policy for the establishment of a Town Sustainability Committee, be received and filed.

Dated: April 22, 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	_____

To: Town Board

Cc: Doug Clapp

T. Keef

R. Boehner

From: Tom Low

4/8/09

Re: **Second Draft -**

Establishment of a Sustainability Committee

**The Proposal:**

The Green Brighton Task Force, in their September report, called for the creation of a "Sustainability Oversight Committee" as a body to carry the recommendations of that report forward. The Task Force further recommended that the Committee be formed "immediately following the acceptance of the report." The Town Board, however, only received and filed the report. The Board did not adopt it.

**Work Items:**

- 1] Adoption of a Policy to form the Committee;
  - A] a draft policy is attached;
  - B] prepare mission statement;
  - C] review by PWComm;
  - D] Town Board adoption
  
- 2] Designation of staff
  - A] Doug Clapp as lead
    - 1) coordination with Green Brighton.org for education and public information items
    - 2) appointments, communications with the Town Board, etc.
    - 3) set agendas
    - 4) minutes
  - B] DPW
    - 1) technical support of regulatory items (e.g., drafts of code changes)
    - 2) technical support for operational items
    - 3) We'll delay Comp. Plan Committee startup until the Sustainability Committee has settled down to a quarterly or longer meeting schedule, due to constraints on staff time. Probably 2010.
  - C] Other Departments
    - 1) technical support for operational items in their areas

- 3] Recruitment of members
  - A] can be concurrent with [1];
  - B] solicit Task Force members;
  - C] advertise
  
- 4] Selection of members
  - A] interviews by Town Board
  - B] Town Board appointments
  - C] note: some special, technical expertise will be needed
  
- 5] Convening the Committee
  - A] Supervisor or Town Board designate Chairperson
  - B] set meeting schedule (task force suggested monthly, initially)
  - C] adopt policies: open forum, attendance, etc.
  - D] Staff provide a charge/ mission statement
  - E] clarify relationships with the Comp Plan and with Green Brighton

## POLICY FOR SUSTAINABILITY OVERSIGHT BOARD

**§ \_\_\_-1. Legislative purpose and intent.**

The sustainability of Town operations and of the built environment within the Town of Brighton, in the face of increasing energy costs and of climate change, is found to be of increasing and vital importance to the health, welfare and economic well-being of present and future residents of the Town of Brighton. Establishment of a committee for the review of progress towards a sustainable community is a necessary step in fostering unified action on energy conservation, climate change and other issues of sustainability.

**§ \_\_\_-2. Creation of Board.**

The Town Board of the Town of Brighton hereby creates a board which shall be known as the "Brighton Sustainability Oversight Board," hereinafter called the "Board."

**§ \_\_\_-3. Membership.**

- A. The Board shall consist of seven (7) members who shall be appointed by the Town Board. Persons residing within the Town of Brighton who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as a member of the Board. The members shall be appointed for a two-year term. Vacancies on the Board shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of a term of office shall be filled only for the remainder of the unexpired term. **Good faith efforts shall be made to provide that at least one member shall be a professional with energy-related technical expertise, and that at least one member shall be a business owner residing in the Town**
- B. A member of the Town Board, and other officials as may hereafter be designated by the Supervisor shall be ex officio members of the Board. Ex officio members shall not be voting members. The Supervisor shall designate a member of the town staff as Secretary to the Board.

**§ \_\_\_-4. Officers, meetings, records and reports.**

The Town Board shall designate a member of the Board to act as Chair. The Board shall adopt rules and procedures for its meetings, establish bylaws and establish liaisons between other municipal boards and committees as appropriate. It shall keep adequate records of its meetings and activities and shall file an annual report with the Town Board.

**§ \_\_\_-5. Powers.**

The powers of the Board shall be **limited to**:

- A. Upon the request of the Town Board and/or Planning Board, advise those Boards on matters affecting the energy conservation efforts and climate change mitigation measures, both public and private, in the regulation, development, use and maintenance of the natural and built features and conditions of the Town of Brighton .
- B. Develop and, after receiving general approval by resolution of the Town Board, participate in programs of public information in the community which shall be designed to foster increased understanding of the nature of sustainability problems and issues and support for their solutions.

- C. In conjunction with town staff and/or through the use of consultants **engaged by the Town Board**, oversee studies, surveys and inventories of energy consumption and carbon dioxide discharges within the Town of Brighton and such other studies and surveys as may be necessary to carry out the general purposes of this chapter. This shall include the preparation and periodic update of a "climate action plan"
- D. Oversee the maintenance of an up-to-date inventory or index of all recommendations for action on sustainability issues, and of their status, so as to provide a base of information for other recommendations by the Board for further action.
- E. Receive from the Supervisor each year his/her proposed Capital Improvement Plan and, within sixty calendar days thereafter, submit a written report to the Supervisor and Town Board. Such report shall evaluate the proposed projects and acquisitions in terms of the sustainability objectives of the Town, and shall make recommendations as to sustainable alternatives to be considered in the design and operation
- F. Receive, review and comment upon drafts of the 2010 Comprehensive Plan Update.
- G. Seek to coordinate, assist and unify the efforts of private groups, institutions and individuals within the Town of Brighton in accordance with the purposes of this chapter.
- H. Maintain liaison and communications with public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Board.
- I. Carry out such other duties as may be assigned from time to time by the Town Board.

#### **§ \_\_\_-6. Reports.**

The Board shall prepare and submit an annual report to the Town Board, written for review during April of each year, concerning the activities and work of the Board and, from time to time, shall submit such reports and recommendations as may be necessary to fulfill the purposes of this chapter.

#### **§ \_\_\_-7. Compensation and expenses.**

The members of the Board, including ex officio members, shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available therefor.

#### **§ \_\_\_-8. Construal of provisions.**

This chapter shall be deemed an exercise of the powers of the Town of Brighton to preserve and improve the quality of the natural and built environment on behalf of the present and future inhabitants thereof. This chapter is not intended and shall not be deemed to impair the powers of any other public corporation.

#### **§ \_\_\_-9. Word usage; definitions.**

- A. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word

"shall" is mandatory and not merely directory.

- B. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

SUSTAINABILITY - *define*

CODE — The Code of the Town of Brighton, as adopted by the Town Council.

COMMISSIONER OF PUBLIC WORKS — The Commissioner of Public Works of the Town of Brighton, or his authorized representative.

CONSERVATION BOARD — The Conservation Board of the Town of Brighton, established pursuant to Chapter 223 of the Code.

My documents\green brighton\sustainability.

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 22<sup>nd</sup> day of April 2009.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 14, 2009 from Thomas A. Low, Commissioner of Public Works, concerning the acquisition of land located on Grosvenor Road at the corner of Kimberly Drive, tax account #137.07-4-1, from Monroe County, together with correspondence dated April 13, 2009, from Timothy P. Murphy, Director of Real Property Services for Monroe County and a proposed Purchase Offer attached thereto, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the purchase of the land located at the intersection of Kimberly Drive and Grosvenor Road, tax account #137.07-4-1 from Monroe County, and the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Monroe County, under which the Town would purchase such Park, for a price of \$170, plus closing costs estimated at \$271.

Dated: April 22, 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

April 14, 2009

Honorable Town Board  
Town of Brighton  
2300 Elmwood Ave.  
Rochester, N.Y. 14618

Re: Land Acquisition from Monroe County  
Grosvenor Rd., #137.07-4-1

Honorable Supervisor and Members of the Board:

I recommend that the Supervisor be authorized to submit a purchase offer for, and to execute documents necessary for the closing on, the referenced property. This property is located at the "y" between Kimberly and Grosvenor, has been maintained by the Town as a pocket park, but is owned by the County.

The cost to the Town would be \$170 for the land itself, plus \$271 in closing costs and fees. This cost was not budgeted, but can be accommodated within the Highway "park" account (A.HWY.7110.400s).

Sincerely,

Thomas A. Low  
Commissioner of Public Works



**Real Property Services**  
Monroe County, New York

**Maggie Brooks**  
*County Executive*

**Timothy P. Murphy**  
*Director*

April 13, 2009

Thomas A. Low  
Commissioner of Public Works  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

Re: Grosvenor Road  
137.07-4-1

Dear Mr. Low,

Enclosed is the purchase offer for this parcel. The purchase price is the amount of Town taxes guaranteed by the County. Please have Supervisor Frankel sign and notarize in the appropriate places and return the offer to me so that we may bring this matter in front of the Legislature next month. Also, please send the approval from the Town Board to acquire the property.

Thank you for your efforts in making this transfer a reality. Please feel free to call me at 753-1233 if you have any questions.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy P. Murphy".

Timothy P. Murphy

xc: file

Buyer's Attorney \_\_\_\_\_

**PURCHASE OFFER  
(UNIMPROVED LAND)**

The Town of Brighton (the "Buyer") with offices at 2300 Elmwood Avenue, Rochester, NY 14618, hereby offers to purchase from **MONROE COUNTY** with offices at 39 West Main Street, Rochester, New York 14614, (the "County") certain property in the Town of Brighton, County of Monroe, State of New York, having an address of Grosvenor Road and Tax Map No. 137.07-4-1, containing 0.18 acres, more or less, of unimproved land, (the "Property"), under the following terms and conditions:

1. **PRICE** - The purchase price shall be **One Hundred Seventy Dollars (\$170.00)** (the "Purchase Price"), and shall be paid by certified check or bank draft made payable to the Monroe County Director of Finance at closing.
2. **TRANSFER TAX** - Any and all documentary stamps and/or transfer taxes required by law to be affixed to the deed conveying the real estate herein sold must be paid by the Buyer.
3. **MARKETABILITY OF TITLE** - If Buyer shall raise valid written objection to County's title or to any matter which renders the title to the Property uninsurable, and if County is unable to cure such objection prior to closing, Buyer may cancel this contract without liability of either party to the other and Buyer's deposit will be returned.
4. **BUYER REPRESENTATION** - Buyer represents and warrants that he/she makes this offer in his/her own behalf and shall not make any assignment, transfer or pledge of this contract, or any part thereof, without first obtaining the written consent of the County. This representation and warranty shall survive closing.
5. **CLOSING** - Closing shall take place at the Monroe County Clerk's Office on or before 60 days after County Legislature approval. Time is of the essence for closing. If Buyer fails to close within such time, County may require Buyer to pay interest on the Purchase Price at the rate of 8% per annum plus an in lieu of tax payment for County taxes equivalent to what would have been levied under Section 520 of the Real Property Tax Law had closing occurred at such time, or the County may elect to cancel the same, and ten (10) days after mailing written notice of cancellation to the Buyer at his/her last known address, or personal delivery of such notice, in which case the unfilled portions of this contract shall become null and void and of no effect, and the County will not be obligated to convey nor will Buyer be entitled to compel conveyance of the Property, and the County shall retain as liquidated damages all the monies paid thereunder as deposit, part payment of the Purchase Price, or otherwise, and neither party will have further liability to the other.

6. **TITLE DOCUMENTS** - Prior to closing, County will furnish Buyer an Abstract of Title on the Property. Buyer shall be responsible for the cost of the abstract. County shall convey title by a quit claim deed. County shall not provide or pay for a map, survey, title report or title insurance.

**OPTION:** I/We hereby waive the above provision to receive an Abstract and Title Report as part of this transaction.

Please initial \_\_\_\_\_ .

7. **RESTRICTIONS** - Conveyance of the Property shall be subject to pole and wire easements and restrictions running with the land common to the tract or subdivision, and all other easements and restrictions of record, if any, subject to the continued occupation, maintenance, repair and replacement of all existing utilities recorded or unrecorded and subject to all local building, zoning and planning restrictions.

8. **TAXES AND OTHER CHARGES:**

A. Buyer agrees to pay and to take the Property subject to all taxes or special assessments becoming liens after the date of acceptance of this offer regardless of the date of closing. Any special assessments or taxes levied on the Property for the current tax year shall be adjusted between Buyer and County as of the date of closing or the sixtieth (60th) day after Monroe County Legislative approval, whichever occurs first.

B. Buyer recognizes and acknowledges that it is the County's policy not to sell real property to anyone who owns real property on which there are outstanding County taxes. Buyer represents and warrants, and understands that County will rely on such representation and warranty in proceeding with this offer, that neither he/she, nor any entity of which he/she is the principal, owns any property on which there are outstanding County taxes, or if he/she does, all such taxes shall be paid in full together with any outstanding penalties, interest and other charges, by **May 29, 2009**. If any such taxes are not paid by such date, County may at any time thereafter cancel this transaction and retain Buyer's deposit as liquidated damages, regardless of whether the offer has yet been submitted to and/or accepted by the County Legislature.

9. **CLOSING COSTS AND EXPENSES:** Buyer shall be responsible for the following costs and expenses:

Abstract of Title in the approximate amount of	\$ 450.00	each (optional)
Title Report approximately	100.00	each (optional)
NYS Revenue Stamps (Transfer Taxes) calculated at		

the rate of \$2.00 per \$500.00 of the purchase price	2.00
Record Deed in the approximate amount of	39.00
File NYS Transfer Gains Tax Affidavit in the amount of	5.00
File NYS Board of Equalization and Assessment Form in the amount of	225.00
(if other, list, ie., survey)	N/A
Real Property Taxes shall be adjusted as of the first day after the date the Legislature approves the sale of this property.	

10. **CONDITION OF PROPERTY** - *The Buyer understands and agrees that the property is being sold "as is". The County makes no warranties, expressed or implied, as to the physical, sub-soil or environmental conditions of said property. The Buyer agrees that the County shall bear no liability for any physical, sub-soil or environmental conditions nor shall said conditions be grounds for non-performance by the Buyer.*
11. **ATTORNEY REPRESENTATION** - If the Buyer decides not to have an attorney represent him, he/she acknowledges that the County's attorney cannot render legal advice to Buyer, nor is he/she under a legal obligation to disclose matters which are a matter of record which the Buyer may ascertain himself.
12. **NO WAIVER** - In the event that the terms and conditions of this Agreement are not strictly enforced by the County, such non-enforcement shall not act as, or be deemed to act as, a waiver or modification of this Agreement, nor shall non-enforcement prevent the County from enforcing each and every term of this Agreement thereafter.
13. **SEVERABILITY** - If any provision of this Agreement is invalid, the remainder of the Agreement shall not be affected thereby, if such remainder would then continue to conform to the laws of the State of New York.
14. **LIFE OF OFFER** - It is understood and agreed that this offer must be accepted by resolution of the Monroe County Legislature by **August 11, 2009**. Upon adoption of such resolution by the County Legislature, this offer shall become a binding agreement between Buyer and County. If such resolution is not adopted by the County Legislature within such time, this offer shall become null and void.



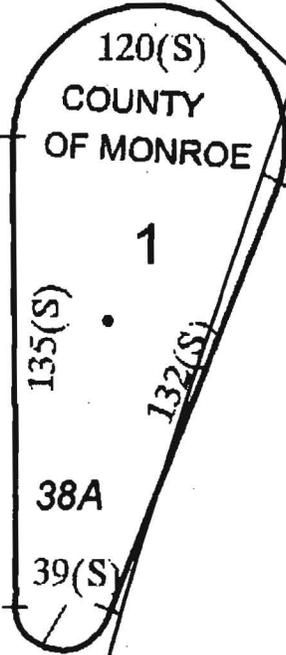
137.07-4-1

**KIMBERLY DRIVE**

**ROAD**

1	166.66	70
2		70
3		70
4		70
5		70
6		104
7	166.66	86
8		70

RESUB. 110-25



120(S)  
COUNTY  
OF MONROE

1

135(S)

132(S)

38A

39(S)

102.77

94.63

7.37

159.39

7

8

102

102

160

105

102

105

70

79

102

R-63

R-64

R-78

R-6

5

6

140

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 22<sup>nd</sup> day of April 2009.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 8, 2009 from Thomas A. Low, Commissioner of Public Works, together with the New York State Department of Environmental Conservation Climate Smart Communities Model Climate Smart Community Pledge, attached thereto, be received and filed.

Dated: April 22, 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	_____



## Climate Smart Communities

The Climate Smart Communities program is a state and local partnership to encourage climate protection. State agencies collaborating to the program include the New York State Department of Environmental Conservation, the New York State Energy Research and Development Authority, the New York State Department of State and the New York State Public Service Commission. The Climate Smart Communities Pledge includes all the elements of a successful local climate program. Communities can adopt the Pledge as it appears here or add their own legislative findings or Pledge elements.

### Model Climate Smart Community Pledge

*Council member \_\_\_\_\_ moved and Council member \_\_\_\_\_ seconded that:*

*WHEREAS, the Town/Village/City of \_\_\_\_\_ (hereinafter "local government") believes that climate change poses a real and increasing threat to our local and global environments which is primarily due to the burning of fossil fuels; and*

*WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and*

*WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and*

*WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and*

*WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,*

*IT IS HEREBY RESOLVED that Town/Village/City of \_\_\_\_\_, in order to reduce greenhouse gas emissions and adapt to a changing climate will*

#### **1. Pledge to Combat Climate Change by Becoming a Climate Smart Community**

Set goals to reduce GHG emissions and adapt to predicted climatic changes. Establish a task force of local officials and community members to review the issues and propose a plan of action. Designate a point person who will oversee climate change initiatives and publicly report on progress. Work cooperatively with similar task forces in neighboring communities to ensure

that efforts complement and reinforce one another. As an official signal of commitment and for access to technical resources, sign on to a widespread climate campaign such as ICLEI Local Governments for Sustainability - Climate Protection campaign.

## **2. Set Goals, Inventory Emissions, Move to Action**

Gather data, inventory GHG gas emissions, and establish baselines for local government operations and community sectors. Develop quantifiable interim GHG emission targets consistent with emission reduction goals and propose a schedule and financing strategy to meet them. Encourage stakeholder and public input and develop an action plan. Report emissions to The Climate Registry (TCR), which has developed a standardized method for reporting emissions inventories; use ICLEI and TCR's tools to track and evaluate progress.

## **3. Decrease Energy Demand for Local Government Operations**

Adopt a goal of reducing electricity use by 15 percent from projected levels no later than 2015.

- A. **Existing Public Facilities.** Inventory current building electricity usage and identify opportunities for conservation and efficiency retrofits. Obtain energy assessments from the New York State Energy Research and Development Authority (NYSERDA), the New York Power Authority, the Long Island Power Authority or other professionals. Consider actions such as purchasing energy efficient equipment and appliances, such as ENERGY STAR®; improving lighting, heating, and cooling efficiency; setting thermostats for maximum energy conservation; decreasing plug load from office equipment; and increasing pump efficiency in water and wastewater systems.
- B. **New Public Buildings.** Achieve at least minimum U.S. Green Building Council Leadership in Energy and Environmental Design standards (LEED Silver) for all new local government buildings.
- C. **Infrastructure.** Incorporate energy efficient technologies and operations and maintenance practices into municipal street lighting, traffic signals, and water and wastewater treatment facilities.
- D. **Vehicle Fleet and Commuting.** Improve the average fuel efficiency of local government fleet vehicles. Discourage vehicle idling and encourage bicycling, car-pooling and public transit for employees. Consider reducing the number of vehicles; converting fleet vehicles to sustainable alternative fuels; and using electric vehicles where possible.

## **4. Encourage Renewable Energy for Local Government Operations**

Supply as much of the local government's power, heat and hot water needs as possible from

solar, wind, and small hydro through purchase or direct generation.

### **5. Realize Benefits of Recycling and Other Climate Smart Solid Waste Management Practices**

Expand the "reduce, reuse and recycle" approach to waste management in local government operations and in the whole community. Reduce the amount of solid waste generated -- promote backyard composting, implement volume-based pricing and educate residents on how to prevent waste. Promote reuse by organizing community-wide yard sales, and providing a space for drop-off or trade of reusable goods. Provide recycling receptacles in local government buildings and outdoor spaces, require duplex printing in government offices, compost food scraps and green waste, and adopt a comprehensive green purchasing program.

### **6. Promote Climate Protection through Community Land Use Planning**

Combat climate change by encouraging low-emissions development that is resilient to climatic changes. When updating land use policies, building codes or community plans, include provisions to combat climate change; reduce sprawl; preserve and protect open space, biodiversity, and water supplies; promote compact, transit-oriented, bikeable and walkable communities; promote infill development; minimize new development in floodplains; maintain or establish healthy community forests; and promote best forest management practices and encourage tree planting, especially along waterways, to increase shading and to absorb carbon dioxide.

### **7. Plan for Adaptation to Unavoidable Climate Change**

Evaluate risks from unavoidable climate change, set adaptation goals and plan for adaptation. Identify climate change impacts (such as flooding, drought, and extreme temperatures) that could affect the community. Identify areas such as water supply and sewer infrastructure that may be at risk due to sea-level rise and future changes in climate. Factor risks into long-term investments and decision-making. Execute climate change adaptation and preparedness measures through local government planning, development and operations, giving priority to the highest risk areas.

### **8. Support a Green Innovation Economy**

Identify opportunities to incorporate climate protection, sustainability and environmental goods and service industries into economic development plans. Encourage workforce development training and school curricula that support the emerging green collar job sector, including renewable energy and energy efficiency, as well as climate smart solid waste management

practices. Procure climate smart goods and services for local government operations and support modernizing of local and national electricity grids.

### **9. Inform and Inspire the Public**

Lead by example. Highlight local government commitment to reducing energy use, saving tax dollars, and adapting to changing conditions. Demonstrate the benefits of energy savings, energy efficiency, and renewable energy projects by hosting open houses; distributing fliers; holding local meetings; working with school districts, colleges, and universities to develop climate change curricula and programs; engaging faith-based communities in climate protection; and regularly communicating community climate protection goals and progress to constituents.

### **10. Commit to an Evolving Process**

Acknowledge that research and policy on climate protection are constantly improving and evolving. Be willing to consider new ideas and commit to update plans and policies as needed. Compare successes, cooperate and collaborate with neighboring communities to redirect less-effective actions and amplify positive results.

## **More about Climate Smart Communities:**

A Guide for Local Officials: Climate Smart Communities - First steps to becoming a climate smart community

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 22<sup>nd</sup> day of April 2009.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated April 7, 2009 from Susan Kramarsky, Town Clerk and Receiver of Taxes, concerning an agreement with Applied Business Systems for printing and mailing tax bills, be received and filed; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Applied Business Systems, for printing and mailing tax bills and receipts to escrow payors, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: April 22, 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 22<sup>nd</sup> day of April 2009.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 13, 2009 from Thomas A. Low, Commissioner of Public Works and Laraine Albers, concerning budget transfers from the Building Repair Reserve Account, for energy conservation measures at Town Hall, repair, resurfacing and restriping of the Town Hall Parking Lot and replacement of the Town steps and doors of Town Hall, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby sets a public hearing pursuant to Section 6-d of the General Municipal Law, to consider authorization of a budget transfer for the expenditure of \$143,000 from the Building Repair Reserve Account A.889.REPAR, to account A.SSVCS.3010.263 and \$80,000 from the Building Repair Reserve Account A.889.REPAR, to account A.SSVCS.1620.260, with any unused monies to be returned to the Building Repair Reserve following the conclusion of the projects, which hearing shall be held on May 13, 2009 at 7:30 pm at Brighton Town Hall, 2300 Elmwood Avenue, in the Town, at which time all persons having an interest in such matter may be heard therein; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to publish and post notice of such public hearing pursuant to Section 6-d of the General Municipal Law.

Dated: April 22, 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 22<sup>nd</sup> day of April, 2009.

**PRESENT:**

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

**WHEREAS**, the Town Board desires to set a public hearing to consider a proposed local law to make certain technical amendments to the Town Code, specifically to Section 207-14.4 thereof; it is therefore

**RESOLVED**, that a memorandum dated April 7, 2009 from Paul White, concerning proposed technical amendments to the Town Code, be received and filed, together with the text of the proposed amendments attached thereto; and be it further

**RESOLVED**, that pursuant to Article III of the Municipal Home Rule Law of the State of New York, a public hearing on a proposed Local Law of 2009 entitled "2009 Technical Code Amendments Local Law" in the form presented to this meeting, be held by the Town Board of the Town of Brighton on the 13th day of May, 2009 at 7:30 p.m. o'clock prevailing time at Brighton Town Hall, 2300 Elmwood Avenue, in said Town, to consider the proposed Local Law and to hear all persons having an interest therein, and to take such action with respect thereto as may be proper; and be it further

**RESOLVED**, that notice of the time and place of such public hearing, describing the purpose of said Local Law, be published and posted by the Town Clerk, as required by law.

Dated: April 22, 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  
Interoffice Memo

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To: Susan Kramarsky  
From: Paul White  
CC: Tom Low  
Date: 4/7/09  
Subject: Code Amendment Proofs

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Susan,

I've finished proofing the 2008 Second Technical Amendments Local Law prior to sending to GCP. I noticed the following two issues.

1. There is a mistake in Amendment XIII regarding emergency generators. The proof copy reads:

**§ 207-14.4. Emergency standby generators. [Added 11-25-2008 by L.L. No. 6-2008]**

Emergency standby electrical power generators meeting the following conditions shall require only a building permit:  
Off-street parking spaces, open or enclosed, shall be provided for any use as specified herein, within the use regulations for each.

This should have read:

**§207-14.4. Emergency standby generators.**

**A. Emergency standby electrical power generators meeting the following conditions shall require only a building permit:**

- 1. The generator shall be located in a rear yard behind the principal building, not extending past the side of the building,**
- 2. The generator shall not be located closer than 10 feet to any lot line;**
- 3. The placement of the generator shall not interfere with the safe passage of pedestrians or vehicles;**
- 4. The generator shall be used only during electrical power outages and as required by the manufacturer for maintenance purposes;**
- 5. Maintenance operation of the generator shall take place only during daylight hours;**
- 6. The generator shall only operate on LP or natural gas;**

- 7. Documentation of the noise level of the generator per manufacturer's specifications at seven meters (23 feet) from the unit shall be presented with the application for a building permit and shall not exceed 72 decibels.**

**B. Emergency standby generators not in compliance with the requirements above shall require approval by the Planning Board prior to application for a building permit.**

At Tom's suggestion I checked with Lorraine to see if there was an updated/corrected version, but there isn't. Apparently this section will have to be re-adopted and should not be published at this time.

2. Amendments IX and XI were intended to consolidate some existing parking language in §205-13 into §205-14 and to mark §205-13 as "reserved". GCP's proof reversed this and incorporated the language into §205-13 and marked §205-14 as reserved. The language is correct, but the problem is that §205-14 is referred to elsewhere in the code, so should remain. Can you ask them to change this so it stays as as presented to them?

Rick Cortina is still in the process of reviewing the Flood Damage Amendments.

LOCAL LAW OF 2009

2009 TECHNICAL CODE AMENDMENTS LOCAL LAW

TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK STATE

Section 1. Title

This Local Law shall be known as the 2009 Technical Code Amendments Local Law, Town of Brighton, Monroe County, New York State.

Section 2. Purpose and Intent

It is the purpose and intent of this Local Law to amend Section 207-14.4 of the Town Code to make certain technical changes thereto relating to the installation and use of emergency standby generators. All references herein to Sections shall be deemed to refer to Sections of the Brighton Town Code.

Section 3. Amendments

I. Section 207-14.4 is hereby added to read in its entirety as follows:

§207-14.4 **Emergency standby generators.**

A. Emergency standby electrical power generators meeting all of the following conditions shall require only a building permit:

1. The generator shall be located in a rear yard behind the principal building, not extending past the side of the building;
2. The generator shall not be located closer than 10 feet to any lot line;
3. The placement of the generator shall not interfere with the safe passage of pedestrians or vehicles;
4. The generator shall be used only during electrical power outages and as required by the manufacturer for maintenance purposes;
5. Maintenance operation of the generator shall take place only during daylight hours;
6. The generator shall only operate on LP or natural gas; and
7. Documentation of the noise level of the generator per manufacturer's specifications at seven meters (23

feet) from the unit shall be presented with the application for a building permit and shall not exceed 72 decibels.

B. Emergency standby generators not in compliance with the requirements set forth above shall require approval by the Planning Board prior to application for a building permit.

#### Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

#### Section 5. Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.