

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

February 11, 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 Ray Tierney seconded by Councilmember Sheila Gaddis that the Town Board go into Executive Session at 6:30 PM to discuss the appointment of a particular person.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to come out of Executive Session at 6:57 PM.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

RECOGNITIONS/PRESENTATIONS:

*Presidents' Day Proclamation
Black History Month Proclamation
Susan B. Anthony Day Proclamation*

OPEN FORUM:

1. Al Antonez
2. Jan Smith
3. Michael Baden
4. Bruce Bellwood

APPROVAL OF AGENDA:

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to approve the agenda with the addition of correspondence from Al Antonez.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

BIDS:

MATTER RE: Authorize bid award and Supervisor to execute contract with Penny Lane Printing for printing of Town newsletter in 2009 at \$4,952.21 for 44-page publication, \$4,309.96 for 36-page publication and \$518.96 for any additional 4-page insert (see Resolution #1; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated February 2, 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. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize bid award to Realtime for stenography services for Town Board public hearings and zoning board meetings (see Resolution #2; memorandum from Susan Kramarsky, Town Clerk, and Rick DiStefano, Secretary, Zoning Board of Appeals, dated January 28, 2009).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated January 29, 2009 to Genesee Transportation Council (GTC) regarding the draft 2009 Economic Stimulus Project List for the GTC Transportation Improvement Program Area

FROM Carmella R. Mantello, Director New York State Canal Corporation, Robin Dropkin, Executive Director, Parks & Trails New York and Matthew J. Millea, Acting President, New York State Environmental Facilities Corporation, dated January 16, 2009, regarding the 4th Annual Canal Clean Sweep on April 18 and 19

FROM Monroe County Executive Maggie Brooks, dated January 13, 2009 regarding Lead Agency for the Daystar Project on Lac De Ville Boulevard

FROM Robert S. Wrona, Real Estate Specialist II, State of New York Department of Transportation, dated January 30, 2009 regarding property at 136 Idlewood Road

FROM Robert S. Wrona, Real Estate Specialist II, State of New York Department of Transportation, dated January 30, 2009 regarding property at 1650 Winton Road South

FROM Renee Casler, Planner II, Monroe County Department of Planning and Development, dated February 3, 2009, regarding amendments to Chapters 201, 203 and 215 of Town Comp. Dev. Regs.

FROM Terrence G. Slaybaugh, Senior Vice President, Anthony J. Costello & Son Development, dated January 29, 2009 enclosing a correction page for The Reserve Project FEIS

FROM Jeffrey Levinson and Wendy Howitt, dated December 19, 2008, and Supervisor Frankel's response, regarding a proposed multi-use trail

FROM Marjorie Alaimo, dated January 28, 2009, requesting that another date be set to recognize the retirement of Brighton's K-9 Arik as the weather was so bad when it was held on January 28th

FROM Garry and Debbie Vernon, dated February 2, 2009, commenting on a proposal to turn Trevor Hall into office space for the American Cancer society and hotel accommodations for 30 guests

FROM Scott M. Adair, Chief Financial Officer, Monroe County Department of Finance, dated February 6, 2009, regarding Monroe County sales tax distribution for fourth quarter 2008

FROM Linda A. Faubel, Acting Chair, Monroe County Planning Board, dated February 3, 2009 listing dates of information meetings being held on the County's proposed Capital Improvement Program for 2010-2015

FROM Justice Karen Morris and Justice John A. Falk, dated January 22, 2009, submitting the Brighton Town Court Annual Report of Activity for 2008

FROM Burch Craig, dated February 9, 2009, expressing opposition to the proposed development plans at Colgate Rochester Divinity School

FROM Anthony J. Costello, Chairman and CEO, Anthony J. Costello & Son Development, dated February 5, 2009, to Congressman Eric Massa regarding 2009/10 federal funding for the Senator Keating Boulevard project

FROM Scott A. Leathersich, Senior Physical Services Planner, Monroe County Department of Transportation, dated January 28, 2009, regarding Westfall Road Improvements Phase III

FROM Al Antonez Palmerston Road to President Barak Obama dated February 11, 2009.

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 No report given. Next meeting February 12, 2009.
Finance and Administrative Services No report given. Next meeting February 18, 2009.
Public Safety Services - Report given for February 10, 2009. Next meeting March 10, 2009.
Public Works Services - Report given for February 2, 2009. Next meeting February 19, 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. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize settlement of real property tax certiorari lawsuits for properties at 2365 South Clinton, 1875 Elmwood Avenue and 2253 South Clinton Avenue (see Resolution #14; letter from Thomas A. Fink, Esq., dated January 16, 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. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Edith E. Forbes for transcription services to the court during 2009 at \$72. for appearance (first two hours) and \$36. each additional hour (see Resolution #3; letter from Dianne W. Burdett, Administrative Court Clerk, dated January 29, 2009, with attachment).

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. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize budget amendment of \$1,550. from "Proceeds of Forfeited Property" to Law Enforcement Equipment for purchase of replacement cases for automatic external defibrillators (see Resolution #4; letter form Thomas M. Voelkl, Chief of Police, dated February 2, 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. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize 2008 \$35,000. fund equity transfer to the Sewer Equipment Capital Reserve (see Resolution #5; memorandum from Paula A. Parker, Director of Finance, dated February 2, 2009).

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize 2008 \$445,000. fund equity transfer to Building Repair Capital Reserve Fund (see Resolution #6; memorandum from Paula A. Parker, Director of Finance, dated February 2, 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. 8 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize 2008 \$105,250. fund equity transfer to the Workers' Compensation Reserve Fund (see Resolution #7; memorandum from Paula A. Parker, Director of Finance, dated February 2, 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. 9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED\

MATTER RE: Authorize 2008 \$100,000.fund equity transfer to the Other Post Employment Benefit "Set-Aside" Reserve (see Resolution #8; memorandum from Paula A. Parker, Director of Finance, dated February 2, 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. 10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute Amendatory All Seasons Work Agreement with Monroe County under which the Town will continue to provide roadside mowing and dead animal pickup for one additional year with estimated revenue of \$9,695. (see Resolution #10; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated January 30, 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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute Amendatory Snow and Ice Control Agreement with New York State Department of Transportation under which the Town will continue to provide snow and ice control services on certain State highways through June 30, 2011 for 2008-09 rate indexed lump sum of \$4,372.1838 per lane mile for 40.07 lane miles for estimated payment of \$175,193.41 (see Resolution #11; letter from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated January 30, 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. 12 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize application to Monroe County for Community Development Block Grant program funding to construct sidewalks on South Clinton Avenue from Woodsmeadow to Town Line Road (see Resolution #12; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated February 2, 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: Set March 11, 2009 public hearing for proposed removal of 39" box elder at 232 Dorking Road; 45" silver maple at 77 Kimbark Road; 47" silver maple at 70 Kimbark Road; 32" red maple at 212 Richs Dugway; and 34" black locust at 240 Windemere Road (see Resolution #13; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated January 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. 14 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize year-end transfers and amendments to address object-level negative balances in the 2008 Town, Special District and Capital Budgets (see Resolution #9; memorandum from Paula A. Parker, Director of Finance, dated February 2, 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: Appointment of Michael Tulio to Parks and Recreation Board.

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to appoint Michael Tulio to the Parks and Recreation Board.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Westfall Road III Improvements

MATTER RE: Bicycle Task Force

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION:

Motion by Councilmember James Vogel Seconded by Councilmember Sheila Gaddis to go into Executive Session at 9:35 PM to discuss matters of employment of particular persons, real estate and litigation regarding Police Department and County of Monroe Industrial Development Agency.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Contract with National ID Recovery LLC (see Resolution and memorandum from William W. Moehle).

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

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros that the Town Board come out of Executive Session at 10:25 PM.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE Memorandum of Agreement with CSEA regarding 10 hour workday (see Resolution #16; memorandum from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated February 3, 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. 17 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney that the town Board adjourn at 10:35 PM.

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 held on the 11th of February 2009 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 11th day of February 2009.

PRESENT:

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

RESOLVED, that correspondence dated February 2, 2009 from Jerry LaVigne, Director of Parks and Recreation, concerning the award of a contract for the printing of the Town Newsletter, together with an attachment thereto, be received and filed; and be it further

RESOLVED, that the contract for printing the Town Newsletter in 2009 be awarded to Penny Lane Printing, upon the terms set forth in the above-referenced correspondence and attachment thereto, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: February 11, 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 11th day of February 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated January 28, 2009 from Susan Kramarksy, Town Clerk, and Rick DiStefano, Secretary, Zoning Board of Appeals, concerning stenography service to Town Board public hearings and Zoning Board meetings, 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 Realtime Reporting upon the terms and conditions set forth in the attachment to the above-referenced correspondence, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: February 11, 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 11th day of February 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

RESOLVED, that correspondence dated February 2, 2009 from Thomas A. Fink, Esq. concerning the settlement of three real property tax certiorari lawsuits involving properties located at 2365 South Clinton Avenue, 1875 Elmwood Avenue and 2253 South Clinton Avenue, together with attachments thereto, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the settlement of the real property tax certiorari lawsuits involving properties located at 2365 South Clinton Avenue, 1875 Elmwood Avenue, and 2253 South Clinton Avenue in the Town, upon the terms and conditions set forth in the above referenced correspondence; and be it further

RESOLVED, that the Supervisor and/or counsel to the Town in these matters is hereby authorized to execute and deliver such documents and agreements as may be necessary, in the opinion of counsel, in connection with such settlements.

Dated: February 11, 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 11th day of February 2009.

PRESENT:

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

RESOLVED, that correspondence dated January 29, 2009 from Dianne Burdett, Administration Court Clerk, Justice Court, Town of Brighton, concerning backup transcription services in the Town Justice Court, 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 Edith E. Forbes for transcription services in the Town Court, in the form attached to the above-referenced correspondence.

Dated: February 11, 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 11th day of February 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 2, 2009 from Thomas M. Voelkl, Chief of Police, concerning a budget transfer to provide appropriations for the purchase of replacement cases for Police Department automatic external defibrillators, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the budget transfer proposed in the above-reference correspondence for the purchase of cases for Police Department automatic external defibrillators.

Dated: February 11, 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 11th day of February 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

RESOLVED, that a memorandum dated February 2, 2009 from Paula A. Parker, Director of Finance, concerning a 2008 contribution to the Sewer Equipment Reserve Fund, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the fund equity transfer to contribute \$35,000 to the Sewer Equipment Capital Reserve (Account SS.878.EQSWR) all as more fully set forth in the above-referenced memorandum.

Dated: February 11, 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 11th day of February 2009.

PRESENT:

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

RESOLVED, that a memorandum dated February 2, 2009 from Paula A. Parker, Director of Finance, concerning a 2008 contribution to the Building Repair Capital Reserve Fund, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the fund equity transfer to contribute \$445,000 to the Building Repair Capital Reserve Fund (A.878.REPAR) all as more fully set forth in the above-referenced memorandum.

Dated: February 11, 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 11th day of February 2009.

PRESENT:

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

RESOLVED, that a memorandum dated February 2, 2009 from Paula A. Parker, Director of Finance, concerning a 2008 contribution to the Worker's Compensation Reserve Fund, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the fund equity transfer to contribute \$105,250 to the Worker's Compensation Reserve Fund (Account A.814) all as more fully set forth in the above-referenced memorandum.

Dated: February 11, 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 11th day of February 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

RESOLVED, that a memorandum dated February 2, 2009 from Paula A. Parker, Director of Finance, concerning a 2008 contribution to the Other Post Employment Benefit "Set-Aside" Reserve Fund, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the fund equity transfer to contribute \$100,000 to the Other Post Employment Benefit "Set-Aside" Reserve Fund (A.909.OPEB) all as more fully set forth in the above-referenced memorandum.

Dated: February 11, 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 11th day of February 2009.

PRESENT:

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

RESOLVED, that correspondence dated January 30, 2009 from Thomas A. Low, Commissioner of Public Works, concerning the authorization of an Amendatory Agreement for all seasons highway work for Monroe County, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and the Monroe County Department of Transportation under which the Town will provide roadside mowing and dead animal pickup upon the terms set forth in the proposed agreement attached to the above correspondence and perform other work on a "time and materials" basis, which agreement shall be in form as may be approved by the Attorney for the Town.

Dated: February 11, 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 11th day of February 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated January 30, 2009 from Thomas A. Low, Commissioner of Public Works, concerning authorization of an Amendatory Agreement for Snow and Ice Control with the New York State Department of Transportation, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and the New York State Department of Transportation for Snow and Ice Control Services on certain State highways in the Town through June 30, 2011, upon the terms and conditions set forth in the above-referenced correspondence and the attachment thereto.

Dated: February 11, 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 11th day of February 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

RESOLVED, that correspondence dated February 2, 2009 from Thomas A. Low, Commissioner of Public Works, concerning the authorization of an application for a Community Development Block Grant for sidewalks on South Clinton Avenue, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to apply to Monroe County for a grant under the Community Development Block Grant Program for the construction of sidewalks on South Clinton Avenue from approximately Woodsmeadow Lane to Brighton Henrietta Town Line Road.

Dated: February 11, 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 11th day of February, 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

WHEREAS, the Commissioner of Public Works has recommended that five significant Town trees, each of which poses a threat to persons and property, be removed, which recommendation is subject to public hearing; it is therefore

RESOLVED, that correspondence dated January 28, 2009 from Thomas A. Low, Commissioner of Public Works, together with attachments thereto, concerning proposed tree removals, be received and filed; and be it further

RESOLVED, that the Town Board hereby sets a public hearing to hear all persons for or against the removal of the following significant Town trees because they pose a hazard to persons and property, namely

39" Box Elder tree located at 232 Dorking Road

45" Silver Maple located at 77 Kimbark Road

47" Silver Maple located at 70 Kimbark Road

32" Red Maple located at 212 Richs Dugway

34" Black Locust located at 240 Windemere Road

to be held on March 11, 2009 at 7:30 p.m. at Brighton Town Hall, 2300 Elmwood Avenue in the Town; and be it further

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 11th day of February 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

RESOLVED, that a memorandum dated February 2, 2009 from Paula A. Parker, Director of Finance, concerning year-end transfers and amendments to address object-level negative balances in the 2008 Town, Special District and Capital Budgets, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Town Board hereby approves the recording of needed budget amendments and transfers to resolve any year-end transfers and amendments to address object-level negative balances in the 2008 Town, Special District and Capital Budgets to address the proper classification of expenditures, either actual or estimated, any appropriation shortfalls resulting from actual operations and any unanticipated expenditures not provided by the budget, all as set forth in the above-referenced memorandum and the attachment thereto.

Dated: February 11, 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 11th day of February 2009.

PRESENT:

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

RESOLVED, that a memorandum dated February 11, 2009 from William W. Moehle, Esq., Attorney for the Town, concerning a contract with National ID Recovery LLC, for services in connection with certain lost files and remediation services, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute and deliver an Agreement by and between the Town and National ID Recovery LLC for remediation services in connection with certain lost files, upon terms and conditions as may be approved by the Attorney for the Town; and be it further

RESOLVED, that the Town Board hereby grants a waiver from the Town's usual procurement policies for professional services, including but not limited to seeking at least three quotations, based on the need to act promptly in addressing this matter and the due diligence that has been done concerning this vendor.

Dated: February 11, 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	_____

FROM: William Moehle, Town Attorney
TO: Town Board
DATE: February 11, 2009
RE: Lost Confidential Files and Remediation Plan

Background

During the week of December 15, 2008, two boxes of confidential employee Workers' Compensation files were inadvertently placed into the Town recycle container in the rear of the building. The files in question contained employee names, addresses, social security numbers and dates of birth. To the best of our information and knowledge, approximately 165 individual files of current and former employees were lost.

Shortly thereafter, the recycle container presumably containing the two boxes was emptied and were picked up by Waste Management, and were entered into the standard paper re-cycle stream. The Town became aware of the loss on or about January 14, 2009. In a review with the Waste Management Account Manager for our facility, we learned that the materials were taken to the central recycle facility on Lee Road and compacted into one of many bundles and sent to a recycler under contract to Waste Management. According to Waste Management, it is highly unlikely that any confidential information was lost or placed at risk.

Remediation Plan

I recommend that the Town Board approve a contract with *National ID Recovery, Inc. of Atlanta, GA*. This vendor is experienced in assisting employers with such matters. I have validated effectiveness of this vendor in discussions with St. Mary's Hospital in Leonardstown, Maryland, where over 100,000 files were compromised by the theft of a laptop. Based on my discussion with the Hospital's Director of Information Technology, National ID Recovery proved to be an excellent resource for the hospital.

National ID Recovery will also be a resource for our employees and retirees in the remote event that any file was compromised and that any attempt is made to corrupt their credit or personal identification. For that price they will prepare a media release, a letter to those individuals affected by the possible release, and provide not only access to credit reports but identity monitoring, using their software and personnel. They will also staff a 1-800 telephone line for people with questions. We will purchase this service for one year. Based on an email received by Gary Brandt, the cost per person would be \$10.56, subject to possible variations in the specific services to be provided.

In an effort of establishing better practices in managing secure records, Laraine Albers has issued new guidelines for disposing of recyclable paper and materials at Town Hall. Additional measures are also being examined by other Department Heads with the goal of ensuring that confidential records of employees and citizens are kept secure.

In connection herewith, I would also request a waiver from the Town's procurement policy. It has taken some time to quantify the potential scope of the loss, and given the strong reference for National ID, the fact that the services are professional in nature and the anticipated expense less than \$3,000.00, I believe that an exemption from obtaining multiple price quotations is warranted in this case.

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 11th day of February 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 3, 2009 from Thomas A. Low, Commissioner of Public Works, concerning a proposed Memorandum of Agreement with CSEA concerning a ten-hour work day in certain cases, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute and deliver a Memorandum of Agreement by and between the Town and CSEA, concerning a ten-hour day, all as more fully described in the above correspondence.

Dated: February 11, 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	_____