

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

December 10, 2008

PRESENT:

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:

6:15 PM

MOTION TO GO INTO EXECUTIVE SESSION:

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney that the Town Board go into Executive Session to discuss the appointment of a particular person.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney to come out of executive session 6:55 PM.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

RECOGNITIONS/PRESENTATIONS:

World Aids Day 20th Anniversary Proclamation

OPEN FORUM:

1. Steve Kittleberger

APPROVAL OF AGENDA:

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney that the Town Board approve the agenda.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

November 25, 2008

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney that the Town Board approve and file the Town Board meeting minutes for November 25, 2008.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

BIDS:

MATTER RE: Authorize bid award in lump sum of \$75,400, and change orders, total not exceeding \$4,000, to J.C. Pilato, Inc. for rehabilitation to the second floor of the Buckland Farmhouse (see Resolution #1; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated November 14, 2008).

Motion by Councilmember Sheila Gaddis 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. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated December 4, 2008 to Frederick R. Cohen and Kathleen M. Whalen regarding the feasibility study for a trail connecting Brighton Town Hall and the Erie Canalway Trail

FROM Renee Casler, Planner II, Monroe County Department of Planning and Development, dated November 18, 2008, regarding the 2008 technical code amendments

FROM Ted Aroesty, Executive Director, Brighton Fire District, dated November 25, 2008, to contacts of Anthony J. Costello and Son Development and Faith Temple requesting they agree to pay for an update to a study relative to fire protection for their proposed developments

FROM Jaclyn A. Brilling, Secretary, State of New York Department of Public Service, dated November 28, 2008, regarding their efforts to bring electronic processes into Commission proceedings

FROM Andrew M. Cuomo, State of New York Attorney General, dated December 3, 2008, thanking Supervisor Frankel for attending a recent community forum

FROM Susan Morgan, dated November 2008, commenting on how wonderful and important the Brighton Seniors Program is and requesting no budget cuts be made to it

FROM Natalie Anderson, Executive Director and Mary Erturk, RN, Program Director, Daystar, dated December 2008, advising of recent changes in their administration

FROM Timothy E. Keef, P.E., Brighton Town Engineer, dated November 25, 2008, updating Town residents on the Elmwood Avenue Relief Sewer Phase 2 project

FROM Julie and Bill Capossere, dated November 17, 2008, and Supervisor Frankel's response, regarding the Brighton Farmers' Market

FROM Lee Struble, Director of Public Safety, Monroe Community College, dated November 24, 2008, extending appreciation to the Brighton Police Department for its response, investigation and follow-up with the recent double stabbing incident on the MCC Brighton Campus

FROM Donald D. Doe, Environmental Technician, Monroe County Water Authority, dated December 2, 2008, regarding the Monroe Community College PAC Center

FROM James M. Quinn, Chief, Brighton Fire District, dated November 24, 2008, acknowledging and thanking Brighton Police officers Mark Liberatore, Mike Romach, Shawn Houseman and Lieutenant Robert Cline for their assistance at a fire scene

FROM Maureen Becker, Executive Director, International Police Mountain Bike Association, dated December 5, 2008, recognizing the contributions of Brighton Police Department's bike officers Renee Stickles and Jose Carbello

FROM Kevin O'Buckley, P.E., Regional Director, New York State Department of Transportation, dated December 2, 2008, to Anthony Costello and Son regarding the I-590 interchange at Winton Road project

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

COMMITTEE REPORTS:

Community Services Councilmember Ray Tierney reported on the meeting held December 4, 2008. Next meeting January 22, 2009.

Finance and Administrative Services Councilmember Sheila Gaddis reported on the meeting held December 3, 2008. Next meeting December 17 2008.

Public Safety Services - Next meeting January 13, 2009.

Public Works Services Councilmember James Vogel reported on the meeting held December 8, 2008. Next meeting January, 12 2009.

OLD BUSINESS:

MATTER RE: Authorize change order, not exceeding \$10,900, to contract FRA Engineering for services on the Highland Avenue Re-construction Project (see Resolution #2; letter from Timothy E. Keef, P.E., Town Engineer, dated December 1, 2008, with attachment).

Motion by Councilmember Sheila Gaddis 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. 2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize \$1,675. change order to contract with Chatfield Engineers for services on the Elmwood Avenue Relief Sewer Phase 2 Project (see Resolution #3; letter from Timothy E. Keef, P.E., Town Engineer, dated November 20, 2008, with attachment).

Motion by Councilmember Sheila Gaddis 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. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize change order #1 to increase total of contract with Mossien Associates for construction inspection for the Buckland Farmhouse Project, for amount not to exceed \$2,200 (see Resolution #4; letters from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated November 14, 2008, and Daniel E. Mossien, RA, NCARB, President and CEO, Mossien Associates Architects, P.C., dated November 14, 2008).

Motion by Councilmember Sheila Gaddis 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. 4 attached.

UPON ROLL CALL THE FOLLOWING VOTE WAS RECORDED:

Councilmember Sheila Gaddis	aye
Councilmember Louise Novros	no
Councilmember Ray Tierney	aye
Councilmember James Vogel	aye

MOTION CARRIED

MATTER RE: Request that Town Board extend the Final Environmental Impact Statement (FEIS) submission deadline for proposed development "The Reserve" (see Resolution #16; letters from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated December 10, 2008 and Anthony J. Costello, Chairman and CEO, Anthony J. Costello & Son Development, dated December 3 and 8, 2008 and Carl Hewings, Parrone Engineering, dated December 9, 2008).

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney that the 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: Accept Final Supplemental Environmental Impact Statement (FSEIS), dated December 9, 2008, for St. John's Brickstone project, and direct Ramsey A. Boehner, Environmental Liaison to publish and distribute as required by State Environmental Quality Review Act regulations, accepting written comments through 5:00 p.m. on January 26, 2009 (see Resolution #15; letters from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated December 8, 2008, Carl Hewings, Parrone Engineering, dated December 9, 2008, Thomas M. Palumbo, P.E., Stantec Consulting Services, Inc., dated December 10, 2008).

Motion by Councilmember Sheila Gaddis 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. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

NEW BUSINESS:

MATTER RE: Reading and approval of claims.

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros 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: Authorize agreement between Brighton Farmers Market and South Wedge Farmers Market for Long Season Farmers Market (see Resolution #19).

Motion by Councilmember Louise Novros 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 contract with Assessment and Valuation Services, total not exceeding \$7,500, for New York State Office of Real Property Services V4 software update and valuation assistance (see Resolution #5; communications from Elaine Ainsworth, Assessor, dated December 1, 2008 and David Miller, Assessment and Valuation Services, dated November 10, 2008).

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. 9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize \$24,000 transfer within 2008 Cable budget to purchase equipment and software necessary for continued reliable operation of channels 12 and 15 (see Resolution #6; letter from Douglas S. Clapp, Director of Communications, dated December 2, 2008).

Motion by Councilmember Sheila Gaddis 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 renewal and amended contract with Park Place Corporation Services for 2009 Senior Programs transportation services (see Resolution #7; letters from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated December 2, 2008, and Scott Pizzo, Park Place Corporate Transportation Services, dated December 2, 2008).

Motion by Councilmember Louise Novros 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 agreement with Animal Hospital of Pittsford, P.C. for provision of boarding and veterinary services effective January 1, 2009 through December 31, 2009 (see

Resolution #8; letter from Thomas M. Voelkl, Chief of Police, dated December 1, 2008, and Paul R. Black, DVM, Hospital Director, Monroe Veterinary Associates Animal Hospital of Pittsford, dated November 18, 2008, with attachment).

Motion by Councilmember Louise Novros 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 2008 budget appropriation for the Summer Reading Program (see Resolution #9; memorandum from Paula A. Parker, Director of Finance and Jennifer Ries-Taggart, Executive Director, Brighton Memorial Library, dated November 26, 2008, with attachment).

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No.13 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize transfers within 2008 budget for costs to complete the Buckland Farmhouse project (see Resolution #10; memorandum from Paula A. Parker, Director of Finance, dated December 1, 2008).

Motion by Councilmember Sheila Gaddis 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. 14 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with the City of Rochester for sidewalk snow plowing on East River Road, for estimated amount of \$790.50 (see Resolution #11; letter from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated December 2, 2008).

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. 15 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to submit an application with Monroe County for a grant under the Local Government Efficiency Grant Program for purchase of a bucket truck (see Resolution #12; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated December 2, 2008, with attachment).

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. 16 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize offer of employment to Jamar Williams, as part-time cleaner for 20 hours per week at \$9.55/hour, Group I, Step 1 of the Town Salary Schedule for Part-time Permanent employees, effective December 11, 2008 with a 52-week probationary period (see Resolution #13; letter from Laraine Albers dated December 1, 2008).

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. 17 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute extension of agreement with Waste Management of NY, LLC for dumpster and recycling services at Town Hall, the DPW Operations facility and the Town parks in 2009 (see Resolution #14; letter from Laraine Albers, dated December 1, 2008, with attachments).

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. 18 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to submit comments to New York State Department of Transportations' (NYSDOT) on their night time resurfacing of I590 from Blossom Road to Norton Street in Spring/Early Summer 2009 (see Resolution #18; letters from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated December 4, 2008, with draft response; and Kevin C. Bush, PE, Regional Design Engineer, dated November 17, 2008).

Motion by Councilmember Ray Tierney seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 19 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set January 14, 2009 public hearing for proposed removal of 38" silver maple tree at 250 Sylvan Road and 30" red maple tree at 842 S. Grosvenor Road (see Resolution #17; letter from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated November 7, 2008).

Motion by Councilmember Louise Novros Seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 20 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: First reading of proposed Wetlands, Cluster Development Code Amendments to Volume II, Chapter 201, 203, 213 and 215 (see letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated December 8, 2008, with attachment).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Revenue and Expense Reports for period ended November 30, 2008

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adjourn at 8:45 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 10th day of December 2008 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

Susan Kramarsky, Town Clerk

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

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

RESOLVED, that correspondence dated November 14, 2008 from Thomas A. Low, Commissioner of Public Works, concerning the award of a bid for the rehabilitation of the second floor of the Buckland Farmhouse be received and filed; and be it further

RESOLVED, that the Town Board hereby awards the bid for the rehabilitation of the second floor of the Buckland Farmhouse to the lowest responsible and responsive bidder, J.C. Pilato, Inc., in the lump sum of \$75,400, but excluding alternate #1 - painting; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute change orders to the above contract which in the aggregate increase the contract price by no more than \$4,000 without further Town Board action.

Dated: December 10, 2008

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

RESOLVED, that correspondence dated December 1, 2008 from Timothy E. Keef, P.E., Town Engineer, concerning a proposed change order to the contract with FRA Engineering for the Highland Avenue Reconstruction Project, be received and filed, together with attachments thereto; and be it further

RESOLVED, that the Town Board hereby approves a change order to the contract by and between the Town and FRA Engineering for the Highland Avenue Reconstruction Project, in connection with engineering and related services for the acquisition of land related to the construction of sidewalks at the intersection of Highland Avenue and Clover Street as part of the Project, all as more fully set forth in the above-referenced correspondence.

Dated: December 10, 2008

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

RESOLVED, that correspondence dated November 20, 2008 from Timothy E. Keef, P.E., Town Engineer, concerning a change order to the contract with Chatfield Engineers for the Elmwood Avenue Relief Sewer Phase 2 Project, be received and filed, together with attachments thereto; and be it further

RESOLVED, that the Town Board hereby approves the change order to the contract by and between the Town and Chatfield Engineers for the Elmwood Avenue Relief Sewer Phase 2 Project, to cover the cost of additional Monroe County Department of Transportation fees in the amount of \$1,675.

Dated: December 10, 2008

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

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

RESOLVED, that correspondence dated November 14, 2008 from Thomas A. Low, Commissioner of Public Works, and correspondence dated November 14, 2008 from Daniel E. Mossien, President and CEO, Mossien Associates Architects, P.C., both concerning a change order to the contract with Mossien Associates for construction inspection related to the Buckland Farmhouse Project, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes a change order to the contract by and between the Town and Mossien Associates Architects, P.C., for construction inspection for the Buckland Farmhouse to increase the "not to exceed" amount by \$2,200 to provide for construction inspection services, not part of the current contract.

Dated: December 10, 2008

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

RESOLVED, that correspondence dated December 10, 2008 from Thomas A. Low, Commissioner of Public Works, two items of correspondence from Anthony Costello, Chairman and CEO of Anthony J. Costello & Son Development, dated December 3, 2008 and December 8, 2008 and correspondence dated December 9, 2008 from Carl Hewings of Parrone Engineering, all concerning the environmental review of the proposed incentive zoning and rezoning for the "Reserve" project, be received and filed; and be it further

RESOLVED, that the Town Board hereby grants the request of the developer of the project to extend the time to prepare and file a Final Environmental Impact Statement for the project to January 30, 2009, in order to provide for additional time to adequately prepare the FEIS, under Section 617.9(a)(5)(ii) of the State Environmental Quality Review Act regulations; and be it further

RESOLVED, that the developer of the proposed Reserve project is hereby directed to make revisions set forth in Mr. Hewings' above referenced correspondence, to a draft FEIS, and to submit a complete and accurate FEIS not later than January 14, 2009, to permit staff review and recommendations prior to the January 28, 2009 Town Board meeting.

Dated: December 10, 2008

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



December 3, 2008

Mr. Tom Low, Commissioner of Public Works
Town of Brighton
2300 Elmwood Avenue
Brighton, New York 14618

RE: Final Environmental Impact Statement (FEIS) for "The Reserve"

Dear Mr. Low:

Please find with this letter nine (9) sets of the FEIS for the above referenced project. The document addresses all written and oral comments received or documented from the public, Town officials and state and federal agencies during the DEIS public comment period.

This FEIS first submitted on November 3, 2008, addresses comments received in a letter from the Town consultant and staff which was reviewed on Tuesday, November 25, 2008 with the Town staff and consultant. At that meeting a memo was provided from the Town Engineer requesting additional information as it relates to sanitary and storm facilities. The FEIS document responds to material and information further clarified and requested on Wednesday, November 26, 2008.

The applicant understands that this document will be reviewed by Town staff and the Public Works Committee of the Town Board on Monday, December 8th and if accepted will be sent to the Town Board for "official" acceptance at the December 10, 2008 Town Board Meeting. The applicant looks forward to the approval of the proposed Incentive Zoning application for "The Reserve" and working with the Town staff and Planning Board through the Site Plan approval and permitting process.

The applicant plans on beginning construction of "The Reserve" in the spring of 2009 with the first residential units to be built in late 2009 early 2010.

Sincerely,

Anthony J. Costello
Chairman and CEO

cc: Supervisor Sandra Frankel

December 9, 2008

Mr. Ramsey Boehner
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

Re: FEIS: The Reserve

Dear Ramsey:

We have completed our second review of the Final Environmental Impact Statement, dated December 3, 2008 for the above referenced project. The following comments are a result of our review of the submittal against the comment letters. These comments include input from both you, Tim Keef and Tom Low at our meeting on Friday, December 5, 2008.

1. Page 5, 2nd bullet gives the impression that the eastern most Loft is the closest building to the Meridian Centre Park but does not indicate that the townhouse is located closer to the MCP than the Loft Building. The statement conflicts with the statement on page 25 Item 2, Bulk Standards and Setbacks, which does define the relationship of the lofts, townhome with the MCP.
2. Page 5, 2nd bullet, DEIS is incorrectly referenced in 4th line.
3. Page 9, specifically state the pole width, coverage and livable floor area requested.
4. Page 11, Table 5a, first block indicates a revised Sign Table is on page 58 but it is not on page 58. Could not locate proposed signs on DEIS pages 47 and 48. Please reference the correct locations. The references to the allowable signage per code are incorrect. This block is unclear and should be redone. The support documents showing illustrative signage in Appendix F creates a number of questions and comments including whether standard traffic control signage is not going to be used as indicated by the "one-way" sign in Figure 23b and whether the expectation is that festoon banners are expected to be hung on poles within the public right of way such as shown on figure 23C. Sign sizes and locations will be subject to review for site distance issues related to public safety. Pages 15-17, table 6: add footnote to items in the "cost" column, to read "These costs are as estimated by the project sponsor, but their value as an

15. Page 28, the issue of impacts on the park facilities and wetlands resulting from the proposed drainage outfalls is still unclear. Water volumes have still not been identified and the impacts on additional volumes on those facilities and wetlands has not addressed. List your expectations for the volumes for existing and proposed conditions, the time frame within which those volumes reach proposed facilities in the park and the wetlands. Have a Biologist address the potential impacts to the wetlands.

Identify alternatives for addressing the drainage issues. Describe them clearly with exhibits.

16. Page 29 – Pollutant loadings in table don't match information presented in the in Appendix D, page 3 Summary Table but they do match the back-up calculations on page 15. Clarify which is correct and revise accordingly.
17. Page 31, item 9 indicates that Figure 21 lends clarity to setbacks, lot sizes, etc. but, the figure does not label setbacks or building envelopes. An enlarged version of a single lot might help define if the front, side and rear yards are labeled as well as the building envelopes. Show Conservation Easements around the existing wetlands.

Town of Brighton Comments

18. Page 34 thru 39 –Response 2 (Affordable Housing): the response has not answered the question. How is this project addressing the Comprehensive Plan's affordable housing recommendation?
19. Page 38, comment 2: add to first line- "Resolution to Affordable Housing Per Staff Comment 2- The project sponsor believes that a First Time Homebuyer program..." And to the final sentence- "The project sponsor believes that, without financial assistance, greater awareness of the programs coupled with..."
20. Page 44- Response 12: Indicate that it is the intent of the applicant to dedicate conservation easements after construction is complete.
21. Page 46-Response 18: Indicate that the landscape plan will be subject to the review and approval of the Planning Board and Town Parks and Recreation. If plantings are to be done in the Town Park, Town Board approval will also be required.
22. Page 46-Response 20: Include the total height of the proposed building above the existing grade and the elevation of the park trail.
23. Pg. 49, comment 28: Expand description of the possible solutions, both proposed (e.g., adding gravel) and 'other' (e.g., is ditching an option?); evaluate their potential impacts and mitigation measures (e.g., tree

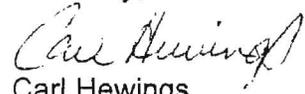
median/island as proposed is not viewed as a positive feature of the site as it presents maintenance issues from a snow and ice control perspective. Any signage at the intersection of South Clinton Avenue and other intersections of the project must be designed so that it does not present an ingress or egress impediment for traffic (either vehicular or pedestrian).

29. Page 52/53-Response 38: Revision in accordance with revised Table 8c.
30. Page 55-Response 42-Replace 2nd sentence is inconsistent with section 213-12. J. Include that double frontage lots will be addressed during subdivision review with the Planning Board.
31. Page 55/56- Response 43: Provide a photo sim for summer at locations as requested in comment 43. ; strike second paragraph "The balloon study proved adequate for the Town Board to make recommendations regarding the height and location of buildings".
32. Page 57- Response 46: The support documents showing illustrative signage in Appendix F creates a number of questions and comments including whether standard traffic control signage is not going to be used as indicated by the "one-way" sign in Figure 23b and whether the expectation is that festoon banners are expected to be hung on poles within the public right of way such as shown on figure 23C. Sign sizes and locations will be subject to review for site distance issues related to public safety.
33. Page 61- Response 57: Provide longitudinal grades on access routes as well as bollard locations. There is no reference to an incentive needed for non-standard access road widths.
34. Pg. 61- Response 57: add to second para "These improvements will be subject to the review of the Public Safety Committee and the approval of the Planning Board during site plan review."
35. Pg. 63, comment 1, second para. " These setbacks allow...to the park. Larger setbacks could substantially change the concept plan. Conversations with Town officials indicated that-the boulevard should be visually kept in line with the center of the Clubhouse. The proposed 40 feet and 50 feet setbacks maintain the design intent and, the project sponsor believes, address the Planning Board comments."

to provide additional comments based on subsequent revised FEIS submission prior to acceptance.

If you should have any questions or comments please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Hewings". The signature is written in a cursive style with a large initial "C".

Carl Hewings
PARRONE ENGINEERING

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated December 8, 2008 from Thomas A. Low, Commissioner of Public Works, the Final Supplemental Environmental Impact Statement ("FSEIS") for the proposed Brickstone project, prepared by Stantec Consulting dated December 9, 2008, correspondence from Carl Hewings, Parrone Engineering, dated December 9, 2008, and correspondence dated December 10, 2008 from Thomas M. Palumbo, P.E., Senior Associate, Stantec Consulting Services, Inc., be received and filed; and be it further

RESOLVED, that the Town Board hereby accepts the FSEIS as an adequate and accurate description of the potential environmental impacts of, and mitigation measures to be incorporated in, the proposed Brickstone project; and be it further

RESOLVED, that the Town Board hereby directs Ramsey Boehner, Environmental Liaison to publish and distribute the FSEIS as required by State Environmental Quality Review Act ("SEQRA") regulations, noting that written comments concerning the FSEIS will be received at Town Hall through 5:00 p.m. on January 26, 2009, based upon the agreement of the developer of the proposed project pursuant to Section 617.11(b) of the SEQRA regulations to extend the time to complete the written findings statement and make a decision on the

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

December 10, 2008

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>1,029,632.74</u>
D - HIGHWAY	<u>191,353.48</u>
H - CAPITAL	<u>11,724.00</u>
L - LIBRARY	<u>59,493.81</u>
SA - AMBULANCE DIST	<u>1,247.50</u>
SB - BUSINESS IMPROVM	<u>322.50</u>
SD - DRAINAGE DIST	<u>999.75</u>
SF - FIRE DIST	<u>19,920.50</u>
SK - SIDEWALK DIST	<u>1,893.75</u>
SL - LIGHTING DIST	<u>3,328.76</u>
SM - SNOW REMOVAL DST	<u>1,745.00</u>
SN-NEIGHBORHOOD DIST.	<u>467.50</u>
SR - REFUSE DIST	<u>126,376.06</u>
SS - SEWER DIST	<u>69,294.61</u>
SW - WATER DIST	<u>1,046.25</u>
TA - AGENCY TRUST	<u>6,776.93</u>
TOTAL	\$ <u>1,525,623.14</u>

UPON ROLL CALL MOTION CARRIED _____

APPROVED BY: _____
SUPERVISOR_____
COUNCIL MEMBER_____
COUNCIL MEMBER

TO THE SUPERVISOR:

I CERTIFY THAT THE VOUCHERS LISTED ABOVE WERE AUDITED BY THE TOWN BOARD ON THE ABOVE DATE AND ALLOWED IN THE AMOUNTS SHOWN. YOU ARE HEREBY AUTHORIZED AND DIRECTED TO PAY TO EACH OF THE CLAIMANTS THE AMOUNT OPPOSITE HIS NAME.

DATE_____
TOWN CLERK

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

WHEREAS, the Town of Brighton sponsored a farmers market during 2008 and desires to enter into an agreement with the South Wedge Planning Committee, which also sponsored a market in the South Wedge neighborhood in Rochester, to jointly sponsor a winter market; it is therefore

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and the South Wedge Planning Committee to jointly sponsor a winter farm market between December 2008 and April 2009, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: December 10, 2008

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louis Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

RESOLVED, that a memorandum dated December 1, 2008 from Elaine Ainsworth, Town Assessor, concerning software consulting services and related budget allocation, be received and filed, together with correspondence dated November 11, 2008 from David Miller, of Assessment and Valuation Services, and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Assessment Evaluation Services for consulting services in connection with the NYSORPS V4 software, including only options 1 and 2 from the above-referenced correspondence from Assessment and Valuation Services, at a cost not to exceed \$7,500.00, plus additional training at \$525. per day.

Dated: December 10, 2008

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

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

RESOLVED, that correspondence dated December 2, 2008 from Douglas S. Clapp, Director of Communications, concerning the purchase of cable television equipment, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves a budget transfer of \$24,000 from account A.CABLE.8060.444 to account A.CABLE.8060.214, to fund the purchase of equipment for Town cable television broadcast use.

Dated: December 10, 2008

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

RESOLVED, that correspondence dated December 2, 2008 from Jerry LaVigne, Director of Parks and Recreation, and correspondence dated December 2, 2008, from Scott Pizzo, Park Place Corporate Transportation Services, both concerning the renewal and amendment of the senior transportation contract for 2009, 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 Park Place Corporate Transportation Services, for senior citizen transportation services during 2009, based on the terms and conditions of the existing agreement as adjusted in the correspondence from Mr. Pizzo, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: December 10, 2008

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

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

RESOLVED, that correspondence dated December 1, 2008 from Thomas M. Voelkl, Chief of Police, and correspondence dated November 18, 2008 from Paul R. Black, D.V.M., Hospital Director of the Animal Hospital of Pittsford, together with a proposed contract attached thereto, all concerning an agreement for boarding and veterinary services during 2009, 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 Animal Hospital of Pittsford, P.C., for the provision of boarding and veterinary services during 2009, in the form received and filed herewith.

Dated: December 10, 2008

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

RESOLVED, that a memorandum dated November 26, 2008 from Paula A. Parker, Director of Finance, and Jennifer Ries-Taggart, Executive Director of the Brighton Memorial Library, and a memorandum dated November 18, 2008 from Jennifer Ries-Taggart, together with an attachment thereto, concerning a 2008 Budget Appropriation for the Summer Reading Program State Grant, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the Budget Appropriation as set forth in the above-referenced memorandum.

Dated: December 10, 2008

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

RESOLVED, that a memorandum dated December 1, 2008 from Paula A. Parker, Director of Finance, concerning a 2008 Budget transfer in the Parks and Recreation Department, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the Budget transfer set forth in the above-referenced memorandum.

Dated: December 10, 2008

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

RESOLVED, that correspondence dated December 2, 2008 from Thomas A. Low, Commissioner of Public Works, concerning an Agreement for sidewalk snow plowing on Kendrick Road and East River Road with the City of Rochester, 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 the City of Rochester, under which the City would provide snow removal services on sidewalks on Kendrick and East River Roads in the Town of Brighton, during the 2008/09 snow removal season, at a price to the Town of \$46.50 per plowing trip, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: December 10, 2008

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated December 2, 2008 from Thomas A. Low, Commissioner of Public Works, concerning a joint application under the Local Government Efficiency Grant Program with Monroe County, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Town Board of the Town of Brighton hereby authorizes the Town Supervisor, Sandra Frankel, to submit an application to the Local Government Efficiency Grant Program for the 2008-2009 Program Year; and be it further

RESOLVED, that Monroe County shall act as the "Lead Applicant" for the LGE grant application and Terrance J. Rice, Director of the Monroe County Department of Transportation, shall be named as the "Lead Applicant Contact Person" on the grant application form; and be it further

RESOLVED, that the Town Board agrees to serve as a "Co-Applicant" and hereby authorizes the Town Supervisor to execute all financial and/or administrative processes and instruments relating to the grant program; and be it further

RESOLVED, that the grant application shall request funds under the "Efficiency Implementation" category to enable Monroe County to continue to work cooperatively with the Towns of Brighton, Henrietta

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated December 1, 2008 from Laraine Albers, concerning the employment of a part-time cleaner, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes an offer of employment to Jamar Williams, as a part-time cleaner, working 20 hours per week at Group I, Step I of the Town Salary Schedule for part-time permanent employees, at a rate of \$9.55 per hour, effective December 11, 2008 on a probationary basis, with a probationary period of 52 weeks.

Dated: December 10, 2008

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

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

RESOLVED, that correspondence dated December 1, 2008 from Laraine Albers, concerning an Agreement with Waste Management for dumpster and recycling services at Town Hall, the Department of Public Works Operations Facility and Town Parks, be received and filed, together with attachments thereto; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an extension and amendment of the current Agreement by and between the Town and Waste Management of NY, LLC, for dumpster and recycling services at Town Hall, the Department of Public Works Operations Facilities and Town Parks, for a term of one-year ending December 31, 2009, based upon the increase in the consumer price index, as set forth in the original terms of the agreement, which agreement shall be in the form of the Amendatory Agreement for Dumpster and Recycling Services attached to the above-referenced correspondence.

Dated: December 10, 2008

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

WHEREAS, the New York State Department of Transportation has in the past cooperated with the Town of Brighton in seeking a temporary amendment to the Town's Noise Law to allow nighttime construction on state highways in the Town, when necessary due to safety or traffic volume issues, subject to mutually agreed conditions; and

WHEREAS, the Department of Transportation again plans to do night work on a state highway in the Town, namely Route 590 from Blossom Road to the Town line and beyond to Norton Street, but has advised the Town that it will perform night work without seeking an amendment to the Town Code, and the Town Board desires to communicate with the Department to express its displeasure with this decision and encourage the Department to take steps during the construction project to minimize its impact on nearby residents; it is therefore

RESOLVED, that the Town Board hereby receives and files correspondence dated December 4, 2008 from Thomas A. Low, Commissioner of Public Works and correspondence dated November 17, 2008 from Kevin C. Bush, Regional Design Engineer, New York State Department of Transportation, both concerning Route 590 paving, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to respond to the Department of Transportation's communication concerning the Route 590 project by expressing the deep concern of the Town Board at the Department's refusal to participate in a public process, requesting that the



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
1530 JEFFERSON ROAD
ROCHESTER, NEW YORK 14623-3161

KEVIN O'BUCKLEY, P.E.
REGIONAL DIRECTOR

ASTRID GLYNN
COMMISSIONER

November 17, 2008

Ms. Sandra L. Frankel, Supervisor
Town of Brighton
2300 Elmwood Ave
Rochester, NY 14618

Re: Route 590 Pavement Rehabilitation; Blossom Road to Norton Street
Towns of Brighton and Irondequoit, City of Rochester, PIN 4590.13

Dear Ms. Frankel:

We are progressing a federally funded maintenance project to mill and overlay the travel lanes of Route 590 from Blossom Road to Norton Street. We will also be treating the on and off-ramps in this section of Route 590. The schedule of the project is to have the design documents complete by early December of this year and have a bid opening in March 2009. Construction will occur in the Spring/Early Summer 2009.

We have analyzed the traffic patterns for this section of Route 590 and have determined that the only feasible option for the milling and paving operations on mainline Route 590 will be night-time construction. This is due to high traffic volumes throughout the weekdays as well as on the weekends. We will allow the Contractor to have single lane closures only during non-peak daytime hours (generally 9 AM to 3 PM) to perform other miscellaneous tasks. We have determined, however, the work on the ramps at Blossom Road and Browncroft Boulevard could be performed either at night or during non-peak daytime hours and on Saturdays, with the exception of the SB off-ramp and the NB off-ramp at Browncroft Boulevard which need to be done only at night.

Please let us know at your earliest convenience if you have a preference on whether the ramp work be performed at night or during non-peak daytime hours and on Saturdays. Please contact Eric Thompson at (585) 272-3491 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kevin C. Bush".

Kevin C. Bush, PE
Regional Design Engineer

KCB/WRA/ejt

cc: R. Traver, Regional Constr
D. Goehring, Regional Traf
E. Thompson, Project Engi

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of December, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

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

RESOLVED, that correspondence dated November 7, 2008 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 significant Town trees because they pose a hazard to persons and property, namely a 38" Silver Maple tree located in the highway right of way adjacent to 250 Sylvan Road and a 30" Red Maple tree located in the highway right of way adjacent to 842 S. Grosvenor Road, to be held on January 14, 2009 at 7:30 p.m. at Brighton Town Hall, 2300 Elmwood Avenue in the Town; and be it further

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

Dated: December 10, 2008

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louis Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____