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

November 12, 2008

PRESENT: Supervisor Sandra Frankel

Councilmember Sheila Gaddis
Councilmember Louise Novros
Councilmember Ray Tierney
Councilmember James Vogel

William Moehle
Attorney for the Town

Town Clerk
Susan Kramarsky

RECOGNITIONS/PRESENTATIONS:

Veterans Day Proclamation

Fred McCarthy, Retirement from Brighton Fire Department

OPEN FORUM:

Bob Van Ness
Pat Pierson
Erica Weaver
Joe Heinsman
Mable Van Ness
Bessie Pierce
Jennifer Reis Taggart
Judith Engerman
Joanne Vadala
Heidi Kirwan
Judy Lazenby
Elias Nicholas
Lynn Mitchell
Bruce Bellwood
Roberta Schwartz
Emerson Clease
Susan Dubrosky
Marilyn Graver
Sue Gardener Smith
Judy Schwartz

APPROVAL OF AGENDA:

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board approve the agenda with the restoration of old business preceding new business.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

October 7, 2008
October 22, 2008

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board approve and file the minutes of the October 7 and October 22, 2008 Town Board Meetings.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

BIDS:

MATTER RE: Authorize solicitation of bids for mowing and trail maintenance services at Corbett's Glen and the Town Park in 2009 (see Resolution #1; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated October 22, 2008).

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 solicitation of bids for printing of Town newsletter in 2009 (see Resolution #2; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated October 22, 2008).

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. 2 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize bid award for total estimated cost of $999,519. to Randsco Pipeline for Elmwood Avenue Relief Sewer Phase II and authorize change orders not exceeding $60,000 (see Resolution #23; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated November 5, 2008).

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. 3 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Aaron Finch, dated October 21, 2008, expressing gratitude to Susan Kramarsky and J.P. O'Brien for their wonderful helpful efforts

FROM Lawrence M. Howk, Treasurer, Brighton Fire District, dated October 22, 2008, enclosing the Brighton Fire District Tax Levy for the 2009 Budget

FROM Susan Fouts, dated October 22, 2008, and Supervisor Frankel's response to her comments on and questions about parking restrictions on Sylvan Road

FROM Pamela Stiles and Paul Tankel, dated November 8, 2008, expressing support for continuing the farmers' market in Brighton

FROM Ellen Poleshuck, Ph.D., dated November 10, 2008, expressing support for continuing the farmers' market in Brighton

FROM David Johnson, dated November 10, 2008, expressing support for continuing the farmers' market in Brighton

FROM Rose Friedman, dated November 10, 2008, expressing support for the Brighton Recreation Senior Programs and special appreciation for Nancy McGory's efforts

FROM Mrs. M.W. Jones and family, dated October 25, 2008, expressing support for continuing the farmers' market in Brighton

FROM Christopher D. Thomas, dated October 23, 2008, reminding that Rose-Marie Klipstein's term as Trustee on the Brighton Memorial Library Board of Trustees will end soon and the process of filling the vacancy must progress

FROM Bea Slizewski, dated October 29, 2008, expressing concerns about property taxes in Brighton and protesting any tax increases for the coming year

FROM Richard Cooper, dated October 28, 2008, suggesting review of the proposed town budget and specific adjustments

FROM Eric Townell, Music Director, Rochester Oratorio Society, dated October 28, 2008, to Doug Clapp and Cathy Chesworth, expressing thanks for inviting Resonanz to perform at the recent Brighton Arts Fest

FROM Gary Sugarman, dated October 26, 2008, and Supervisor Frankel's response to his expressed opposition to the proposed Costello development and requesting that there be no tax increase in 2009 and suggests particular areas for reduction

FROM Al Antonez, dated October 26, 2008, and Supervisor Frankel's response to his comments on the proposed Costello developments and the proposed town budget

FROM Geraldine L. Howe, dated November 4, 2008, expressing support for the programs provided by Brighton Recreation

FROM Nicholas M. Graver, dated November 3, 2008, expressing support for the continued provision of the town's swimming program

FROM John J. Geier, dated November 5, 2008, expressing support for the Brighton Memorial Library budget

FROM William R. Blanton Jr., CFM, Chief, Engineering Management Branch, Federal Emergency Management Agency (FEMA), dated October 15, 2008, regarding FEMA determination of certain property within an identified Special Flood Hazard Area

FROM Nancy Esmay, extending congratulations on the 15th annual Arts Fest

FROM Marilyn Graver, dated November 1, 2008, expressing support for continuing the town's swimming program

FROM Chris Mueller, Manager, Government Affairs, Time Warner Cable, advising that agreements with certain programmers are due to expire

FROM Andrew M. Cuomo, New York State Attorney General, dated October, 2008, inviting participation at a community forum, to discuss issues of concern to residents of the Rochester region, on Tuesday, November 18, 2008 at 7:00 p.m. at West Irondequoit High School, 269 Cooper Road

FROM Dr. Mark Goldgeier, dated October 22, 2008, and Supervisor Frankel's response to his comments of support for the proposed Costello developments

FROM Scott M. Adair, Chief Financial Officer, Monroe County, dated November 5, 2008, regarding Monroe County sales tax distribution for third quarter of 2008

FROM Tom Cochran CEO and Executive Director, The United States Conference of Mayors, dated November 3, 2008, regarding Main Street Stimulus

FROM Ben Agronick, dated November 10, 2008, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM Diane Alhman and George Smith, dated November 11, 2008, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM Bobbi Borg, dated November 11, 2008, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM Jennifer Cos, dated November 11, 2008, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM Sybil Craig, dated November 11, 2008, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM Scott Franklin, dated November 10, 2008, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM Katie Lambert, dated November 10, 2008, and Supervisor Frankel's response, regarding support of the Brighton Memorial Library

FROM Melissa Hopkins, dated November 10, 2008, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM R. Simone Lee, dated November 10, 2008, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM Patty Love, dated November 10, 2008, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM Deborah Magone, dated November 12, 2008, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM Ellen Pfeiffer, dated November 12, 2008, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM Beth Garver Beha, dated November 11, 2008, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM Trilby de Jung, dated November 10, 2008, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM David Wagner, dated November 11, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM Dina Wagner, dated November 10, 2008, and Supervisor Frankel's response, regarding support of the Brighton Farmers' Market

FROM Alyce Adams, urging support for continued funding of the Brighton Farmers' Market

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

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services – no report given. Next meeting November 20, 2008
Finance and Administrative Services - November 8 met with Budget Review Task Force. Next meeting November 18, 2008.
Public Safety Services – no report given. Next meeting November 18, 2008.
Public Works Services Councilmember James Vogel reported on meeting of November 3, 2008. Next meeting December 8, 2008.

OLD BUSINESS:

MATTER RE: Supervisor's 2009 Tentative Operating and Capital Budgets (see Resolution #21; communications from Supervisor Sandra L. Frankel and Paula A. Parker, Director of Finance, dated October 22 and November 12, 2008).

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to accept the amendments as outlined by Supervisor Sandra Frankel for the 2009 budget as outlined in memorandum of November 12, 2008.

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: 2009 Assessment Rolls for service charges, maintenance charges, capital charges and sewer rent charges for Special Improvement Districts and Special Improvements (see Resolution #20).

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. 5 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Proposed Agreement by and between the Town of Brighton and the West Brighton Fire Department, Inc. for fire protection services during 2009 (see Resolution #22).

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. 6 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Change Order #1, in the increase amount not exceeding $4,861. to contract with Arcadis of NY, Inc., for pump station evaluations (see Resolution #4; letters from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated October 30, 2008; and Donald F. Geisser, P.E., Vice President, Arcadis, 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. 7 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 James Vogel that the Supervisor read and approve payment of the claims as set forth on Exhibit No. 8 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize $1,600. budget transfer within Town Assessor's budget for purchase of two PCs and a replacement camera (see Resolution #5; memorandum from Elaine Ainsworth, Assessor, dated October 27, 2008.

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 budget amendment of $2,900. from "Proceeds of Forfeited Property" to Law Enforcement Equipment account for purchase of fourteen flashlights for Police Department shotguns (see Resolution #6; letter from Thomas M. Voelkl, Chief of Police, dated October 20, 2008).

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. 10 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with County of Monroe for County Tobacco Compliance Checks (see Resolution #7; letters from Thomas M. Voelkl, Chief of Police, dated October 14, 2008

and Karen Hawkins, Monroe County Department of Health, dated October 1, 2008, 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. 11 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute renewal agreement with Penflex, Inc. for their service as third-party administrator of West Brighton Fire Protection District Service Award Program for 2008/2009 at cost not exceeding $3,550. (see Resolution #8; memorandum from Paula A. Parker, Director of Finance, dated November 5, 2008; letter from Penflex, Inc., dated October 8, 2008, 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. 12 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute renewal contract with EM Risk Management for the administration of the Town's Workers Compensation "tail claims" effective October 1, 2008 through December 31, 2012 for annual fee of $3,500. (years one through three) (see Resolution #9; memorandum from Gary Brandt, Director of Personnel, and Paula A. Parker, Director of Finance, dated October 24, 2008, with attachment).

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

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize professional services agreement with Rochester Museum and Science Center (RMSC) for Phase II Cultural Resource Investigations in the area of current and former farm houses and tenant houses on the recently acquired parcels, for total not to exceed $23,000. for Groos farmhouse footprint (see Resolution #10; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated November 5, 2008, 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 Supervisor to execute agreement with Monroe County for Community Development Block Grant Program to receive $36,000. for sidewalk at west frontage of Buckland Park (see Resolution #11; letters from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated October 22, 2008 and Monroe County Executive Maggie Brooks, dated October 15, 2008).

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 15 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize professional services contract with Urban Forestry, LLC, in amount not exceeding $2,000, for hazard tree survey on final 20 miles of Town roads (see Resolution #12; letter from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated October 22, 2008, 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. 16 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to offer for Brighton Chamber of Commerce consideration the replacement of wood bumper rails with painted steel pipe rails at various locations (see Resolution #3; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated October 24, 2008).

Motion by Councilmember Louise Novros seconded by Councilmember Ray Tierney that the Town Board adopt the resolution including 3 earlier proposals (October 22 Town Board meeting) 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 submit letter of comments on the potential environmental impacts of the proposed Citygate Project (see Resolution #13; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated November 3, 2008, 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. 18 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Endorse Empowering Local Government Climate Action Blueprint for the New President and Congress (see Resolution #14; memorandum from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways.

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. 19 attached.

MATTER RE: Authorize Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, to submit request to regional office of New York State Department of Environmental Conservation for an amendment to New York State Freshwater Wetland Map #8 (see

Resolution #15; letter from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated October 21, 2008, 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. 20 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Installation of Monroe County Department of Transportation traffic control device at Crittenden Road and East Squire Drive to West Henrietta Road (see Resolution #24; letter from Timothy E. Keef, P.E., Town Engineer, dated October 20, 2008, 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. 21 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize award of professional services contract, total not exceeding $9,600. for investigation tasks, and lump sum of $26,000. for final design and construction support tasks, to Clark, Patterson, Lee for engineering for public safety wing HVAC and Roofs (see Resolution #17; letter from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated October 30, 2008, with attachments).

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 22 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Appoint Carol R. Tometsko to serve as marriage official in the Town of Brighton effectively immediately through December 31, 2009(see Resolution #18; letter from Carol R. Tometsko, dated October 27, 2008).

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. 23 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Approve proposed 2009 Town Board meeting schedule.

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to receive and file the aforementioned schedule (Exhibit No. 24).

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Appointments to the Board of Assessment Review (see Resolution #25).

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. 23 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Revenue and Expense Reports for period ending October 31, 2008.

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

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 9:55 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 held on the 12th Day of November.2008 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

_____

EXHIBIT NO. 1

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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated October 22, 2008 from Jerry LaVigne, Director of Parks and Recreation, concerning bids for mowing and trail maintenance services, be received and filed, and be it further

RESOLVED, that the Director of Parks and Recreation is hereby directed to solicit bids for mowing and landscaping services in the Town Parks and various areas maintained by the Highway Department and for trail maintenance at Corbett's Glen and Brighton Town Park, in each case during the 2009 season.

Dated: November 12, 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	____

EXHIBIT NO. 2

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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated October 22, 2008 from Jerry LaVigne, Director of Parks and Recreation, concerning bids for the printing of the Town newsletter, be received and filed, and be it further

RESOLVED, that the Director of Parks and Recreation is hereby directed to solicit bids for the printing of the Town newsletter during 2009.

Dated: November 12, 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	____

EXHIBIT NO. 3

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence from Thomas A. Low, Commissioner of Public Works, concerning the award of a bid for Phase II of the Elmwood Avenue Relief Sewer Project, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Town Board hereby authorizes the award of the bid for Phase II of the Elmwood Avenue Relief Sewer Project, Alternate C, Open Excavation, to Randsco Pipeline, in the unit prices bid and for a total estimated cost of $999,519.00; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver change orders with respect to the above contract which are both within the funds available and total in the aggregate no more than $60,000, without further action by the Town Board.

Dated: November 12, 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	____

EXHIBIT NO. 4

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 12th day of November, 2008.

PRESENT:

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

WHEREAS, the Town of Brighton 2009 Tentative Budget has been prepared and presented to the Town Board and filed with the Town Clerk as the Preliminary Budget; and

WHEREAS, public hearings on such Preliminary Budget were held at meetings of the Town Board on October 7, 2008 and October 22, 2008 at 7:30 p.m. prevailing local time, and all persons having an interest therein have been heard in the matter; and

WHEREAS, the Supervisor and Director of Finance have recommended certain amendments to the Preliminary Budget and otherwise have recommended its approval; and

WHEREAS, the Town Board has authorized such amendments to the Preliminary Budget and desires to approve such Budget as amended; it is

RESOLVED, that two memoranda, dated October 22, 2008 and November 12, 2008, respectively, both from Sandra L. Frankel, Supervisor and Paula Parker, Finance Director, concerning certain proposed amendments to the 2009 Budget, be received and filed; and be it further

RESOLVED, that the Preliminary Budget for the year 2009, as amended to include the amendments set forth in the above-referenced memorandum from Supervisor Frankel and Finance Director Parker, is hereby approved and adopted as the Town's Final Budget for 2009.

Dated: November 12, 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 _____

TOWN OF BRIGHTON

Sandra L. Frankel
SUPERVISOR

MEMORANDUM

To: The Honorable Town Board
From: Sandra L. Frankel, Supervisor
Paula A. Parker, Director of Finance
Date: November 12, 2008
Subject: Proposed Amendments to the 2009 Budget and the Levy of Fire District, Delinquent Sewer, and Property Cleanup Charges

Based on updated information received since preparation of the Supervisor's Tentative 2009 Town and Special Districts Operating and Capital Budgets, we recommend the following amendments prior to adoption of the 2009 Budgets by Your Honorable Body. The revised Summary of Town Budget, "Net" Budgeted Spending, and Property Tax Levy Schedule; Special Districts Summary; and Town and Special Districts Capital Budget; reflective of the amendments that follow, are enclosed for your review.

Town Taxable Assessed Value

Our initial estimate of total Town taxable assessed value currently reflects all adjustments to the 2008 Assessment Roll (used for 2009 Town and County Taxes) to date. The initial estimate was $2,562,045,954 and will be revised to $2,557,551,450 on the final 2008 Assessment Roll. The 2009 Town Budget Tax Rate, based on the revised budget inclusive of the below detailed amendments, is $5.096073, yielding 2009 Town Budget taxes of $509.61 for every $100,000 of taxable assessed value. These changes do not require action of the Town Board.

Budgeted Appropriation Adjustments-General, Highway, and Library Funds

Based on additional information, input from the Budget Review Task Force, the Community and Town Board members, we recommend that the Town Board amend the following appropriation related accounts in the 2009 Town Operating and Capital Budgets:

- Based on the discussion and request of Supervisor Frankel and the Town Board, ALL elected officials will contribute twenty percent (20%) for their medical and dental premiums. This has been included in the Supervisor's Preliminary budget.
- Decreasing appropriations in account A.UNDST.9000 9.80 Transfer to Capital Reserve – OPEB (Other Post Employment Benefits) by $100,000 from $200,000 to $100,000, and
- Decreasing appropriations in account A.DPW.5410 2.65 Sidewalk Construction/Repair by $174,000 from $193,000 to $19,000, and
- Increasing the General Fund appropriated fund balance by $46,000 from $716,000 to $762,000, and
- Decreasing appropriations in account D.HWY.5110 4.16 Road Materials by $10,000 from $602,490 to 592,490, and
- Decreasing appropriations in account D.HWY.5130 4.61 Gasoline $5,000 from $227,110 to $222,110, and

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5251 • Fax 585-784-5373
http://www.townofbrighton.org

Brighton Fire District

The County's Real Property Tax Office has not yet provided us with an estimate of Brighton's share of the Brighton Fire District's 2009 total Tax Levy of $4,697,000. However when the County's estimate is available, the Town Board authorizes that amount be added to the 2009 Town and County Tax Bill and collected by the Town Clerk.

Delinquent Sewer Charges

The Town of Henrietta has requested that, through our 2009 Town Tax Levy, delinquent sewer charges be levied on their behalf on parcels situate in Brighton, but served by the Henrietta Sewer District. Such charges have no impact on the 2009 Town of Brighton Budget. We recommend that the Town Board:

- Authorize the levy of $1,668.53 in delinquent sewer charges for the Town of Henrietta Sewer District.

Property Cleanup Charges

The Town Board must authorize the levy of property cleanup charges incurred in late 2007 and 2008 by the Town in accordance with the Town Code, to be recovered through the 2009 Town Tax Levy. We recommend that the Town Board authorize the levy of $1,782.05 in property cleanup charges for the following parcels:

• 225 Valley Road	$642.05
• 5 Thornwood Drive	$530.00
• 110 Oak Lane	$610.00

We would be happy to respond to any questions that members of the Town Board may have regarding these proposed budget amendments and related tax levy items.

TOWN OF BRIGHTON

Sandra L. Frankel
SUPERVISOR

MEMORANDUM

To: The Honorable Town Board
From: Sandra L. Frankel, Supervisor
Paula A. Parker, Director of Finance
Date: October 22, 2008
Subject: Proposed Amendments to the 2009 Budget and the Levy of Fire District, Delinquent Sewer, and Property Cleanup Charges

Based on updated information received since preparation of the Supervisor's Tentative 2009 Town and Special Districts Operating and Capital Budgets, we recommend the following amendments prior to adoption of the 2009 Budgets by Your Honorable Body. The revised Summary of Town Budget, "Net" Budgeted Spending, and Property Tax Levy Schedule; Special Districts Summary; and Town and Special Districts Capital Budget; reflective of the amendments that follow, are enclosed for your review.

Town Taxable Assessed Value

Our initial estimate of total Town taxable assessed value currently reflects all adjustments to the 2008 Assessment Roll (used for 2009 Town and County Taxes) to date. The initial estimate was $2,562,045,954 and will be revised to $2,557,551,450 on the final 2008 Assessment Roll. The 2009 Town Budget Tax Rate, based on the revised budget inclusive of the below detailed amendments, is $5.164889, yielding 2009 Town Budget taxes of $516.49 for every $100,000 of taxable assessed value. These changes do not require action of the Town Board.

Budgeted Appropriation Adjustments-General, Highway, and Library Funds

There are no recommended changes to the appropriation related accounts in the 2009 Town Operating and Capital Budgets.

- Based on the discussion and request of Supervisor Frankel and the Town Board, ALL elected officials will contribute twenty percent (20%) for their medical and dental premiums. This has been included in the Supervisor's Preliminary budget.

Salary Schedule Modifications

There are no recommended changes to the salary/wage related schedules or accounts in the 2009 Town Operating Budgets.

Estimated Revenue Adjustments-General, Highway, and Library Funds

There are no recommended changes to the revenue related accounts in the 2009 Town Operating and Capital Budgets.

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5251 • Fax 585-784-5373
http://www.townofbrighton.org

- Decreasing appropriations in account D.HWY.5130 4.62 Diesel Fuel $5,000 from $346,100 to $341,100, and
- Increasing the Library Fund appropriated fund balance by $10,000 from $10,000 to $20,000.

Salary Schedule Modifications

There are no recommended changes to the salary/wage related schedules or accounts, other than indicated above, in the 2009 Town Operating Budgets.

Estimated Revenue Adjustments-General, Highway, and Library Funds

- Decreasing the budget estimate in account A.DPW.5410 4580 Federal Aid – Road and Bridge Construction by $174,000 from $174,000 to $0, and
- Decreasing the budget estimate in A.UNDST 1001 Real Property Tax by $146,000 from $7,702,795 to $7,556,795, and
- Decreasing the budget estimate in D.HWY.5140 1001 Real Property Tax by $20,000 from $3,813,805 to $3,793,805 and
- Decreasing the budget estimate in L.LIBRY.7410 1001 Real Property Tax by $10,000 from $1,692,870 to $1,682,870.

Brighton Fire District

The County's Real Property Tax Office has not yet provided us with an estimate of Brighton's share of the Brighton Fire District's 2009 total Tax Levy of $4,697,000. However when the County's estimate is available, the Town Board authorizes that amount be added to the 2009 Town and County Tax Bill and collected by the Town Clerk.

Delinquent Sewer Charges

The Town of Henrietta has requested that, through our 2009 Town Tax Levy, delinquent sewer charges be levied on their behalf on parcels situate in Brighton, but served by the Henrietta Sewer District. Such charges have no impact on the 2009 Town of Brighton Budget. We recommend that the Town Board:

- Authorize the levy of $1,668.53 in delinquent sewer charges for the Town of Henrietta Sewer District.

Property Cleanup Charges

The Town Board must authorize the levy of property cleanup charges incurred in late 2007 and 2008 by the Town in accordance with the Town Code, to be recovered through the 2009 Town Tax Levy. We recommend that the Town Board authorize the levy of $1,782.05 in property cleanup charges for the following parcels:

• 225 Valley Road	$642.05
• 5 Thornwood Drive	$530.00
• 110 Oak Lane	$610.00

We would be happy to respond to any questions that members of the Town Board may have regarding these proposed budget amendments and related tax levy items.

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 12th of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons.

WHEREAS, this Town Board duly held Public Hearings on the Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvements Districts and for Special Improvements, on October 7, 2008 and October 22, 2008, at meetings commencing at 7:30 P.M., a list of which Districts and Improvements is attached hereto as Schedule "A" and made a part hereof, for the fiscal year commencing January 1, 2009, notice of which public hearings were duly given by advertisement in the official Town newspaper, the Brighton Pittsford Post; and

WHEREAS, the Court of Appeals of the State of New York has determined that the provisions of Section 239 of the Town Law of the State of New York that permitted notice to be given of public hearings to consider the assessment rolls for special improvements districts in which assessments are determined on a "benefits derived" basis, to be unconstitutional and mandated that individuals owning property within such districts receive personal notice of such hearings; and

WHEREAS, in response to such mandate, the Town Clerk also mailed notice of such public hearings to all taxable property owners in the Town as part of the Town's newsletter; and

WHEREAS, such public hearings having been duly called and held and all persons having an interest in such matter having been heard and the matter having been considered, be it

RESOLVED, that the said Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvements Districts and for Special Improvements for the fiscal year commencing January 1, 2009, be and the same hereby are adopted and established and that the same be filed forthwith in the office of the Town Clerk, and be it

FURTHER RESOLVED, that the Supervisor be and she hereby is directed to transmit a copy of said Assessment Rolls to the County Legislature of the County of Monroe on or before the next annual meeting of said County Legislature of the County of Monroe, in accordance with law.

On motion of Councilperson _____, seconded by Councilperson _____, and upon roll call, the following vote was recorded:

Dated: November 12, 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 _____

SCHEDULE A

Brighton Fire District . . . . . .
(Service)
West Brighton Fire Protection District . . . . . .
(Service)
Brighton Special Ambulance District. . . . . .
(Service)

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

Monroe Meadows Refuse and Garbage District . . . . .
(Service)
Parkwood Avenue Refuse and Garbage District. . . . .
(Service)
Pelham Road Refuse and Garbage District. . . . . .
(Service)
Pickford Refuse and Garbage District . . . . . .
(Service)
Rawlingswood Refuse and Garbage District . . . . . .
(Service)
Rockhill Refuse and Garbage District . . . . . .
(Service)
Roselawn Refuse and Garbage District . . . . . .
(Service)
Rowlands Refuse and Garbage District . . . . . .
(Service)
Schoolhouse Lane Refuse and Garbage District . . . .
(Service)
Second Rose Lawn Refuse and Garbage District . . . .
(Service)
Shalimar Refuse and Garbage District . . . . . .
(Service)
South Landing Road Refuse and Garbage District . . .
(Service)
Spier Avenue Refuse and Garbage District . . . . . .
(Service)
Struckmar Refuse and Garbage District. . . . . .
(Service)
Thornwood Drive Refuse and Garbage District. . . . .
(Service)
Village Lane Refuse and Garbage District . . . . . .
(Service)
Westerloe Avenue Refuse and Garbage District . . . .
(Service)
Willowbend Refuse and Garbage District . . . . . .
(Service)
Wyatt Drive Refuse and Garbage District. . . . . .
(Service)

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

Lac de Ville/Senator Keating Boulevard Lighting District . . . . . .
(Service)
Malvern Lighting District. . . . . .
(Service)
Meadowbrook Lighting District. . . . . .
(Service)
Mercy Park Lighting District . . . . . .
(Service)
Meridian Centre Lighting District. . . . . .
(Service)
Metropolitan Park Lighting District. . . . . .
(Service)

Penfield Landing Lighting District . . . . . .
(Service)
Penfield Road Lighting District. . . . . .
(Service)
Rose Lawn Lighting District. . . . . .
(Service)
Struckmar Lighting District. . . . . .
(Service)
Sunnymede Addition Lighting District . . . . . .
(Service)
Victory Lane Subdivision - Southland Drive Lighting District. . . . . .
(Service)

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

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

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

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

Brighton Meadows Lateral Water Main. . . . . .
(Improvement & Maintenance)

South Clinton - Westfall Water District. . . . . .
(Improvement & Maintenance)

Consolidated Water District of the Town of Brighton . . . . . .
(Improvement & Maintenance)

Consolidated Sewer District of the Town of Brighton . . . . . .
(Improvement & Maintenance)

Consolidated Sewer District Extension #67. . . . . .
(Improvement & Maintenance)

Brighton Sewer District 87A. . . . . .
(Improvement & Maintenance)

Western Drive Sanitary Sewer District. . . . . .
(Improvements & Maintenance)

Brighton Consolidated Sidewalk District. . . . . .
(Improvement & Maintenance)

Mercy Park Sidewalk District. . . . . .
(Improvements & Maintenance

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

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

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

Kirk-Astor Park District . . . . . .
(Improvement & Maintenance)

EXHIBIT NO.6

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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

WHEREAS, this Town Board duly held Public Hearings on October 7, 2008 and October 22, 2008, at meetings commencing at 7:30 o'clock P.M. local time, to consider the terms of Agreements by and between the Town of Brighton and the West Brighton Fire Department, Inc., and between the Town of Brighton and the City of Rochester, in each case for the provision of fire protection services within the West Brighton Fire Protection District, at which times all persons and entities having an interest therein had an opportunity to be heard on the matter; and

WHEREAS, it is proposed that the contracts with the West Brighton Fire Department, Inc. and the City of Rochester under such Agreements for 2009 shall be for a term of one year, in each case renewable for at least an additional year unless notice is given by either party on a timely basis terminating the Agreement, with the price of service to be not greater than the amount set forth in the 2009 Town Budget for such services, subject to the value assigned for the provision of fuel under the Agreement with the West Brighton Fire Department, Inc.; it is therefore

RESOLVED, that pursuant to the Town's budget process, the Supervisor and Town Board members are hereby authorized and directed to execute and deliver an Agreement by and between the Town Board, acting on behalf of the West Brighton Fire Protection District and the West Brighton Fire Department, Inc., and an Agreement by and between the Town Board, acting on behalf of the West Brighton Fire Protection District, and the City of Rochester, in each case for fire protection services within the West Brighton Fire Protection District, which

Agreements shall be in form and substance consistent with this resolution and as may be approved by the Attorney for the Town.

On motion of Councilperson _____, seconded by Councilperson _____, and upon roll call, the following vote was recorded:

DATED: November 12, 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 _____

EXHIBIT NO. 7

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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated October 30, 2008 from Thomas A. Low, Commissioner of Public Works, and correspondence from Donald F. Geisser, P.E., Vice President at Arcadis of NY, Inc., together with an attachment thereto, concerning Change Order #1 to the contract with Arcadis of NY, Inc., for pump station evaluations, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute and deliver Change Order #1 to the contract by and between the Town and Arcadis of NY, Inc., to provide nondestructive ultrasonic testing of suction piping in the Winton Road Pump Station, analyze the results and make recommendations, increasing the not to exceed amount for the contract by $4,861.

Dated: November 12, 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	____

TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

October 30, 2008

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

Re: Authorize Change Order #1
Arcadis of NY, Inc.
Pump Station Evaluations

Honorable Members:

I recommend that a change order be approved to the above contract to provide for ***additional*** professional services and to ***increase*** the total, "not to exceed" amount by an amount of $4,861.00 to a new total of $47,504.00 (an increase of 11%). These services are not a part of the current contract, but would allow us to better determine just when to make a sizable ($350,000) investment in the rehabilitation of the Winton Rd. Pump Station.

This change order would provide for the following, additional work:

#1: Provide nondestructive ultrasonic testing of suction piping in the station; analyze the results and make recommendations

Funds are available for this change-order in the pump station account (SS.8121), but must be transferred. I further recommend, therefore, that your Honorable Body approve a transfer within the 2008 Budget of $4,861 from account .240 (maintenance equipment) to account .452 (engineering services).

Sincerely,

Thomas A. Low
Commissioner of Public Works

cc: P. Parker
T. Keef

letters\change.ord

2300 ELMWOOD AVENUE
ROCHESTER, NEW YORK 14618
(585) 784-5250
FAX: (585) 784-5373
http://www.townofbrighton.org

EXHIBIT NO. 8

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING November 12, 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	$ 160,248.15
D - HIGHWAY	32,209.68
H - CAPITAL	26,125.51
SB - BUSINESS IMPROVM	60.00
SD - DRAINAGE DIST	60.00
SF - FIRE DIST	31,250.00
SL - LIGHTING DIST	842.51
SS - SEWER DIST	7,540.84
TA - AGENCY TRUST	5,959.66
TOTAL	$ **264,296.35**

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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated October 27, 2008 from Elaine Ainsworth, Town Assessor, concerning the purchase of two computers and a camera for the Assessor's Department, be received and filed, and be it further

RESOLVED, that the Assessor is hereby authorized to purchase two computers, at a cost of $592 each and a camera, at a cost of $350; and be it further

RESOLVED, that the Town Board hereby approves the transfer of $1,600 from account A.ASSOR.1355.453 (Attorney's Fees) to account A.ASSOR.1355.213 (Computer Equipment) in connection with these purchases.

Dated: November 12, 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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated October 20, 2008 from Thomas M. Voelkl, Chief of Police, concerning a budget amendment for the purchase of flashlights for police department shotguns, be received and filed, and be it further

RESOLVED, that the Town Board hereby approves a budget transfer set forth in the above correspondence.

Dated: November 12, 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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated October 14, 2008 from Thomas M. Voelkl, Chief of Police, and correspondence dated October 1, 2008 from Karen Hawkins, Monroe County Department of Health, concerning the Intermunicipal Agreement with Monroe County for tobacco compliance checks, together with the proposed contract attached thereto, be received and filed, and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an Intermunicipal Agreement by and between the Town and Monroe County for tobacco compliance checks, in the form attached to the correspondence.

Dated: November 12, 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	____

EXHIBIT NO. 12

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 12th day of November, 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 5, 2008 from Paula A. Parker, Director of Finance, and correspondence dated October 8, 2008 from Penflex, Inc., concerning the renewal of the agreement with Penflex, Inc., for the West Brighton Fire Protection District Service Award Program, be received and filed, and be it further

RESOLVED, that the Supervisor is hereby authorized to execute an agreement by and between the Town and Penflex, Inc. for third-party administration services for the West Brighton Fire Protection District Service Award Program, upon the terms set forth in the above memorandum, effective November 1, 2008 through October 31, 2009.

Dated: November 12, 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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated October 24, 2008 from Gary Brandt, Personnel Director and Paula A. Parker, Director of Finance, concerning a contract with EM Risk Management for the administration of the Town's Workers Compensation "tail claims", together with an attachment thereto, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute and deliver a contract by and between the Town and EM Risk Management for the administration of the Town's Workers Compensation "tail claims", with a term beginning October 1, 2008 and terminating December 31, 2012, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: November 12, 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	____

EXHIBIT NO. 14

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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated November 5, 2008 from Thomas A. Low, Commissioner of Public Works, concerning a professional services agreement with the Rochester Museum and Science Center for a Phase II cultural resource investigation, 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 Rochester Museum and Science Center for a Phase II cultural resource investigation of the Groos farmhouse area of the parcel acquired from Faith Temple, east of Buckland Park, at a cost not to exceed $23,000.

Dated: November 12, 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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated October 22, 2008 from Thomas A. Low, Commissioner of Public Works, and correspondence dated October 15, 2008 from Maggie Brooks, County Executive, concerning a grant under the Community Development Block Grant Program for the proposed Buckland Park sidewalk program, 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 Monroe County in connection with the Community Development Block Grant Program for a grant for the proposed Buckland Park sidewalk project, together with any other documents and agreements as may be necessary to receive and administer the grant.

Dated: November 12, 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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated October 22, 2008 from Thomas A. Low, Commissioner of Public Works, concerning a professional services agreement with Urban Forestry LLC, for a Hazard Tree Survey, together with an attachment thereto, be received and filed, and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement for Professional Services, by and between the Town and Urban Forestry LLC, upon the terms and conditions set forth in such correspondence and in form and substance as may be approved by the Attorney for the Town, at a cost not to exceed $2,000.

Dated: November 12, 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	____

TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

October 22, 2008

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

Re: Professional Services Contract
Urban Forestry LLC
Hazard Tree Survey

Honorable Members:

I recommend that the contract for professional services, referenced above,be awarded to Urban Forestry LLC for the lump sum amount of $1,200.00, a unit price of $200.00 per tree for resistograph drilling (as ordered by the Town), and in a total amount not to exceed $2,000.00. The final 20 miles of Town roads will be surveyed, culminating a process that began in 2005. A summary report will be provided, identifying trees to be trimmed and removed, as well as individual reports on the trees recommended for removal.

Urban Forestry LLC was selected due to their expertise and familiarity with the Town. The amount is less than the amount required in the last survey.

Funds are available in the 400 level of the A.DPW.8560 account.

Sincerely,

Thomas A. Low
Commissioner of Public Works

cc: P. Parker

2300 ELMWOOD AVENUE
ROCHESTER, NEW YORK 14618
(585) 784-5250
FAX: (585) 784-5373
http://www.townofbrighton.org

EXHIBIT NO. 17

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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

WHEREAS, the Town Board previously adopted a resolution authorizing the Supervisor to offer various projects related to Monroe Avenue streetscape, to the Brighton Chamber of Commerce for its financial support; and

WHEREAS, the Commissioner of Public Works has identified another possible project to be offered; it is therefore

RESOLVED, that correspondence dated October 24, 2008 from Thomas A. Low, Commissioner of Public Works, concerning possible Monroe Avenue improvements projects to be offered to the Brighton Chamber of Commerce, be received and filed, and be it further

RESOLVED, that the Supervisor is hereby authorized to offer a project to the Brighton Chamber of Commerce for its financial report, consisting of the replacement of certain wooden bumper rails with painted steel pipe rails in various locations, all as more fully set forth in the above correspondence.

Dated: November 12, 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	____

EXHIBIT NO. 18

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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated November 3, 2008 from Thomas A. Low, Commissioner of Public Works, concerning the Draft Environmental Impact Statement for the proposed Citygate Project, together with an attachment thereto, be received and filed; and be it further

RESOLVED, that the Commissioner is hereby authorized to submit staff comments concerning the proposed Draft Environmental Impact Statement for the proposed Citygate Project, in general accordance with the draft letter attached to the correspondence of the Commissioner of Public Works.

Dated: November 12, 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	____

TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

November 3, 2008

Honorable Town Board
Town of Brighton
2300 Elmwood Ave.
Brighton, NY 14618

Re: 'Citygate' Project
D.E.I.S.

Honorable Supervisor and Members:

I recommend that the Supervisor be authorized to submit a letter of comments on the potential environmental impacts of the proposed project.

I further recommend that the I be authorized to submit staff's comments on the document, as well. These comments will be in general accord with Stantec Consulting's draft letter of 10/31/08 (attached).

Sincerely,

Thomas A. Low
Commissioner of Public Works

cc: R. Boehner

2300 ELMWOOD AVENUE
ROCHESTER, NEW YORK 14618
(585) 784-5250
FAX: (585) 784-5373
http://www.townofbrighton.org

Stantec Consulting Services Inc.
2250 Brighton-Henrietta Town Line Road
Rochester NY 14623-2706
Tel: (585) 475-1440
Fax: (585) 424-5951

Stantec

DRAFT

October 31, 2008

Mr. Ramsey Boehner
Town of Brighton Planning Board
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Reference: Citygate DGEIS Substantive Review

Dear Ramsey:

The draft Citygate DGEIS, dated October 2008 was reviewed by Stantec and Town of Brighton staff. The purpose of this review was to provide substantive comments on the DGEIS for the Lead Agency's consideration for the preparation of the FGEIS. In general, the DGEIS does not provide sufficient information for the reviewer to understand the full magnitude of potential environmental impacts, nor were sufficient mitigation measures identified and discussed. Our specific comments are referenced by section and/or page number.

Executive Summary

Page 6, Paragraph 4. It is stated that Citygate will be managed by a development company that will budget for and maintain all internal streets, landscaping and street lighting as well as coordinating utility repair, maintenance and improvements. This is inconsistent with statements made in Chapter 4.

Project Overview

Page 11. A summary of what is proposed in the Town of Brighton. Section 2.2 does not contain a description of what is proposed in terms of the type of residential units, proposed heights, range of building densities and supporting development features. Two loft buildings are shown on the concept plan. Will any retail uses be included in the Brighton portion?

Page 15. What is meant by the "level work units"? At first glance, these types of units are not consistent with the RHD-1 zoning district.

Page 17. The potential variances needed from the Brighton Zoning Board of Appeals are not identified (i.e. use, height, setbacks, etc.).

Page 17. What is the Dormitory Authority's role in the project? What aspect of the project are they funding?

Page 19. The MCDOT should be listed as an Involved Agency given that there is a proposed curb cut on the County portion of Westfall Road.

Page 24. How much new impervious surface will be added to the site? What is the potential increase in the volume of stormwater generated compared to that generated today? What mitigation is proposed to address the

Page 24. Will the proposed stormwater management system be constructed in sequence with the construction phasing or will any portions need to be constructed at the outset?

Pages 24 and 25. Please elaborate on the contents and objectives of the SWPPP. What is the anticipated volume and quality of runoff leaving the site?

Existing Environmental Setting, Impacts and Mitigation Measures/Alternatives

Page 25. Identify and discuss the stormwater conveyance pathway from the proposed stormwater pond to the NYSDOT pond. Will the stormwater be piped or be conveyed via an open channel? Will an easement be needed? Who will be responsible for the maintenance of this conveyance system?

Page 25. Please elaborate on the "comprehensive program of green initiatives" intended for this project. Are there any stormwater management facilities that are proposed to be dedicated to the Town of Brighton?

Page 27. How many sycamore trees are within the Town of Brighton? How many will be lost due to the proposed development?

Page 30. While a grading plan has yet to be prepared, is it possible to determine whether or not topsoil will need to be either imported or exported from the site? What are the potential mitigation measures?

Page 30. Were there any attempts to avoid the 0.33 acres of wetland or an attempt to incorporate them into the conceptual design as part of the green initiatives?

Page 32. Please expand on the discussion of mitigation for the loss of trees. How many trees will be lost? How many will be replaced?

Page 34. Figure 14 appears to be inconsistent with the Conceptual Site Plan. The location of the proposed stormwater pond is shown in the wrong location. Views from the Town Park trail are not provided as required in the Scoping Outline.

Page 38. The proposed Signage Guidelines contained in Appendix G do not comply with the Town's signage requirements for the Residential District. Adequate mitigation measures have not been identified.

Page 38. There is not an adequate assessment of visual impacts resulting from building height or massing. Likewise, there are no proposed amenities or mitigation measures presented for these impacts.

Page 38. Please discuss the extent of screening, buffering and landscaping needed to effectively reduce visual impacts. Perhaps a range can be given of the amount and type of screening and buffering needed for each of the proposed uses.

Traffic and Transportation

The information provided in the GDEIS is inadequate and in some cases in-correct to identify the possible environmental traffic impacts on the Town of Brighton. In particular:

- The intersection of South Clinton Avenue and Westfall Road will operate under failing conditions with this project; however no mitigation is analyzed or offered other than Monroe County will be fixing it. There is no information on when Monroe County will make the improvements, whether they will accommodate the additional traffic generated by Citygate, nor the level of improvements required to accommodate the additional Citygate traffic and their possible environmental impacts.
- East Henrietta Road interchange with I-390 is operating under failing conditions, however, the interchange was not analyzed in the GDEIS, nor mitigation identified. Again, only the statement that the New York State Department of Transportation will be fixing it. No information is provided on when New York State will be making these improvements, whether they will accommodate the additional traffic generated by Citygate or the level of improvements to accommodate the additional Citygate traffic and their possible environmental impacts.

- We do not agree with the volume of Citygate traffic that might travel through the Town of Brighton based on current traffic patterns. We would expect 30%, if not 40% of Citygate traffic will use Westfall Road in the Town Of Brighton to and from Citygate;
- The number of vehicle trips generated by Citygate is significantly under-estimated. The estimate assumes that for the retail development, 20% of the trips generated would travel to/from other retail shops on site and would never exit onto the adjacent highway system. Since the Institute of Transportation Engineers "Shopping Center" Trip Generation rates were used to estimate generated trips by this retail component, these internal shopping trips have already been accounted for. The double dipping on volume adjustments has grossly under-estimated the impact of traffic impacts on the adjacent highway network.
- The traffic analysis conducted is based on different land use sizes than presented in the GDEIS. Thus, the true volume of traffic generated for the preferred development and its possible environmental impacts have not been properly documented in the GDEIS.
- While the proposed 343,000 sq. ft. of shopping center will experience peak traffic generation on Saturday, no formal analysis of the traffic impacts was performed for the Saturday peak period. In addition, we disagree with the information offered in GDEIS stating the development would generate less trips on Saturday.
- Monroe County Department of Transportation is not listed as an involved agency, yet the development proposes a driveway on Westfall Road owned by Monroe County. Thus they are an involved agency and should be listed as such;
- Parking Adequacy has not been addressed – No information is provided in the GDEIS that identifies the number of parking spaces necessary to support this mixed used development. This information is important in identifying if any spill over parking will occur into the apartment or townhouse sections (Town of Brighton).
- The internal roadway system is very circuitous and will impact the use of each of the access points to the adjacent roadway. No mention is made if the internal roads and utilities will be private or dedicated.
- A comprehensive pedestrian/bicycle system is not shown in the figures or discussed. While some trails are shown on the plans, links connecting various portions of the development to the canal/trails and the adjacent roadway system are missing and not addressed.

Utilities and Energy Use

Noise. Lighting and Odor Impacts

Page 90. It is stated that the City of Rochester and the MCWA are evaluating whether the City Water Bureau can provide water for the entire development. The FGEIS should identify whether or not the City can provide water for the entire development. If they can't, an alternative solution needs to be presented.

Page 91. Who will be responsible for maintaining the 8" sanitary sewer? Will there be adequate water pressure for the fire hydrants?

Page 106. The portion of the proposed project within the Town of Brighton is inconsistent with the RHD-1 zoning district requirements. Live/work residential units with small offices are not allowed, nor is "retail in the first floor".

Page 114. Even for a GEIS, the description of the proposed land use in the Brighton portion of the project is too vague. How many residential units are proposed? How tall will they be? Is there a range of maximum lot coverage, minimum setbacks, density and maximum heights that can be presented at this time?

Page 115. The zoning requirements of the requested RHD-1 zoning district have not been addressed. Are there any use variances needed for the Brighton portion of the project?

Page 118. There was not a sufficient analysis of the land use and zoning impacts, therefore, it is premature to conclude that no additional mitigation is needed for Land Use Zoning.

Assessment of Reasonable Alternatives

The information provided in the GDEIS is inadequate to make a determination on the reasonable alternatives. Not all potential impacts have been properly identified nor corresponding alternatives evaluated in terms of land use, wetlands, stormwater, traffic and ... as follows:

In general, no alternative presented in the GDEIS addresses:

- mitigation/avoidance of the wetland impacts;
- maximum buildout potential of the site prior to the State and County improvements are completed;
- or short term community impacts prior to State and County improvements are completed;
- development phasing and stormwater system plan.

Page 119 – Alternative Site Plan 2 – Town of Brighton Comprehensive Plan 2000. This alternative and the corresponding Figure 23 are inconsistent with the Town's Comprehensive Plan. The low density office district specified in the Comprehensive plan does not permit general office uses including medical. This low density district also specifies a maximum of 7,000 square feet/acre, set back requirements, maximum building height, development density, open space requirements. Potential use variances are not identified.

Page 124 – Alternative Site Plan 4- Town of Brighton RHD-2 (High Density District). This alternative, Figure 4, Figure 29 and the traffic study are inconsistent and difficult to determine exactly what is being proposed.

- A trip generation comparison was not made nor an updated traffic study provided. Supportive documents are not provided addressing the full impacts of this alternative.
- Figure 4 – Proposed land use shows "Brighton Canal Front Mixed Use", mixed use development is not permitted in RHD-2 and is inconsistent with the proposed write up under this alternative.

Temporary and Short-Term Impacts

Short term impacts and mitigation were not identified related to the traffic impacts. Any delay by the State and County adjacent highway improvements will cause additional community impacts that have not been addressed.

Will the project meet all of the various Federal and State requirements without the construction of Phase 1B? Does the construction of Phase 1A trigger the need to construct any portion of the proposed stormwater pond within the Town of Brighton?

Appendix O – Traffic Impact Study

Trip Generation – Trip generation and adjustment calculations are not provided in the study appendix. The retail component of 343,000 square feet is calculated and treated as a "shopping center"; yet, an internal shared trip adjustment of 20% between retail uses is taken. This adjustment is not in conformance with ITE trip generation methodology.

Trip Distribution – the study is based on a premise that approximately 20% of the site generated traffic will arrive and depart through the Town of Brighton via Westfall Road. Review of existing travel patterns would indicate that close to 30-40% of existing traffic in the study area is using the Westfall Road corridor. Applying a generic trip distribution pattern to all traffic (office, retail and residential) components of the site is not in conformance with basic traffic engineering principles. The circuitous internal roadway system will also impact which access points will be used.

Levels of Service – The DGEIS and TIS do not address nor allude to the potential mitigation measures needed to minimize these impacts. The study shows poor operating conditions at the intersection of Westfall Road and South Clinton Avenue under current conditions and it continues to decline to overall failing conditions with the addition of background and 2013 Full Build traffic. As the timing of the MCDOT Westfall Road Phase 2 project is not noted, the need for temporary improvements or phasing of the development will need to be addressed.

The I-390 Interchange with East Henrietta Road is not addressed or analyzed, yet 42% of the morning traffic will arrive from this interchange area. We are aware that the poor levels of operation at this interchange during the morning peak period is the basis for alternative travel patterns such as I-590 southbound traffic getting off at Monroe Avenue and traveling over Westfall Road to this general area. Without improvements to this interchange and with development of Citygate, more traffic is likely to divert to the local network via Westfall. Again, this further suggests that traffic and associated impacts of this development are underestimated along the Westfall Road corridor.

Where is the RTS Transfer center located? An adjustment to reduce traffic volumes generated by the site totaling 60-100 vehicles per hour was taken; but no indication in the plans where the transfer center will be located and it's relationship to the various land uses.

Please call me if you have any questions or require additional information.

Sincerely,

STANTEC CONSULTING SERVICES INC.

Michael J. Flanigan
Tel: (585) 475-1440
Fax: (585) 424-5951
mike.flanigan@stantec.com

U:\192500233\L0003-Boehner Citygate DEIS Completeness Review.doc

draft
November 13, 2008

Mr. Arthur Ientilucci
Director of Zoning, City of Rochester
City Hall Room 125 B
30 Church St.
Rochester, N.Y. 14614

Re: Citygate
Draft Generic Environmental Impact Statement (October, 2008)

Dear Sir,

The Town of Brighton submits the following comments and questions for the record of the DGEIS hearing.

The two most important comments have to do with zoning. First, the proposal is not in accord with our Comprehensive Plan recommendation for the area. Second, the Town's portion of the parcel is proposed by the developer to be rezoned to RHD-1 (Residential High-Density District -1), a very intense zoning district that is not appropriate for this area.

Our other comments and questions are as follows:

1. The Town's Comprehensive Plan calls for an affordable housing component in new residential developments. Will that be provided here?
2. Will the residential use include student housing?
3. There is a significant, potential visual impact to the Town Park Trail which was not analyzed, as directed in the approved scope. Figure 14, which may be an attempt at analysis, is not consistent with the Conceptual Site Plan submitted, nor with the height and mass of the structures permitted under the RHD-1 District. The developer stated that he "seeks to enhance the trailway to offer a stronger connection to the Canal" (pg. 117). How?
4. The study shows that conditions at Westfall and Clinton will degrade upon completion of this project (pg. 83), and notes that the County plans improvements. What is their schedule? How much of the proposed project can be built *before* completion of the County project and *without* causing a decrease in the level of service at this intersection?

5. The study notes that the State plans improvements to E. Henrietta Rd. at I-390. What is their schedule? How much of the Citygate project can be built *without* completion of the State project and *without* causing a decrease in the level of service at this intersection? The Citygate project should be phased, to follow the various phases of the State projects.

6. The DGEIS is inadequate, as it does not estimate the potential demand for new public services from the development (pg. 108). How many police calls may be expected from 700 units? What is the cost per call? Similar analysis is needed for highways, library, recreation, fire and ambulance. The analysis must be supplemented, when the developer determines what facilities may be dedicated to the Town.

7. The DEIS asserts (pg. 107) that "no more than 83 new students" will be directed to the Rush-Henrietta Schools from the 700 units in this development "based upon the type of housing proposed". The assertion is unsupported. How does this compare with the number of students housed in other, similar projects in the District? What limits on the "type of housing proposed" are necessary to mitigate the demand for students?

These comments will be supplemented by a separate letter of comments from Town staff.

Sincerely,

Sandra L. Frankel
Supervisor

My documents/public works/Citygate DGEIS comment letter

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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated October 27, 2008 from Thomas A. Low, Commissioner of Public Works, concerning the "Empowering Local Government Climate Action Blueprint for the New President and the 111th Congress," be received and filed, together with a copy of such document attached thereto; and be it further

RESOLVED, the Town Board hereby endorses the "Empowering Local Government Climate Action Blueprint for the New President and 111th Congress" in the form attached to the above memorandum and directs the Supervisor to so advise ICLEI.

Dated: November 12, 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	____

EXHIBIT NO. 20

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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated October 21, 2008 from Thomas A. Low, Commissioner of Public Works, concerning a proposed amendment to New York State Freshwater Wetland Map #8, be received and filed, together with correspondence dated October 20, 2008 from Ramsey A. Boehner, Executive Secretary of the Planning Board and a proposed amended Map #8; and be it further

RESOLVED, the Town Board hereby authorizes the Commissioner of Public Works to submit a request to the Regional Office of the New York State Department of Environmental Conservation for an amendment to Wetland Map 8 to add a wetland area on such map on and adjacent to Persimmon Park in the Town.

Dated: November 12, 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	____

TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

October 20, 2008

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

RE: Advisory report regarding proposed amendments to the New York State Freshwater Wetland Map, Monroe County, Map 13 of 21

Dear Board Members:

At the October 15, 2008 Planning Board meeting, the Planning Board reviewed the proposed amendments to the New York State Freshwater Wetland Map, Monroe County, Map 13 of 21. The Planning Board supports the proposed map amendments for Map 13 of 21.

The Planning Board recommends that the Town request that the New York State Freshwater Wetland Map, Monroe County, Map 8 of 21 be amended to add additional wetland area in the southwest corner of Clinton Avenue South and Highland Avenue. It is our understanding that the subject wetland meets the criteria to be designated and protected as a NYS wetland. The wetland is located within an urbanized area and is situated near the Town/City corporate limits. The wetland is located within and adjacent to the Town of Brighton's Persimmon Park and a Town of Brighton Woodlot Environmental Protection Overlay District. The area surrounding the wetlands consists of single family development to the north and west, and apartments to the south. In addition to its location in an urbanized area, the wetland provides valuable wildlife habitat, flood control, and storm water quality management for the surrounding area.

Respectfully,

Ramsey A. Boehner
Executive Secretary
Planning Board

2300 ELMWOOD AVENUE
ROCHESTER, NEW YORK 14618
(585) 784-5250
FAX: (585) 784-5373
http://www.townofbrighton.org

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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 12, 2008 from Terrence J. Rice, P.E., Monroe County Director of Transportation, and correspondence dated October 20, 2008 from Timothy E. Keef, P.E., Town Engineer, both concerning the installation of traffic control devices on Crittenden Road from East Squire Drive to West Henrietta Road, be received and filed, and be it further

RESOLVED, that pursuant to the Vehicle and Traffic Law of the State of New York Sections 1651 and 1652-a, the Town Board of the Town of Brighton hereby consents to the installation of traffic control devices on Crittenden Road from East Squire Drive to West Henrietta Road, directing that the center land must turn left, in both the eastbound and westbound directions.

Dated: November 12, 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 ____

EXHIBIT NO. 22

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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated October 30, 2008 from Thomas A. Low, Commissioner of Public Works, concerning a professional services agreement with Clark, Patterson, Lee Architects for engineering for the Public Safety Wing, HVAC and roofing project, be received and filed; and be it further

RESOLVED, the Town Board hereby awards the contract for engineering services for the Public Safety Wing HVAC and roofing project to Clark, Patterson, Lee Architects, in the hourly rates proposed and for a total cost not to exceed $9,600, and in a lump sum for final design and construction support tasks of $26,000.

Dated: November 12, 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	____

EXHIBIT NO. 23

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 12th day of November, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated October 27, 2008 from Carol R. Tometsko, concerning an appointment as a marriage officer, be received and filed; and be it further

RESOLVED, the Town Board hereby appoints Carol R. Tometsko as a marriage officer in the Town of Brighton, effective immediately through December 31, 2009.

Dated: November 12, 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	____

2009 PROPOSED TOWN BOARD MEETINGS SCHEDULE

MEETINGS HELD in BRIGHTON TOWN HALL AUDITORIUM

WEDNESDAYS AT 7:00 p.m. (exceptions noted *)

January 2 *(1:30 p.m.)
January 14
January 28
February 11
February 25
March 11
March 25
April 7 *Tuesday as Passover begins sundown on 8th
April 22
May 13
May 27
June 10
June 24
July 8
July 22
August 12
August 26
September 9
September 23
October 14
October 28
November 10 *Tuesday as Veterans' Day is 11th
November 24* Tuesday before Thanksgiving
December 9
December 23* (Noon)

EXHIBIT NO. 25

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, in said Town of Brighton on the 12th day of November 2008

PRESENT:

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

RESOLVED, that the following appointments be and hereby are made to the Town of Brighton Board of Assessment Review:

Steve Ward, of 140 Hollywood Avenue, Rochester, NY 14618, for a **five-year term** effective immediately through September 30, 2013;

Eileen S. Perry fka Eileen Goldman, of 130 Maybrooke Road, Rochester, NY 14618, for the **remainder of a five-year term,** effective immediately through September 30, 2012; and

Barbara Moehle, of 109 S. Landing Road, Rochester, NY 14610; **Lauren Judson**, of 130 Trevor Court, Rochester, NY 14610 and **Gloria Ward**, of 95 Lantern Lane, Rochester, NY 14623, for **one-year terms**, effective immediately through September 30, 2009

Dated: November 12, 2008

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