

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

August 27, 2008

PRESENT: Councilmember James Vogel
Councilmember Ray Tierney
Councilmember Louise Novros
Councilmember Sheila Gaddis
Supervisor Sandra Frankel

William Moehle
Attorney for the Town

Susan Kramarsky
Town Clerk

MEETING CALLED TO ORDER:

Workshop with Planning Board on St. Johns "Brickstone" expansion project 4:30 PM.

RECOGNITIONS/PRESENTATIONS:

*R. Thomas Flynn -- Retirement as President of Monroe Community
College*

Women's Equality Day Proclamation

OPEN FORUM:

1. Janet Smith
2. Paul Bush
3. Al Antonez
4. Harry Gleason
5. Dan Gilfoil
6. Ari Border
7. Adam Zinc
8. John Anitomasso
9. Paul Hollohan
10. Daryl Gronsky
11. Judy Schwartz present petitions
12. Bruce Bellwood

APPROVAL OF AGENDA:

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel that the Town Board approve the agenda with the addition of petition from Judy Schwartz.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Proposed Maywood, Modelane, Pickford, Shalimar and
Willowbend Refuse Districts (see Resolutions #7, 8, 9, 10 and 11 with
attached comments from Steve Schockow, dated August 27, 2008).

(Complete transcripts under separate cover).

Maywood Refuse District

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Modelane Refuse District

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

Pickford Refuse District

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. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Shalimar Refuse District

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Willowbend Refuse District

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. 5 attached.

(Complete transcript under separate cover).

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PETITIONS:

MATTER RE: Judy Schwartz. Proposed Costello project on Winton Road South at I 590.

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

BIDS:

MATTER RE: Authorize solicitation of bids for Elmwood Avenue Relief Sewer, Phase II (see Resolution #1; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated August 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. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize solicitation of bids for sewer pipe rehabilitation contract for 2008 (see Resolution #2; letter from Timothy E. Keef, P.E., Town Engineer, dated August 19, 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. 7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM William S. Nechamen, CFM, New York State Department of Environmental Conservation, Division of Water, dated August 1, 2008, regarding Local Law for Flood Damage Prevention

FROM Rebecca J. Cotter, Assistant Director, Recreation and Parks Department, dated August 12, 2008, thanking the Police Department and Animal Control for their recent efforts in removing a dead deer from the canal fest area

FROM Judith Prevratil, dated August 13, 2008, commenting on the proposed Costello development

FROM William T. Lowe, dated August 11, 2008, expressing thanks for the Town's response to his concerns about a pollution problem

FROM Bruce S. Bellwood, commenting on developer Anthony Costello

FROM Timothy D. Williams, dated August 14, 2008, and Supervisor Frankel's response, dated August 17, 2008, regarding the proposed Costello projects

FROM Al and Trudy Sheinfeld, dated August 21, 2008, and Supervisor Frankel's response dated August 24, 2008, regarding the proposed Costello projects

FROM Brad Sponsel, dated August 13, 2008, commenting on the proposed Costello projects

FROM Albert Antonez, dated August 18, 2008, commenting on the proposed Costello projects

FROM Robert N. Monahan, dated August 22, 2008, commenting on the proposed Costello projects

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to receive and file the aforementioned communications.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services - no report given.

Finance and Administrative Services - Councilmember Sheila Gaddis reported that the committee met on August 20. Next meeting September 3, 2008.

Public Safety Services - no report given. Next meeting September 9, 2008.

Public Works Services - Councilmember James Vogel reported that the committee met on August 12, 2008. Next meeting September 8, 2008.

NEW BUSINESS:**MATTER RE:** Reading and approval of claims

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Supervisor read and approve payment of the claims as set forth in Exhibit No. 8 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize grant application to Justice Court Assistance Program for funding to purchase Epson DFX-9000 impact printer for the court (see Resolution #3; letter from Dianne W. Burdett, Administrative Court Clerk, dated August 19, 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. 9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize close out and transfer of funds for completed Capital Project for purchase of 2007 ambulance (see Resolution #4; memorandum from Paula A. Parker, Director of Finance, dated August 19, 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 2008 Budget appropriation and amendment of bond resolution for Consolidated Water District Capital Projects as related to the Elmwood Avenue Relief Sewer Phase II project (see Resolution #5; memorandum from Paula A. Parker, Director of Finance, dated August 18, 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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Rustic Village Apartments for their maintenance of curbed entrance island at East Squire Drive and East Henrietta Road (see Resolution #6; letter from Timothy E. Keef, P.E., Town Engineer, dated August 22, 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. 12 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Request modification to abandonment of Center Drive

(see Resolution #12; letter from James J. Bonsignore, Esq., Fix Spindelman Brovitz & Goldman, Esqs., dated August 14, 2008, with attachments).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION:

To discuss the employment of a particular person

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to go into executive session at 9:15 PM to discuss matters of the employment of a particular person.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to come out of executive session at 10:15 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board adjourn at 10:20 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 August 27, 2008 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

Susan Kramarsky, Town Clerk

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 27th day of August, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

In the Matter of the
Establishment of
The Maywood Drive Refuse District
Town of Brighton, Monroe County,
New York

WHEREAS, as record owners of more than fifty percent (50%) of the taxable assessed value of taxable real property within the area bounded and described in the attached Exhibit A and also including the signatures of resident owners owning more than fifty (50%) of the assessed value of taxable real property owned by resident owners within such area, in the Town of Brighton, County of Monroe, have filed with the Town Clerk and presented to the Town Board at a meeting of said Board, a Petition requesting the Maywood Drive Refuse District be established in such area, in said Town bounded and described in the attached Exhibit A; and

WHEREAS, said Petition provides for the provision of refuse services to said property wholly at the expense of the petitioners; and

WHEREAS, said Town Board duly adopted an Order providing that the Town Board shall meet at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town on the 27th day of August, 2008, at 7:30 P. M., prevailing time, to consider said petition and to hear all persons interested in the subject thereof, and certified copies of said Order having been duly published and posted as prescribed by law and said Town Board having met at the time and place specified in said Order and having considered said petition and having heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same; and the said Town Board having given due deliberation to the matter; and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT ORDERED by the Town Board of the Town of Brighton that it be and hereby is determined as follows: (1) that said petition is signed and acknowledged or approved as required by law and is otherwise sufficient; and that the petition complies with section 191 of the Town Law and such other sections of Chapter 62 of the Consolidated Laws of the State of New York as are properly applicable thereto, and that there is annexed to said petition, a map showing the boundaries of the proposed District; (2) that the petitioners own more than 50% of all the taxable real property of the proposed District and also are resident owners owning more than 50% of all the taxable real property owned by resident owners in said proposed District according to the latest completed assessment roll in the Town of Brighton; and that all property and property owners benefited are included therein and that no property or property owners or interested persons benefited thereby have been excluded therefrom; and that all the property and property owners within the proposed District are benefited thereby; and that it is in the public interest to grant the whole relief sought in the said petitions; and be it further;

ORDERED, that the said petition praying that the Maywood Drive Refuse District of the Town of Brighton be established to include certain real property therein described be, and the same hereby is, granted, with the costs thereof to be charged on a benefits derived basis; and be it further

ORDERED, that the Town Clerk be, and hereby is directed to record a certified copy of this Order in the office of the Clerk of the County of Monroe and to file a certified copy of this Order within ten days after the adoption of this Order.

Dated: August 27, 2008

Sandra L. Frankel, Supervisor

James R. Vogel, Councilman

Raymond J. Tierney III, Councilman

Louise Novros, Councilperson

Sheila A. Gaddis, Councilperson

Members of the Brighton Town Board,
Brighton, New York

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 27th day of August, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

In the Matter of the
Establishment of
The Modelane Refuse District
Town of Brighton, Monroe County,
New York

WHEREAS, as record owners of more than fifty percent (50%) of the taxable assessed value of taxable real property within the area bounded and described in the attached Exhibit A and also including the signatures of resident owners owning more than fifty (50%) of the assessed value of taxable real property owned by resident owners within such area, in the Town of Brighton, County of Monroe, have filed with the Town Clerk and presented to the Town Board at a meeting of said Board, a Petition requesting the Modelane Refuse District be established in such area, in said Town bounded and described in the attached Exhibit A; and

WHEREAS, said Petition provides for the provision of refuse services to said property wholly at the expense of the petitioners; and

WHEREAS, said Town Board duly adopted an Order providing that the Town Board shall meet at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town on the 27th day of August, 2008, at 7:30 P. M., prevailing time, to consider said petition and to hear all persons interested in the subject thereof, and certified copies of said Order having been duly published and posted as prescribed by law and said Town Board having met at the time and place specified in said Order and having considered said petition and having heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same; and the said Town Board having given due deliberation to the matter; and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT ORDERED by the Town Board of the Town of Brighton that it be and hereby is determined as follows: (1) that said petition is signed and acknowledged or approved as required by law and is otherwise sufficient; and that the petition complies with section 191 of the Town Law and such other sections of Chapter 62 of the Consolidated Laws of the State of New York as are properly applicable thereto, and that there is annexed to said petition, a map showing the boundaries of the proposed District; (2) that the petitioners own more than 50% of all the taxable real property of the proposed District and also are resident owners owning more than 50% of all the taxable real property owned by resident owners in said proposed District according to the latest completed assessment roll in the Town of Brighton; and that all property and property owners benefited are included therein and that no property or property owners or interested persons benefited thereby have been excluded therefrom; and that all the property and property owners within the proposed District are benefited thereby; and that it is in the public interest to grant the whole relief sought in the said petitions; and be it further;

ORDERED, that the said petition praying that the Modelane Refuse District of the Town of Brighton be established to include certain real property therein described be, and the same hereby is, granted, with the costs thereof to be charged on a benefits derived basis; and be it further

ORDERED, that the Town Clerk be, and hereby is directed to record a certified copy of this Order in the office of the Clerk of the County of Monroe and to file a certified copy of this Order within ten days after the adoption of this Order.

Dated: August 27, 2008

Sandra L. Frankel, Supervisor

James R. Vogel, Councilman

Raymond J. Tierney III, Councilman

Louise Novros, Councilperson

Sheila A. Gaddis, Councilperson

Members of the Brighton Town Board,
Brighton, New York

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 27th day of August, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

In the Matter of the
Establishment of
The Pickford Road Refuse District
Town of Brighton, Monroe County,
New York

WHEREAS, as record owners of more than fifty percent (50%) of the taxable assessed value of taxable real property within the area bounded and described in the attached Exhibit A and also including the signatures of resident owners owning more than fifty (50%) of the assessed value of taxable real property owned by resident owners within such area, in the Town of Brighton, County of Monroe, have filed with the Town Clerk and presented to the Town Board at a meeting of said Board, a Petition requesting the Pickford Road Refuse District be established in such area, in said Town bounded and described in the attached Exhibit A; and

WHEREAS, said Petition provides for the provision of refuse services to said property wholly at the expense of the petitioners; and

WHEREAS, said Town Board duly adopted an Order providing that the Town Board shall meet at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town on the 27th day of August, 2008, at 7:30 P. M., prevailing time, to consider said petition and to hear all persons interested in the subject thereof, and certified copies of said Order having been duly published and posted as prescribed by law and said Town Board having met at the time and place specified in said Order and having considered said petition and having heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same; and the said Town Board having given due deliberation to the matter; and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT ORDERED by the Town Board of the Town of Brighton that it be and hereby is determined as follows: (1) that said petition is signed and acknowledged or approved as required by law and is otherwise sufficient; and that the petition complies with section 191 of the Town Law and such other sections of Chapter 62 of the Consolidated Laws of the State of New York as are properly applicable thereto, and that there is annexed to said petition, a map showing the boundaries of the proposed District; (2) that the petitioners own more than 50% of all the taxable real property of the proposed District and also are resident owners owning more than 50% of all the taxable real property owned by resident owners in said proposed District according to the latest completed assessment roll in the Town of Brighton; and that all property and property owners benefited are included therein and that no property or property owners or interested persons benefited thereby have been excluded therefrom; and that all the property and property owners within the proposed District are benefited thereby; and that it is in the public interest to grant the whole relief sought in the said petitions; and be it further;

ORDERED, that the said petition praying that the Pickford Road Refuse District of the Town of Brighton be established to include certain real property therein described be, and the same hereby is, granted, with the costs thereof to be charged on a benefits derived basis; and be it further

ORDERED, that the Town Clerk be, and hereby is directed to record a certified copy of this Order in the office of the Clerk of the County of Monroe and to file a certified copy of this Order within ten days after the adoption of this Order.

Dated: August 27, 2008

Sandra L. Frankel, Supervisor

James R. Vogel, Councilman

Raymond J. Tierney III, Councilman

Louise Novros, Councilperson

Sheila A. Gaddis, Councilperson

Members of the Brighton Town Board,
Brighton, New York

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 27th day of August, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

In the Matter of the
Establishment of
The Shalimar Drive Refuse District
Town of Brighton, Monroe County,
New York

WHEREAS, as record owners of more than fifty percent (50%) of the taxable assessed value of taxable real property within the area bounded and described in the attached Exhibit A and also including the signatures of resident owners owning more than fifty (50%) of the assessed value of taxable real property owned by resident owners within such area, in the Town of Brighton, County of Monroe, have filed with the Town Clerk and presented to the Town Board at a meeting of said Board, a Petition requesting the Shalimar Drive Refuse District be established in such area, in said Town bounded and described in the attached Exhibit A; and

WHEREAS, said Petition provides for the provision of refuse services to said property wholly at the expense of the petitioners; and

WHEREAS, said Town Board duly adopted an Order providing that the Town Board shall meet at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town on the 27th day of August, 2008, at 7:30 P. M., prevailing time, to consider said petition and to hear all persons interested in the subject thereof, and certified copies of said Order having been duly published and posted as prescribed by law and said Town Board having met at the time and place specified in said Order and having considered said petition and having heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same; and the said Town Board having given due deliberation to the matter; and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT ORDERED by the Town Board of the Town of Brighton that it be and hereby is determined as follows: (1) that said petition is signed and acknowledged or approved as required by law and is otherwise sufficient; and that the petition complies with section 191 of the Town Law and such other sections of Chapter 62 of the Consolidated Laws of the State of New York as are properly applicable thereto, and that there is annexed to said petition, a map showing the boundaries of the proposed District; (2) that the petitioners own more than 50% of all the taxable real property of the proposed District and also are resident owners owning more than 50% of all the taxable real property owned by resident owners in said proposed District according to the latest completed assessment roll in the Town of Brighton; and that all property and property owners benefited are included therein and that no property or property owners or interested persons benefited thereby have been excluded therefrom; and that all the property and property owners within the proposed District are benefited thereby; and that it is in the public interest to grant the whole relief sought in the said petitions; and be it further;

ORDERED, that the said petition praying that the Shalimar Drive Refuse District of the Town of Brighton be established to include certain real property therein described be, and the same hereby is, granted, with the costs thereof to be charged on a benefits derived basis; and be it further

ORDERED, that the Town Clerk be, and hereby is directed to record a certified copy of this Order in the office of the Clerk of the County of Monroe and to file a certified copy of this Order within ten days after the adoption of this Order.

Dated: August 27, 2008

Sandra L. Frankel, Supervisor

James R. Vogel, Councilman

Raymond J. Tierney III, Councilman

Louise Novros, Councilperson

Sheila A. Gaddis, Councilperson

Members of the Brighton Town Board,
Brighton, New York

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 27th day of August, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

In the Matter of the
Establishment of
The Willowbend Refuse District
Town of Brighton, Monroe County,
New York

WHEREAS, as record owners of more than fifty percent (50%) of the taxable assessed value of taxable real property within the area bounded and described in the attached Exhibit A and also including the signatures of resident owners owning more than fifty (50%) of the assessed value of taxable real property owned by resident owners within such area, in the Town of Brighton, County of Monroe, have filed with the Town Clerk and presented to the Town Board at a meeting of said Board, a Petition requesting the Willowbend Refuse District be established in such area, in said Town bounded and described in the attached Exhibit A; and

WHEREAS, said Petition provides for the provision of refuse services to said property wholly at the expense of the petitioners; and

WHEREAS, said Town Board duly adopted an Order providing that the Town Board shall meet at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town on the 27th day of August, 2008, at 7:30 P. M., prevailing time, to consider said petition and to hear all persons interested in the subject thereof, and certified copies of said Order having been duly published and posted as prescribed by law and said Town Board having met at the time and place specified in said Order and having considered said petition and having heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same; and the said Town Board having given due deliberation to the matter; and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT ORDERED by the Town Board of the Town of Brighton that it be and hereby is determined as follows: (1) that said petition is signed and acknowledged or approved as required by law and is otherwise sufficient; and that the petition complies with section 191 of the Town Law and such other sections of Chapter 62 of the Consolidated Laws of the State of New York as are properly applicable thereto, and that there is annexed to said petition, a map showing the boundaries of the proposed District; (2) that the petitioners own more than 50% of all the taxable real property of the proposed District and also are resident owners owning more than 50% of all the taxable real property owned by resident owners in said proposed District according to the latest completed assessment roll in the Town of Brighton; and that all property and property owners benefited are included therein and that no property or property owners or interested persons benefited thereby have been excluded therefrom; and that all the property and property owners within the proposed District are benefited thereby; and that it is in the public interest to grant the whole relief sought in the said petitions; and be it further;

ORDERED, that the said petition praying that the Willowbend Refuse District of the Town of Brighton be established to include certain real property therein described be, and the same hereby is, granted, with the costs thereof to be charged on a benefits derived basis; and be it further

ORDERED, that the Town Clerk be, and hereby is directed to record a certified copy of this Order in the office of the Clerk of the County of Monroe and to file a certified copy of this Order within ten days after the adoption of this Order.

Dated: August 27, 2008

Sandra L. Frankel, Supervisor

James R. Vogel, Councilman

Raymond J. Tierney III, Councilman

Louise Novros, Councilperson

Sheila A. Gaddis, Councilperson

Members of the Brighton Town Board,
Brighton, New York

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 27th day of August, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 5, 2008 from Thomas A. Low, Commissioner of Public Works, concerning the solicitation of bids for Phase II of the Elmwood Avenue Relief Sewer Project, be received and filed; and be it further

RESOLVED, that the Commissioner of Public Works is hereby authorized to solicit competitive bids for the replacement of approximately 2100 linear feet of 24" sanitary sewer with a 30" sanitary sewer, from approximately Clover Street to the Country Club of Rochester.

Dated: August 27, 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 27th day of August, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 19, 2008 from Timothy E. Keefe, P.E., Town Engineer, concerning a proposed contract for sewer pipe rehabilitation, be received and filed; and be it further

RESOLVED, that the Department of Public Works is hereby authorized to solicit bids for the relining of sections of the Town's sanitary sewer system for 2008 all as more fully set forth in the above referenced correspondence.

Dated: August 27, 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	_____

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

August 27, 2008

THAT THE CLAIMS AS SUMMARIZED BELOW HAVING BEEN APPROVED BY THE RESPECTIVE DEPARTMENT HEADS AND AUDITED BY THE TOWN BOARD AUDIT COMMITTEE ARE HEREBY APPROVED FOR PAYMENT.

A - GENERAL	\$	<u>258,504.62</u>
D - HIGHWAY		<u>100,733.15</u>
H - CAPITAL		<u>2,631.00</u>
L - LIBRARY		<u>35,566.63</u>
SB - BUSINESS IMPROVM		<u>60.00</u>
SD - DRAINAGE DIST		<u>60.00</u>
SS - SEWER DIST		<u>17,441.40</u>
TA - AGENCY TRUST		<u>19,237.45</u>
	TOTAL \$	<u>434,234.25</u>

UPON ROLL CALL

MOTION CARRIED

APPROVED BY:

SUPERVISOR

COUNCIL MEMBER

COUNCIL MEMBER

TO THE SUPERVISOR:

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

DATE

TOWN CLERK

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 27th day of August, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 19, 2008 from Diane Burdett, Administrative Court Clerk, Justice Court, Town of Brighton, concerning a grant application, be received and filed; and be it further

RESOLVED, that the Administrative Court Clerk of the Justice Court of the Town of Brighton is hereby authorized to seek a 2008 grant under the Justice Court Assistance Program for funding for an Epson DFX-9000 impact printer to replace an existing printer.

Dated: August 27, 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 27th day of August, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated August 19, 2008 from Paula A. Parker, Director of Finance, concerning the closeout and transfer of funds from the Capital Projects Fund for the 2007 Ambulance Purchase, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the closeout of the completed Capital Project for the 2007 Ambulance and related budget transfers, all as more fully set forth in the above-referenced memorandum.

Dated: August 27, 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	_____



PAULA A. PARKER, DIRECTOR OF FINANCE
 2300 ELMWOOD AVENUE SUITE 110
 ROCHESTER, NEW YORK 14618
 Phone (585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board
 Attn.: Finance and Administrative Services **Committee**
 From: Paula A. Parker, Director of Finance *PAP*
 Date: August 19, 2008
 Subject: **Close out and Transfer of Funds**
 Capital Projects Fund
 2007 Ambulance Purchase

I recommend that your Honorable Body approve the close out of this completed Capital Project for the purchase of the 2007 Ambulance and move the remaining funds of \$11.32 to the Debt Service Fund project and approve the following budget transfer:

Capital Projects Fund Transfer:

From:	H.AMBUL.AMB07 2.25 Emergency Vehicle Purchase	\$265.90
To:	H.AMBUL.AMB07 4.56 Accounting Fees-BAN	\$254.58
	H.AMBUL.AMB07 9.20 Transfer to Debt Service	\$ 11.32

Above transfer needed to place the budgeted funds in the correct account an to authorize the actual transfer to the Debt Service Fund.

Funds in the same amount of \$11.32 will be transferred to the Debt Service Fund account number V.DEBT 5055.AMB07.

I will be happy to respond to any questions that members of the Committee or other members of the Town Board may have regarding this matter.

Copy to: S. Frankel

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 27th day of August, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated August 18, 2008 from Paula A. Parker, Director of Finance, concerning a 2008 budget appropriation for the Consolidated Water District and Capital Projects (EARS2), be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the 2008 budget appropriation related to the Elmwood Avenue Relief Sewer Phase II Project, all as more fully set forth in the above-referenced memorandum.

Dated: August 27, 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 _____



PAULA A. PARKER, DIRECTOR OF FINANCE
2300 ELMWOOD AVENUE SUITE 110
ROCHESTER, NEW YORK 14618
Phone (585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board
Attn.: Finance and Administrative Services Committee
From: Paula A. Parker, Director of Finance
Date: August 18, 2008
Subject: **2008 Budget Appropriation**
Consolidated Water District and
Capital Projects (EARS2)

I recommend that Your Honorable Body approve a 2008 budget appropriation as follows as related to the Elmwood Avenue Relief (sanitary) Sewer Phase II project:

Consolidated Water Districts (Fund SW):

To: SW.WATRD.8310 9.10 Transfer to Capital Projects Fund (H) \$130,000 from any funds available (unreserved fund balance).

Capital Projects Fund (Fund H):

To Revenues as follows:

H.SEWER.EARS2. 5030 Transfer from Consolidated Water District \$130,000

H.SEWER.EARS2. 2378 Water Services for Other Gov'ts (MCWA) \$10,000

To Expenses as follows:

H.SEWER.EARS2 2.80 Sewer Construction/Repair \$140,000

These amendments will be completed after the estoppel period as expired upon the amendment of the BAN resolution as related to this project. The addition of funds will NOT increase the original amount of the authorized financing (\$920,000) for this project.

I will be happy to respond to any questions that members of the Committee or other members of the Town Board may have regarding this matter.

Copy to: S. Frankel, B. Moehle

At a Regular Meeting of the Town Board of the Town of Brighton, Monroe County, New York, duly held at Brighton Town Hall, 2300 Elmwood Avenue, Brighton, New York on the 27th day of August, 2008 at 7:30 p.m.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

_____ presented the following resolution and moved that it
be adopted and it was seconded by
_____:

RESOLUTION AMENDING THE FOLLOWING BOND RESOLUTION ADOPTED BY THE TOWN BOARD OF THE TOWN OF BRIGHTON, NEW YORK:

BOND RESOLUTION, DATED JANUARY 10, 2007, AUTHORIZING NOT TO EXCEED \$920,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE TOWN OF BRIGHTON, NEW YORK TO FINANCE CAPITAL IMPROVEMENTS CONSISTING OF THE CONSTRUCTION AND/OR, RECONSTRUCTION AND INSTALLATION OF SANITARY SEWER TRUNK LINES CONSTITUTING THE ELMWOOD AVENUE RELIEF SEWER PHASE II LOCATED IN, OR PARALLEL TO, A PORTION OF ELMWOOD AVENUE TO SERVE THE BRIGHTON CONSOLIDATED SEWER DISTRICT, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHICH AMENDING RESOLUTION SHALL ADD THE REPLACEMENT OF APPROXIMATELY 860 LINEAR FEET OF WATER MAINS TO THE STATED OBJECT OR PURPOSES OF THE PROJECT, INCREASE THE MAXIMUM COST TO THE TOWN FOR SUCH CAPITAL IMPROVEMENTS BY THE AMOUNT OF \$140,000, AMEND THE PLAN OF FINANCING FOR SUCH CAPITAL IMPROVEMENTS BY AUTHORIZING RECEIPT OF \$10,000 FROM THE MONROE COUNTY WATER AUTHORITY AND THE EXPENDITURE OF SUCH AMOUNT FOR SUCH PURPOSES AND AUTHORIZING THE EXPENDITURE OF \$130,000 OF CURRENT FUNDS OF AND FROM THE BRIGHTON CONSOLIDATED WATER DISTRICT OF THE TOWN.

WHEREAS, the Town Board of the Town of Brighton, New York (the "Town") duly adopted a certain Bond Resolution, dated January 10, 2007 (the "Original Resolution") authorizing, among other things, the issuance of its general obligation bonds in an amount not to exceed \$920,000 for the purpose or purposes therein specified (the "Purposes"); and

WHEREAS, the Original Resolution estimated the aggregate maximum cost to the Town of the Purposes to be \$920,000 and provided for the payment of such costs through the issuance of its obligations above-described, and

WHEREAS, the Town now wishes to amend the description of the Purposes to include, in addition to the Purposes therein specified, the replacement of approximately eight hundred sixty (860) linear feet of six inch (6") and 12 inch (12") water mains; and

WHEREAS, the aggregate maximum cost now estimated by the Town exceeds the \$920,000 amount estimated in the Original Resolution by an amount equal to \$140,000, thus making the revised estimated aggregate maximum cost to the Town for the Purposes \$1,060,000; and

WHEREAS, the Monroe County Water Authority has agreed to pay for a portion of the increased cost in the amount of \$10,000 (the "MCWA Payment"), and the Town wishes to accept payment of the same; and

WHEREAS, the Town further wishes to pay the balance of such increased project cost from the current funds of the Brighton Consolidated Water District in the amount of \$130,000;

WHEREAS, the Town further wishes to authorize the expenditure of the MCWA Payment and the above-described current funds to pay for such increase in the aggregate maximum cost to the Town of the Purposes as hereinbefore described; now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (the "Town") by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

1. Section 1 of the Original Resolution is amended by inserting after the words "Brighton Consolidated Sewer District" the following: "and the installation of approximately eight hundred sixty (860) linear feet of six inch (6") and 12 inch (12") water mains". All references to "Purposes" contained in the Original Resolution and herein shall be deemed to also include the aforementioned water mains for all purposes.

2. Section 2 of the Original Resolution is amended to increase the estimated aggregate maximum cost to the Town for such purpose or purposes by \$140,000, so that the aggregate maximum cost to the Town is estimated to be \$1,060,000 for said purposes and said additional amount of \$140,000 is hereby appropriated therefor.

3. Section 2 of the Original Resolution is further amended to amend the plan for the financing of such purpose or purposes by providing that the increase in the estimated aggregate maximum cost to the Town hereinbefore set forth be provided by (i) the acceptance by the Town of the MCWA Payment in the amount of \$10,000 and the expenditure of such MCWA Payment in the amount of \$10,000, and (ii) expenditure of \$130,000 from the current funds of the Brighton Consolidated Water District of the Town.

4. To the extent that the Town has not already done so, the Town hereby accepts the MCWA Payment in the amount of \$10,000 for the purposes of paying a portion of the cost of the Purposes and authorizes the expenditure of such amount for such purposes, together with the expenditure of \$130,000 from the current funds of the Brighton Consolidated Water District of the Town. The Supervisor of the Town is hereby authorized to execute and deliver such agreements, instruments, documents and certificates necessary or desirable in her judgment to accept such MCWA Payment on behalf of the Town.

5. To the extent that the authorization set forth in this resolution is inconsistent with the current capital budget of the Town, such capital budget is hereby amended.

6. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Brighton together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law of the State of New York, and such publication shall be in the Brighton-Pittsford Post, the official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds, may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or

proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if said obligations are authorized in violation of the provisions of the Constitution.

7. In all other respects, the terms, provisions and conditions of the Original Resolution are hereby restated, ratified and confirmed and shall remain in full force and effect.

8. This resolution shall take effect immediately.

Duly put to vote as follows:

Sandra L. Frankel, Supervisor

Sheila A. Gaddis, Councilmember

Louise Novros, Councilmember

Raymond J. Tierney, III,
Councilmember

James R. Vogel, Councilmember

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

NOTICE PURSUANT TO LOCAL FINANCE LAW SECTION 81.00

The amending bond resolution, a summary of which is, published herewith, was adopted by the Brighton Town Board on August __th, 2008, and the validity of the obligations authorized by such amending bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Brighton, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Susan Kramarsky, Town Clerk
Town of Brighton, New York

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 27th day of August, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 22, 2008 from Timothy E. Keef, P.E., Town Engineer, concerning a maintenance agreement with Rustic Village Apartments, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized and directed to execute and deliver an agreement with the owner of Rustic Village Apartments, under which the owner of Rustic Village Apartments will maintain, at its sole expense, the curbed entrance island at the intersection of East Squire Drive and East Henrietta Road, which agreement shall be in form and substance as may be approved by the Attorney for the Town and shall be conditioned upon the receipt of final design drawings from the New York State Department of Transportation.

Dated: August 27, 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 27th day of August, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

WHEREAS, at a regular meeting of the Brighton Town Board held on July 11, 2007, the Town Board granted an abandonment of Center Drive, east of Western Drive, pursuant to the Highway Law of the State of New York, Section 171(2); and

WHEREAS, following such Town Board action, James J. Bonsignore Esq., counsel for an adjoining property owner, was unable to procure signatures on all necessary related documents; and

WHEREAS, subsequently, the Town and Mr. Bonsignore have determined that the relevant portion of Center Drive was never a dedicated Town Highway and has, in any event, not been used for six years or more, and as a result, abandonment of the highway right-of-way can be accomplished pursuant to Section 205 of the Highway Law of the State of New York; and

WHEREAS, the Commissioner of Public Works has recommended that the Town Board take action to complete this abandonment by amending its previous resolution of abandonment to complete the abandonment pursuant to Section 205 of the Highway Law; it is therefore

RESOLVED, that two items of correspondence dated August 14, 2008 from James J. Bonsignore, Esq., together with attachments thereto, concerning a request to abandon the right-of-way of Center Drive, east of Western Drive, be received and filed; and be it further

RESOLVED, that the Town Board hereby amends the resolution of abandonment of Center Drive, east of Western Drive, previously granted on July 11, 2007, pursuant to the Highway Law of the State of New York, Section 171(2), to abandon such highway pursuant to Section 205 of the

STATE OF NEW YORK)
COUNTY OF MONROE) ss:

I, SUSAN KRAMARSKY, Town Clerk of the Town of Brighton, Monroe County, New York, do hereby CERTIFY that I have compared the foregoing copy of the Order and Resolution with the original thereof adopted by the Town Board of Brighton, on the 27th day of August, 2008, and filed in my office on the same day, and that the said foregoing copy is a true and correct copy of said original Order and Resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the seal of said Town this 27th day of August, 2008.

SUSAN KRAMARSKY, Town Clerk
Town of Brighton, Monroe County