

MINUTES OF TOWN BOARD MEETING
OF THE TOWN OF BRIGHTON, COUNTY OF
MONROE, NEW YORK HELD AT THE
BRIGHTON TOWN HALL, 2300 ELMWOOD
AVENUE, ROCHESTER, NEW YORK

April 9, 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

5:40 P.M. -- MEETING CALLED TO ORDER:

WORKSHOP:

Discussion with Brighton Central School District about cable local access television service in attendance: Marvin Sachs, Martha Sciremammano, Mark Kokanovich, Linda Morrison Morton Stein, Dr. Christopher Manaseri, Jill Vigdor Feldman, Emmy Lou Dykes

7:00 P.M. -- RECOGNITIONS/PRESENTATIONS:

National Crime Victims' Rights Week

Health Care Decision Day, with Brighton Volunteer Ambulance

OPEN FORUM:

1. Timothy E. Keef, P.E., Town Engineer, Phase 2 Storm water Compliance Update
2. Leo Dodd
3. Judy Massare
4. Annette Holohan
5. Judy Schwartz

APPROVAL OF AGENDA:

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board approve the agenda with the addition of communications submitted in Open Forum

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

PUBLIC HEARINGS:

MATTER RE: Proposed removal of 18" silver maple tree in town highway right-of-way adjacent to 118 Tarrytown Lane (see Resolution #12) (Complete transcript under separate cover)

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

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

PETITIONS:

BIDS:

COMMUNICATIONS:

FROM Heidi Stobie, Brighton Volunteer Ambulance, dated March 27, 2008, regarding the proposed I590/Winton Road project

FROM Paul A. Johnson, Secretary, Monroe County Planning Board, dated March 17, 2008 responding to Supervisor Frankel's comments on the County's proposed 2009-2014 Capital Improvement Program

FROM: Judy Massare & Guatam Mitra April 9, 2008 regarding the Costello Development effects on Allens Creek in Evans Farm

FROM Annette & Paul Holohan, April 9, 2008 regarding office development by Anthony J. Costello

FROM: Judy Schwartz, April 9, 2008 regarding scoping for Keating Blvd. Proposal

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to receive and file the foregoing communications

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services. Next meeting April 24, 2008

Finance and Administrative Services Councilmember Sheila Gaddis April 2, 2008.

Next meeting April 16, 2008 9:30 AM

Public Safety Services April 8, 2008 no report given. Next meeting May 13, 2008.

Public Works Services Councilmember James Vogel reported on the meeting of April 7, 2008. Next meeting May 5, 2008

OLD BUSINESS:

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. 2 attached.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Transportation Development District Home Rule Legislation (see Resolution #11)

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 on Exhibit No. 3 attached.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Appointment to the Board of Assessment Review (see Resolution #14)

Motion by Councilmember Ray Tierney seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth on Exhibit No. 4 attached.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize award of professional services contract, not exceeding \$500. per property, to Landmark Society of Western New York, Inc. for preparation of cultural resources surveys (see Resolution #16; letter from Ramsey A. Boehner, Town Planner, dated April 1, 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 on Exhibit No. 5 attached.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute intermunicipal agreement with Monroe County for provision of HVAC maintenance services for Town buildings (see Resolution #1; letters from Laraine Albers, dated April 1, 2008 and Michael J. Garland, P.E., Deputy Director, Monroe County Department of Environmental Services, dated March 21, 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 on Exhibit No. 6 attached.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize 2008 budget appropriation for Farmers' Market Green/Community Program (see Resolution #3; memorandum from Paula A. Parker, Director of Finance, dated April 1, 2008; communication from Sue Gardner Smith, dated March 31, 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 on Exhibit No. 7 attached.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize 2008 budget appropriation for Clean Sweep Community Program (see Resolution #4; memorandum from Paula A. Parker, Director of Finance, dated April 1, 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 on Exhibit No. 8 attached.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize award of professional services contract, not exceeding \$17,500, to Stantec Consulting Services, Inc. for review of environmental submissions for proposed Citygate (see Resolution #5; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated March 25, 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 on Exhibit No. 9 attached.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize award of professional services contract, not exceeding \$9,000, to Larsen Engineers for the public safety wing HVAC preliminary engineering (see Resolution #6; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated March 25, 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 on Exhibit No. 10 attached.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with New York State Department of Transportation to allow installation of new sanitary sewer crossing under East Henrietta Road (see Resolution #7; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated March 26, 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 on Exhibit No. 11 attached.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Community Recycling Day in Brighton held by Maven Technologies for free computer and electronic recycling on May 17, 2008, 9:00 a.m. to 1:00 p.m. at Brighton Highway facility (see Resolution #8; memorandum from Susan Wentworth, Coordinator of Data Processing, dated March 28, 2008, with attachment)

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth on Exhibit No. 12 attached.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize close out and appropriation of debt service fund

projects for West Brighton Fire Protection District 2003 Pumper Fire Truck (see Resolution #9; memorandum from Paula A. Parker, Director of Finance, dated March 31, 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 on Exhibit No. 13 attached.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Woods Oviatt Gilman LLP for provision of legal services as bond counsel to the Town (see Resolution #10; memorandum from Paula A. Parker, Director of Finance, dated April 1, 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 on Exhibit No. 14 attached.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Comments on adequacy of proposed scope of Environmental Impact Statement on proposed Citygate project (see Resolution #2; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated April 1, 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 on Exhibit No. 15 attached.

UPON ROLL VOTE the following votes were recorded

Councilmember James Vogel aye
Councilmember Ray Tierney aye
Councilmember Sheila Gaddis aye
Councilmember Louise Novros no
Supervisor Sandra Frankel aye

MOTION CARRIED

MATTER RE: Set May 14, 2008 public hearing for proposed removal of 62" silver linden tree at 27 Fireside Drive and 35" sugar maple tree at 1040 Highland Avenue (see Resolution #13; letters from

Thomas A. Low, Commissioner of Public Works/
Superintendent of Highways, dated March 27, and April 1,
2008, with attachments)

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth on Exhibit No. 16 attached.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Revenue and Expense Reports for periods ended
January 31, 2008 and February 29, 2008

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to receive and file the revenue and expense reports.

UPON ROLL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE ATTORNEY TO THE TOWN:

MATTERS OF THE DEPUTY ATTORNEY TO THE TOWN:

MATTERS OF THE TOWN CLERK:

MATTERS OF THE BOARD:

MOTION TO GO INTO EXECUTIVE SESSION:

MEETING ADJOURNED:

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adjourn at 8:55 PM

CERTIFICATION:

I, Susan Kramarsky, 79 Monteroy Road, Rochester, New York, 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 9th day of April, 2008 and I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

_____, Susan Kramarsky Town Clerk

EXHIBIT 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 9th of April, 2008.

PRESENT:

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

WHEREAS, the Town Board previously received and filed correspondence from Thomas A. Low, Commissioner of Public Works, requesting that a public hearing be called to consider the removal of an 18" silver maple tree in the town highway right of way adjacent to 118 Tarrytown Lane; and

WHEREAS, based upon such correspondence, the Town Board duly called and held a public hearing, pursuant to Section 175.8 of the Town Code, to consider the removal of the trees referenced in such correspondence; and

WHEREAS, all persons and entities having an interest in such matter having had an opportunity to be heard at such hearing, and the Commissioner of Public Works having demonstrated good cause for the removal of such tree; it is therefore

RESOLVED, that based upon the materials submitted to and the testimony at the public hearing, the Town Board hereby determines that the Commissioner of Public Works has shown good cause for the removal of the trees, and therefore determines that the recommendation of the Commissioner of Public Works to remove such trees be and it hereby is affirmed.

Dated: March 26, 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	oting	_____

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 9th day of April, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

WHEREAS, the Town of Brighton desires to initiate the formation of a Transportation Development District in order to facilitate the construction and financing of the completion of Senator Keating Boulevard, to serve to reduce the pressure of traffic on Westfall Road and new traffic to be generated by the potential development of land in the central Brighton area, which will benefit the owners of such land and with the costs of such construction to be borne by the owners of such land on a benefits derived basis; and

WHEREAS, the Supervisor of the Town of Brighton and the Town Board desire to make a Home Rule Request of the New York State Senate and Assembly to enact such a special law; it is therefore

RESOLVED, that the Town Board of the Town of Brighton hereby authorizes that a Home Rule Request be made to the New York State Senate and Assembly to enact legislation be enacted to permit the Town of Brighton to establish a Transportation Development District within the Town of Brighton, for the financing of the construction of new highways to benefit those properties of land described in the proposed legislation attached hereto, with such revisions as may be approved by the Supervisor, through a system of district assessments charged on a benefits derived basis.

Dated: April 9, 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	_____

AN ACT authorizing the Town of Brighton, Monroe County, to establish a transportation development district or benefited area, authorizing said town to appropriate, collect and expend monies in furtherance thereof and providing for other matters in connection therewith.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Upon the completion of the procedural provisions governing the establishment of improvement districts or benefited areas, as the case may be, set forth in either article 12 or 12-A of the town law, the town board of the town of Brighton, Monroe county, may establish a transportation development district or districts or benefited area or areas encompassing such lots and parcels of land more particularly described in section six of this act provide for, or cause to be provided in conjunction with county, state and federal agencies, the construction, reconstruction, improvement, widening or resurfacing of that portion of any of the roads proposed to be constructed within such lots and parcels of land more particularly described in section six of this act which said town board determines to be necessary to fulfill the purpose of this act, including but not limited to, provision for, or cause to be provided, any other general improvements to the district highway system and local streets and roads within such district as the town board may deem necessary to fulfill the purposes of this act, provided however that any such construction or reconstruction thereof shall be subject to and in accordance with the applicable provisions of the highway law, procedures established by the New York state department of transportation and the consent of the New York State Department of Transportation and Monroe County Department of Transportation, as the case may be. The costs and expenses of the foregoing, including the shall be raised through levy of special assessments upon all lots or parcels of land within such improvement district or benefited area in proportion to the benefit derived therefrom, IN making any such determination of benefit, the board shall take into account which lots or parcels of land within such transportation or development district or benefited area are a significant contributing factor to the traffic congestion to be remedied by the construction of the improvements within such improvement district or benefited area. The town board is hereby specifically authorized, in providing for the levy of such assessments, to provide for the prepayment of assessments in the manner provided in subdivision 1 of section 231 of the town law, and if it does so, to provide a credit against such assessments for monies prepaid to the town for any road improvements which the town board may determine shall be financed by assessment levied on property within the district or benefited area as provided herein.

Section2. The town board may provide for a credit for the value of work performed of financed by a property owner within the transportation development district or districts or benefited area or areas. Agreement for the provision of such credit shall be set forth in a written instrument of understanding between the town of Brighton and the property owner of documented in some other permit, approved site plan or official finding issued by the town. Whenever such credit is granted to a property

owner the town board may provide for the reduction of the annual assessment for such property owner by the amount of such credit. In the event that the value of such credit exceeds any annual assessment, the balance thereof shall be carried over from year to year and shall be applied to subsequent annual assessments until exhausted. In no event, however, shall a credit exceed the useful life of the improvement or or entitle a property owner to receive a refund for any unused portion of te credit.

Section 3. The town of Brighton, Monroe county, is hereby authorized to appropriate, collect and expend such sums as it shall deem necessary and appropriate to pay the costs of surveys, plans, specifications and estimates and engineering, legal and planning professional fees necessary for the project described herein and to charge any district or benefited area subsequently established in accordance with the provisions of this act for such amounts and to cause such amounts to be raised by any such district or benefited area and paid to the town as a reimbursement. Any such amounts shall be considered costs incidental to the establishment of any such special district or benefited area and shall be included in the maximum estimated costs to be expended for such special district or benefited area and the same may be financed as a preliminary cost within the meaning of paragraph a of section 11.00 of the local finance law for any road improvement described herein.

Section 4. Upon the establishment of a transportation development district or benefited area, the town of Brighton, Monroe county,. May provide for, or cause to be provided, any or all of the improvements set forth in section three of this act in accordance with the procedures and provisions set forth in section three of this act. After the completion of the improvements set forth herein, all costs of maintaining and repairing such improvements or portions of any new highway or road constructed, pursuant to the provisions of this act, in the area of the said town of Brighton, shall be a charge upon the area of said town and shall be levied and collected in the same manner and at the same time as any other town charges, provided, however, that any federal, state or county road, as improved, shall continue to be maintained by the appropriate federal, state or county department or agency.

Section 5. The town of Brighton, Monroe county, is hereby authorized, in establishing a transportation development district or benefited area as provided herein, to establish and maintain escrow accounts, to be held in trust solely for the purpose of financing and paying the costs and expenses attributable to the said improvement district or benefited area as authorized in this act, The town may deposit into such escrow accounts as may be established, any or all of such assessments as may be received from the especially benefited lots or parcels within the transportation development district area and the said assessments shall be sued solely to fulfill the purposes of this act.

Section 6. All that tract or parcel of land situate in the Town of Brighton, County of Monroe, State of New York, being part of Town Lots 31, 37 and 47 in Township 13,

Range 7, Division 2, Phelps and Gorham Purchase and more particularly described as follows:

Beginning at a point in the southerly right of way line of Westfall Road (County Route No. 239, 66.00' feet wide right of way) at the northwesterly corner of Lot 1 of the Faith Temple Subdivision, as shown on a map recorded in the Monroe County Clerk's Office at Liber 326 of Maps, Page 27, thence;

1. North 87°-26'-00" East, and along the southerly right of way line of Westfall Road, a distance of 1420.39' feet, thence;
2. North 87°-16'-31" East, and continuing along the southerly right of way line of Westfall Road, a distance of 973.01' feet to the northeasterly corner of Lot R-1B of a Resubdivision of Lot 1 of the Brighton Recreational Area Subdivision, as shown on a map recorded in the Monroe County Clerk's Office at Liber 314 of Maps, Page 71, thence;
3. North 87°-23'-22" East, and continuing along the southerly right of way line of Westfall Road, a distance of 2459.57' feet to the northwesterly corner of lands conveyed to R-Net Corp., by deed recorded in the Monroe County Clerk's Office at Liber 8567 of Deeds, Page 62, thence;
4. South 20°-56'-16" West, and along the westerly boundary line of said lands conveyed to R-Net Corp., a distance of 89.66' feet to the northeasterly corner of lands conveyed to Brighton Volunteer Ambulance, Inc., by deed recorded in the Monroe County Clerk's Office at Liber 10269 of Deeds, Page 597, thence;
5. North 69°-03'-44" West, and along the northerly boundary line of said lands conveyed to Brighton Volunteer Ambulance, Inc., a distance of 51.51' feet to the northwesterly corner of said lands conveyed to Brighton Volunteer Ambulance, Inc., thence;
6. South 20°-56'-16" West, and along the westerly boundary line of said lands conveyed to Brighton Volunteer Ambulance, Inc., a distance of 103.42' feet to the southwesterly corner of said lands conveyed to Brighton Volunteer Ambulance, Inc., thence;
7. South 69°-03'-44" East, and along the southerly boundary line of said lands conveyed to Brighton Volunteer Ambulance, Inc., a distance of 334.50' feet to the westerly right of way line of Winton Road South (County Route No. 98, variable width right of way), thence the following 6 courses and distances along the westerly right of way line of Winton Road South, thence;
8. South 20°-56'-16" West, a distance of 494.20' feet, thence;

9. North 69°-03'-44" West, a distance of 10.00' feet, thence;
10. South 20°-56'-16" West, a distance of 1698.81' feet, thence;
11. North 68°-29'-37" West, a distance of 9.30' feet, thence;
12. South 21°-30'-23" West, a distance of 417.38' feet, thence;
13. South 33°-23'-48" West, a distance of 24.17' feet to the northerly highway boundary line of Interstate Route 590 (variable width right of way), thence the following 4 courses and distances along the northerly highway boundary line of said Interstate Route 590, thence;
14. South 83°-28'-40" West, a distance of 529.77' feet, thence;
15. North 88°-57'-26" West, a distance of 658.17' feet, thence;
16. North 83°-39'-50" West, a distance of 953.68' feet, thence;
17. North 82°-09'-32" West, a distance of 531.40' feet to the southeasterly corner of Lot 3 of the Brighton Recreational Area Subdivision, as shown on a map recorded in the Monroe County Clerk's Office at Liber 296 of Maps, Page 21, thence;
18. North 79°-42'-32" West, and continuing along the northerly highway boundary line of said Interstate Route 590, a distance of 1641.15' feet, thence;
19. North 77°-03'-15" West, and continuing along the northerly highway boundary line of said Interstate Route 590, a distance of 42.14' feet to the southwesterly corner of Lot 2 of the Faith Temple Subdivision, thence;
20. North 06°-34'-19" East, and along the easterly boundary line of lands conveyed to Keating Boulevard Associates, LLC, by deed recorded in the Monroe County Clerk's Office at Liber 8968 of Deeds, Page 582; the easterly right of way line of Senator Keating Boulevard (variable width right of way); and the easterly boundary line of lands conveyed to Villas of Brighton, LLC, by deed recorded in the Monroe County Clerk's Office at Liber 10366 of Deeds, Page 385, said line also being the westerly boundary line of Lots 2 and 1 of said Faith Temple Subdivision, a distance of 2090.85' feet to the Point of Beginning.

Parcel contains 11,887,271± square feet or 272.894± acres.

Hereby intending to describe all the lands of the following twelve (12) tax account numbers: 132.20-1-22.1, 132.20-1-22.2, 149.08-1-1.111, 149.08-1-1.112, 149.08-1-

2.111, 149.08-1-2.112, 149.08-1-3.111, 149.08-1-3.112, 149.08-1-3.113, 149.08-1-4.1, 150.05-1-1.1 and 150.05-1-44.11.

Section 7. This act shall take effect immediately.

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 9th day of April,
2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

RESOLVED, that Ella Berenstein, 139 Varinna Drive is hereby
appointed to the Board of Assessment Review for a term expiring
September 30, 2008.

Dated: April 9, 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 9th day of April, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated April 1, 2008, from Ramsey A. Boehner, Town Planner, concerning the award of a professional service contract for the preparation of cultural resources surveys for historic preservation matters, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute and deliver an agreement by and between the Town and the Landmark Society of Western New York, Inc., for cultural resource surveys involving obtaining black and white photographs of surveyed properties, preparing building structure inventory forms for individual properties and preparation of a final survey report for use by the Historic Preservation Commission in considering historic designation of properties, during 2008, with the option to be extended for 2009 without additional action by the Town Board, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: April 9, 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 9th day of April, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated April 1, 2008 from Laraine Albers and correspondence dated March 21, 2008 from Michael J. Garland, P.E., Deputy Director, Monroe County Department of Environmental Services, concerning an Inter-municipal agreement for HVAC maintenance services, be received and filed, together with a proposed HVAC Maintenance Services Agreement; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an HVAC Maintenance Agreement by and between the Town and Monroe County, under which the Monroe County Department of Environmental Services will provide HVAC maintenance services for the Town Hall, Public Safety Wing, Brighton Memorial Library and Highway/Sewer Facilities, all as more fully set forth in the proposed agreement, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: April 9, 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 9th day of April, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated April 1, 2008 from Paula A. Parker, Director of Finance, and an email from Sue Gardner Smith dated March 31, 2008, concerning a 2008 Budget appropriation for the planned Farmer's Market Program, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves an amendment to the 2008 Budget appropriating \$1,600 to account A.REC.8981.418 (Recreation Department - Farmer's Market Program Supplies and Expenses), to be offset by revenues in account A.REC.8981.2005 (Recreation - Program Participant Fees) in the same amount; and be it further

RESOLVED, that the Finance Director is hereby authorized and directed to establish the appropriate accounts and numbers in the Town of Brighton Finance System.

Dated: April 9, 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 9th day of April, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated April 1, 2008 from Paula A. Parker, Finance Director, concerning a 2008 Budget appropriation for the Town's Clean Sweep Community Program, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves an amendment to the 2008 Budget to appropriate \$2,000 to account A.REC.8980.418 (Recreation Department-Clean Sweep Program Supplies and Expenses), offset by revenues in account A.REC.8980.2705 (Recreation - Gifts/Donations) in the same amount; and be it further

RESOLVED, that the Finance Director is hereby authorized and directed to establish the appropriate accounts and numbers in the Town of Brighton finance system.

Dated: April 9, 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 9th day of April,
2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

RESOLVED, that correspondence dated March 25, 2008 from Thomas A. Low, Commissioner of Public Works, concerning a professional services contract for the review of environmental submissions for the proposed Citygate project, 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 Stantec Consulting Services, Inc. for the review of the environmental submissions made in connection with the proposed Citygate project by the applicant for such proposal, in the hourly rates proposed by Stantec and for a total cost not to exceed \$17,500, to be paid by the applicant, with services to include the review of the scoping outline, the review of the completeness, content and adequacy of the draft and final Environmental Impact Statements and the preparation of the Finding Statement, which agreement shall be in form and substance as may be approved by the Attorney for the Town; and be it further

RESOLVED, that the 2008 Budget be amended to increase appropriations in account A.DPW.8020.452 by \$17,500 offset by increased revenue in the same amount in account A.DPW.8020.2560.

Dated: April 9, 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 9th day of April,
2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated March 25, 2008 from Thomas A. Low, Commissioner of Public Works, concerning a professional services contract for preliminary engineering for the HVAC system in the public safety wing of Town Hall, 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 Larson Engineers in the hourly rates proposed by Larsen and for a total cost not to exceed \$9,000 for the review of existing documents, maintenance history and occupant comfort, in the Public Safety Wing, the review of the NYPA energy audit results, the evaluation of the feasibility of various alternative "green" technologies, identification of grant opportunities and preparation of a report recommending alternatives and estimating costs, which agreement shall be in form and substance as may be approved by the Attorney for the Town; and be it further

RESOLVED, that the 2008 Budget be amended by transferring \$9,000 from account A.UNDST.1990.490 (Contingency) to account A.SSVCS.3010.260 (Shared Services - Facility Improvements).

Dated: April 9, 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 9th day of April, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated March 26, 2008 from Thomas A. Low, Commissioner of Public Works, concerning an agreement with the New York State Department of Transportation for sanitary sewer crossings under East Henrietta Road, be received and filed, together with a proposed agreement attached thereto; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver a Utility Work Agreement by and between the Town and the New York State Department of Transportation, under which the Town will cause one crossing under East Henrietta Road to be constructed and maintained, with the State's consent, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: April 9, 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 9th day of April, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated March 26, 2008 from Susan Wentworth, Coordinator of Data Processing, concerning a community recycling day, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Town Board hereby approves the holding of a computer and electronic recycling event to be conducted by Maven Technologies; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver any documents and agreements necessary to conduct such event, which documents and agreements shall be in form and substance as may be approved by the Attorney for the Town.

Dated: April 9, 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 9th day of April, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated March 31, 2008 from Paula A. Parker, Director of Finance, concerning the closeout of a debt service fund project for the 2003 pumper fire truck for the West Brighton Fire Protection District, be received and filed; and be it further

RESOLVED, that the 2003 Pumper Fire Truck Debt Service Project for the West Brighton Fire Protection District, is hereby closed out, and be it further

RESOLVED, that the remaining \$81.56 in such Project be transferred from account V.DEBT.9700.943 to The Fire Protection District Fund (SF) as interfund revenue.

Dated: April 9, 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 9th day of April,
2008.

PRESENT:

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

RESOLVED, that a memorandum dated April 1, 2008 from Paula A. Parker, Director of Finance, concerning a proposed letter of engagement with Woods Oviatt Gilman, LLP to serve as the Town's bond counsel, be received and filed, together with a proposed letter of engagement attached thereto; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver a letter of engagement for bond counsel services, by and between the Town and Woods Oviatt Gilman, LLP, which letter of engagement shall be in form and substance as may be approved by the Attorney for the Town; and be it further

RESOLVED, that this contract shall be reviewed annually by the Town Board.

Dated: April 9, 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 9th day of April, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated April 1, 2008 from Thomas A. Low, Commissioner of Public Works, concerning the proposed scope of the Environmental Impact Statement for the environmental review of the proposed Citygate Project, together with proposed comments of Supervisor Frankel attached thereto, be received and filed; and be it further

RESOLVED, that the Town Board hereby concurs in the proposed comments of the Supervisor concerning the adequacy of the scope of the environmental review of the proposed Citygate project, and directs that said comments be delivered to the City of Rochester.

Dated: April 9, 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 9th day of April, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated March 27, 2008 and correspondence dated April 1, 2008, both with attachments thereto and both from Thomas A. Low, Commissioner of Public Works, concerning the proposed removal of a 62 inch silver linden tree located in the town highway right-of-way, adjacent to 27 Fireside Drive and a 35 inch silver maple tree located in the highway right of way adjacent to 1040 Highland Drive, be received and filed; and be it further

RESOLVED, that the Town Board hereby calls a public hearing to be held on May 14, 2008 at 7:30 p.m. at Brighton Town Hall, 2300 Elmwood Avenue, to consider the removal of the above-referenced trees, under Chapter 175 of the Town Code, and to hear all people having an interest therein; and be it further

RESOLVED, that notice of such public hearing be posted and mailed as required by Chapter 175 of the Town Code.

Dated: April 9, 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 _____