

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

February 27, 2008

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

William Moehle  
Attorney for the Town

Town Clerk  
Susan Kramarsky

**MEETING CALLED TO ORDER:**

**6:30 p.m. -- MOTION TO GO INTO EXECUTIVE SESSION**

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

To discuss litigation re: tax certiorari matter and  
employment of particular persons

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

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel to come out of  
executive session at 7 PM

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**RECOGNITIONS/PRESENTATIONS:**

*Swearing-In Ceremony for Brighton Police Officer  
Jeffrey Ruffalo*

*Moment of Silence in Remembrance of  
Gloria Cromwell*

*Moment of Silence in Remembrance of  
Susan Schilling*

*Rotary Day Proclamation*

**OPEN FORUM:**

Continuing Developmental Services Proposal Presentation

**APPROVAL OF AGENDA:**

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board approve the agenda.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:**

**PUBLIC HEARINGS:**

**PETITIONS:**

**BIDS:**

**COMMUNICATIONS:**

**FROM** Sankar Sewnauth, President/CEO, CDS, dated February 19, 2008, notifying of interest and intent of Continuing Developmental Services to establish a community residential home at 30 Lime Rock Lane

**FROM** Taylor Keller, dated February 18, 2008, commenting on the New York State Department of Transportation's proposed I590/Winton Road project

**FROM** United States Congresswoman Louise Slaughter, dated February 13, 2008, extending congratulations on Brighton receiving Tree City Recognition

**FROM** Renee Casler, Planner II, Monroe County Department of Planning and Development, dated February 8, 2008, regarding site plan review for parking and highway improvements at 1420 Scottsville Road

**FROM** Timothy E. Leahy, Principal, Siena Catholic Academy, dated February 11, 2008, supporting the application for East Avenue sidewalks

**FROM** Lawrence M. Howk, Treasurer, Brighton Fire District, dated February 6, 2008, enclosing the 2007 Annual Report for the Brighton Fire District

**FROM** Steve Olufsen, Junior Planner, Monroe County Department of Planning and Development, dated February 14, 2008 regarding site plan review for parking expansion at 430 Linden Avenue

**FROM** Monroe Ambulance Transportation, dated February 20, 2008, advising that effective March 1, 2008, Monroe Medi-Trans Inc., d/b/a/ Monroe Ambulance is relocating to 1669 Lyell Avenue

**FROM** Thomas R. Suozzi, Chairman, New York State Commission on Property Tax Relief, dated February 20, 2008, inviting participation in the work of the Commission

**FROM** New York State Department of Transportation, regarding the Interstate 590/Winton Road project

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise\_Novros to receive and file the foregoing communications.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

Community Services Councilmember Louise Novros stated that the next meeting will be held on March 20, 2008.

Finance and Administrative Services Councilmember Sheila Gaddis reported on the meeting of Monday February 25, 2008. Next meeting March 5, 2008.

Public Safety Services Councilmember Ray Tierney stated that the next meeting will be held on March 11, 2008.

Public Works Services Councilmember James Vogel stated that the next meeting will be held on March 3, 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 the claims as set forth on Exhibit 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Accept resignation of Officer Albert Weech from Brighton Police Department, effective February 21, 2008 (see Resolution #2; letter from Thomas M. Voelkl, Chief of Police)

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. 2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize amendment to the Town's Personnel Policy for compensation for Police Captains (see Resolution #3; memorandum from Thomas M. Voelkl, Chief of Police, dated February 19, 2008, with attachment)

MATTER HELD.

**MATTER RE:** Authorize modification to 2008 Police Department Budget to allow final expenditure of grant funds for K-9 Program expenses (see Resolution #17; memorandum from Thomas M. Voelkl, Chief of Police, dated February 14, 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. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement with Birchcrest Tree and Landscape for trimming or removal of damaged trees in Town parks, per the Town's Tree Ordinance (see Resolution #4; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated February 11, 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. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize \$1,000. budget transfer for necessary plumbing repair at Town Park Lodge (see Resolution #21; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated February 21, 2008, with attachment)

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth on Exhibit No. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approve Service Points for volunteer firefighters participating in the West Brighton Fire Protection District Service Award Program (see Resolution #5; memorandum from Paula A. Parker, Director of Finance, dated February 20, 2008, with attachments)

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.6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement for 2008 with the West Brighton Volunteer Fire Department (see Resolution #6; memorandum from Paula A. Parker, Director of Finance, dated February 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 on Exhibit No. 7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize addition of health insurance plans for Town of Brighton retirees (see Resolution #19; memorandum from Paula A. Parker, Director of Finance, dated February 22, 2008)

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth on Exhibit No. 8 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize website training with CivicPlus for town employees at total cost of \$1,000. (see Resolution #18; memorandum from Susan Wentworth, Coordinator of Data Processing, dated February 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. 9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement with Strong EAP, for approximately \$ for 2008 employee assistance program services (see Resolution #20; memorandum from Gary Brandt, Director of Personnel, dated February 14, 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 CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute contract with Video Propulsion, Inc. for cable television programming services as required by the Town for 2008, total not exceeding \$52,735. (see Resolution #7; letter from Laraine Albers, dated February 15, 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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize two grant applications to Air and Waste Management Association for \$500, and to New York Water Environment Association for \$500, to fund the April 26, 2008 Brighton Clean Sweep community effort (see Resolution #9; letters from Louise Novros, Council member, dated February 11, 2008)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize expenditure of funds for additional services per

the Renewal Agreement for City of Rochester Plan Review and Building Inspection Services (see Resolution #10; memorandum from Ramsey A. Boehner, Town Planner, dated February 11, 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. 13 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Award professional services contract to Stantec Consulting Services, Inc. for review of environmental submissions for Senator Keating Boulevard Office Campus proposal (see Resolution #11; letters from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated February 20, 2008; William Holthoff, Senior Associate, Project Manager, Stantec Consulting Services Inc., dated January 29, 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. 14 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute extension of agreement with Terry Tree Service for their continuation of purchasing wood chips at \$.75/cy through March 31, 2009 (see Resolution #12; letters from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated February 8, 2008; Timothy J. Pope, Vice President, Terry Tree Service, LLC, dated February 5, 2008)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Adopt amended fee schedule for "conveyances", "fire alarm systems (both applications and plan reviews)", and "fire sprinkler systems (both applications and plan reviews)", after hours inspections for "fire alarm systems", for "general" (see Resolution #13; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated February 14, 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. 16 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Adopt Supplemental Findings Statement and authorize

permit application to Monroe County for connection of Senator Keating Boulevard to Winton Road (see Resolution #14; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated February 27, 2008, with attachment)

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. 17 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set March 12, 2008 public hearing for proposed amendment to Town Code for property maintenance and junk vehicles violations penalties (see Resolution #15; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated February 20, 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. 18 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Receive and File Planning Board Advisory Report and Draft Positive Declaration for proposed Senator Keating Boulevard Office Park; schedule public meeting on the Scope of the Environmental Impact Statement for Wednesday, March 26, 2008 at 7:30 p.m. (see Resolution #16; letters from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated February 27, 2008, with attachment; Ramsey A. Boehner, Town Planner, dated February 27, 2008; Anthony J. Costello, Chairman and CEO, Anthony J. Costello & Son Development, dated February 26, 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. 19 attached.

UPON ROLL CALL VOTE, the following vote was recorded

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

MOTION CARRIED

**MATTERS OF THE SUPERVISOR:**

**MATTER RE:** Review of bond anticipation note bid and sale results

**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:**

**MATTER RE:** Employment of a particular person.

Motion by Councilmember Ray Tierney seconded by Councilmember Sheila Gaddis to go into executive session at 9:00 PM to discuss the employment of a particular person.

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to take action on matter of employment of a particular person.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to come out of executive session at 9:25 PM.

**MEETING ADJOURNED:**

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to adjourn at 9:30 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 13<sup>th</sup> day of February, 2008 and I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

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Susan Kramarsky

EXHIBIT A

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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that a proposed Order in litigation involving the tax assessment of real property located at 1177 East Henrietta Road for the tax year 2006-7 be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the proposed Order In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by the Hurlbut Property, LLC v. The Board of Assessment Review for the Town of Brighton, et al., and the Settlement Agreement in the matter attached thereto, and authorizes Thomas A. Fink, Esq. to execute such Settlement Agreement on behalf of the Town and related parties.

Dated: February 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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence from Thomas M. Voelkl, Chief of Police, concerning the resignation of Officer Albert Weech from the Brighton Police Department, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby accepts with regret, the resignation of Police Officer Albert Weech, effective February 21, 2008.

Dated: February 13, 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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**RESOLVED**, that a memorandum dated February 12, 2008 from Thomas M. Voelkl, Chief of Police, concerning funding for the Police K-9 Program, be received and filed; and be it further

**RESOLVED**, that the Finance Director is hereby authorized to make any necessary budget amendment to permit the final expenditure of approximately \$20,000 in grant funds previously received for the Brighton Police K-9 program.

Dated: February 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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**RESOLVED**, that correspondence dated February 11, 2008 from Jerry LaVigne, Director of Parks and Recreation, concerning a proposed agreement for tree services in Town parks, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Birchcrest Tree and Landscape for tree services in the Town's parks, with pricing as set forth in the attachment to the correspondence, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: February 13, 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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**RESOLVED**, that correspondence dated February 21, 2008 from Jerry LaVigne, Director of Parks and Recreation, concerning certain plumbing work required at the Town Park Lodge, together with an attachment thereto, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the transfer of \$1,000 from account A.REC.7120.255 to account A.REC.7120.441, in order to fund the expense of replacing the pressure regulator valve at the Town Park Lodge, which work is to be performed by Postler & Jackel, based on the proposal submitted herewith.

Dated: February 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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated February 20, 2008 from Paula A. Parker, Finance Director, concerning the approval of service points under the West Brighton Fire Protection District Service Award Program, together with the listing of points earned during 2007, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the listing of service award points for the West Brighton Fire Protection District, as attached to the above correspondence; and be it further

**RESOLVED**, that the Town Board directs that the points as approved be posted at the offices of the West Brighton Fire Department, Inc. for review and any objection by the participating members of the program; and be it further

**RESOLVED**, that the Town Board hereby directs that following such thirty-day period, the listing of award points, with any appropriate changes noted, be submitted to Penflex, Inc., the third party administrator of the program, to update the master record and calculate the contribution to be paid for 2007.

Dated: February 13, 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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated February 19, 2008 from Paula A. Parker, Finance Director, concerning a contract for fire protection services between the Town Board, acting as commissioners of the West Brighton Fire Protection District, and the West Brighton Fire Department, Inc., be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes the execution of an agreement by and between the Town Board, as Commissioners of the West Brighton Fire Protection District and the West Brighton Fire Department, for fire protection services within the area of the West Brighton Fire Protection District, which agreement shall provide for the payment of \$343,950 to the West Brighton Fire Department, Inc., and shall otherwise be in form and substance as may be approved by the attorney for the Town.

Dated: February 13, 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: February 19, 2008  
Subject: West Brighton Volunteer Fire Department  
2008 Contract Renewal Approval

I recommend that Your Honorable Body authorize the Supervisor to execute a renewal agreement for 2008 with West Brighton Fire Department, Inc. in the amount of \$343,950 as approved and adopted in the 2008 Town Budget.

The contract amount of \$343,950 is the same amount as the 2007 contracted amount as was approved by the Town Board last year. Also note that the Town will retain \$8,500 for fuel usage which is \$1,000 more than the 2007 amount of \$7,500, due in part to increasing fuel prices

I would 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 and W. Moehle

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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated February 22, 2008 from Paula A. Parker, Director of Finance, concerning the approval of additional health insurance plans for retired Town employees, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes Blue PPO for under 65 and Medicare Blue - Group option D as additional options under the Town of Brighton's health insurance options for retired Town employees.

Dated: February 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: February 22, 2008  
Subject: **Approval of additional health insurance plans for Retirees**

Effective January 1, 2008 Blue Cross will no longer offer Medicare Blue PPO 101 as a plan for retirees. After discussion with Gary Brandt, Personnel Director and our Health Insurance Broker, American Portfolios, I request to add the following health insurance plan options to the Town of Brighton's portfolio for RETIREES:

- a. Blue PPO for under 65. This plan is fully portable for the under 65 retirees. So retirees can live in other areas of the country and still have coverage. This plan was added some time ago, however I would like this in a resolution as well.
- b. Medicare Blue – Group option D. This plan will replace the Medicare Blue PPO 101 effective January 1, 2008. The cost of this option is \$169.10 per month and is the best comparable option.

The addition of these insurance plans will not effect, in any way, the contribution limits of the Town of Brighton.

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  
G. Brandt

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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated February 21, 2008 from Susan Wentworth, Coordinator of Data Processing, concerning training in the updating of the Town's web site with CivicPlus, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to exercise the option for training services with CivicPlus for a two-day training session to train non-technical people in the Town Clerk, Assessor, Supervisor and Communications Departments to perform website updates, at a cost of \$1,000, as outlined in the contract.

Dated: February 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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**RESOLVED**, that a memorandum dated February 14, 2008 from Gary Brandt, Director of Personnel, concerning a proposed agreement to transfer the Town's Employee Assistance Program to the University of Rochester Medical Center Strong EAP, 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 University of Rochester Medical Center Strong EAP, under which the Strong EAP will provide Employee Assistance Program services to permanent full and part-time Town employees and family members for a one-year term commencing March 1, 2008 at a fee of \$18.00 per eligible employee per annum; and be it further

**RESOLVED**, that the Town Board further approves a pro-rata continuation of the existing Concentra EAP from January 1, 2008 through February 29, 2008 at a monthly rate of \$25 for administrative fees only.

Dated: February 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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**RESOLVED**, that correspondence dated February 15, 2008 from Laraine Albers, concerning an agreement for cable television programming services, together with a proposed agreement, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Video Propulsion Inc., for cable television programming services during 2008, at an hourly rate of \$21.70 per hour, not to exceed an aggregate expense of \$52,735.

Dated: February 13, 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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**RESOLVED**, that two items of correspondence, both dated February 11, 2008 from Louise Novros, Town Board member, concerning grant applications in connection with Brighton's Clean Sweep, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Town Board hereby authorizes that grant applications be made to the Air and Waste Management Association and the New York Water Environment Association, Inc., both for grants in the amount of \$500 to be used towards the cost of conducting Brighton's Clean Sweep on April 26, 2008.

Dated: February 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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated February 11, 2008 from Ramsey A. Boehner, Town Planner, concerning funding of additional services for plan review and building inspection under the agreement with the City of Rochester, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Town Board hereby authorizes the expenditure of funds for additional services pursuant to the agreement by and between the Town and the City of Rochester for plan review and building inspection services, which services shall be paid for by the Town at the rate of forty dollars (\$40.00) per hour for special inspections, fifty dollars (\$50.00) per hour for after-hours or emergency inspections, forty-five (\$45.00) dollars per hour for meetings beyond those included in plan review and building/plumbing inspection services, forty-five dollars (\$45.00) per hour for variances and forty-five dollars (\$45.00) per hour for computer services.

Dated: February 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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated February 20, 2008 from Thomas A. Low, Commissioner of Public Works, and correspondence from William Holthoff, Senior Associate and Project Manager at Stantec Consulting Services, Inc., dated January 29, 2008, with an attachment thereto, concerning the award of a Professional Services Contract to Stantec Consulting Services, Inc., for the review of environmental submissions for the Senator Keating Blvd. Office Campus Proposal, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby awards the Professional Services Contract to Stantec Consulting Services, Inc. for the review of environmental submissions from Anthony J. Costello & Son Developers, LLC, the developer for the Senator Keating Blvd. Office Campus Proposal, specifically including the review of the scoping outline, the review of completeness, content and adequacy of the Draft Environmental Impact Statement and Final Environmental Impact Statement, the preparation of the Findings Statement and attendance at up to three (3) public hearings, at a cost not to exceed \$36,000, to be reimbursed by the applicant, Anthony J. Costello & Son Developers; and be it further

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

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**RESOLVED**, that correspondence dated February 8, 2008 from Thomas A. Low, Commissioner of Public Works, and correspondence dated February 5, 2008 from Timothy J. Pope, Vice President, Terry Tree Services, LLC, both concerning the purchase of wood chips by Terry Tree Service, LLC from the Town, be received and filed; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute an extension of the Town's current agreement with Terry Tree Service, under which Terry Tree Service will continue to purchase wood chips, generated by the Town at a rate of \$.75, which agreement shall have a term commencing April 1, 2008 through March 31, 2009.

Dated: February 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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated February 14, 2008 from Thomas A. Low, Commissioner of Public Works, concerning the revision of fees for permits issued by the Fire Marshal's Office, be received and filed, together with a proposed Operational Permit Fee Schedule and Fire Protection Plan Review Fee Schedule attached thereto; and be it further

**RESOLVED**, that the Town Board hereby authorizes the amendment of the Fire Marshal's Permit Fee Schedules, pursuant to the Town Code, as set forth in the attachments to the above-referenced correspondence.

Dated: February 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 _____

**OFFICE OF THE FIRE MARSHAL**  
**Town of Brighton**  
**2300 Elmwood Avenue, Rochester, New York 14618**  
**(585) 784-5220 Fax (585) 784-5207**

**OPERATIONAL PERMIT FEE SCHEDULE**

<b>Permit Type</b>	<b>Fee Amount</b>	<b>Frequency</b>
After Hours Inspection	\$75.00	Each
Blasting	\$200.00	Each Job
Commercial Day Care Center	\$75.00	Annual
Dry Cleaner Facility	\$75.00	Annual
Elevator	\$25.00	Annual Per Elevator Car
<b>Fire Alarm Systems</b>		
<i>Residential</i>	\$25.00	Bi- Annual
<i>Commercial</i>	\$50.00	Bi- Annual
Fireworks Display	\$175.00	Per Event
General Business	\$100.00	Every Three (3) Years
<b>Hazardous Materials</b>		
<i>Compressed Gases</i>	\$75.00	Annual
<i>Flammable / Combustible Storage</i>	\$75.00	Annual
<i>Hazardous Material Storage</i>	\$75.00	Annual
<i>LP Gas Heaters</i>	\$75.00	Per Cylinder and Heater
<i>Paint Shop / Spray Applied Finishes</i>	\$75.00	Annual
<i>Tank Removal / Installation</i>	\$75.00	Per Tank
<b>Hotel / Motel</b>		
<i>Less than 50 Rooms</i>	\$250.00	Annual
<i>51 Rooms or More</i>	\$500.00	Annual
Lumber Yard	\$75.00	Annual
Multiple Residence / Apartments	\$100.00	Every Three (3) Years
Place of Public Assembly	\$75.00	Annual
Re- Inspection	\$75.00	Each
Tent / Temporary Structure	\$105.00	Each Structure
Truss Placard Identification	\$50.00	Per Project
Torch Down Roofing	\$85.00	Each Job
<b>Vehicle Repair / Service Station</b>		
<i>Vehicle Repair / Garage</i>	\$85.00	Annual
<i>Automobile Fuel Dispensing</i>	\$125.00	Annual
Waste Oil Heater	\$75.00	Annual

**OFFICE OF THE FIRE MARSHAL**  
**Town of Brighton**  
**2300 Elmwood Avenue, Rochester, New York 14618**  
**(585) 784-5220 Fax (585) 784-5207**

**FIRE PROTECTION PLAN REVIEW FEE SCHEDULE**

<b>Fire Protection System</b>	<b>Plan Review Fees</b>
Fire Protection System Permit Application	\$50.00
Fire Alarm System (Automatic & Manual)	\$75.00 / Hour
Fire Sprinkler System	\$75.00 / Hour
Fire Suppression System	\$75.00 / Hour
Final Acceptance Test	\$50.00

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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated February 27, 2008 from Thomas A. Low, Commissioner of Public Works, concerning the environmental review of the intersection of Senator Keating Blvd. with Winton Road, together with the proposed Supplemental Findings Statement with respect thereto, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby adopts the Supplemental Findings Statement under the State Environmental Quality Review Act, for the project consisting of the completion of Senator Keating Blvd. and its intersection with Winton Road, and be it further

**RESOLVED**, that the Town Board hereby authorizes submission of an application to Monroe County for a permit for the connection of Senator Keating Blvd. to Winton Road at the location and in the configuration as initially planned in the Town's 2003 updated Generic Environmental Impact Statement.

Dated: February 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 _____

**State Environmental Quality Review  
SUPPLEMENTAL FINDINGS STATEMENT**

Date: February 27, 2008

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR 617, the Town of Brighton Town Board acting as Lead Agency, makes the following findings.

**Name of Action: Senator Keating Boulevard Construction**

**Description of Action:** Permitting, design and construction of Senator Keating Boulevard from its current terminus to Winton Road South in accordance with the Senator Keating Boulevard Generic Environmental Impact Statement (GEIS) completed in 1997 and the Finding Statement adopted by the Brighton Town Board on August 13, 1997, and the July 9, 2003 Supplemental Finding Statement.

**Location:** Between South Clinton Avenue and Winton Road South, immediately north of I-590. Westfall Road is located north of the proposed roadway. The project site is contained within the Town of Brighton, Monroe County.

**Agency Jurisdiction:** The construction of the proposed project requires approval by the Brighton Town Board and other regulatory agencies as specified in the FEIS and supporting finding statements.

**Date Final EIS Filed: July 23, 1997**

**Facts and Conclusions Relied Upon to Support Decision:**

The Brighton Town Board considered the following items:

- Final Generic Environmental Impact Statement, filed July 23, 1997;
- Supplemental Environmental Assessment for Senator Keating Boulevard Update prepared by Brighton Town Staff, dated May 19, 2003;
- Supplemental Finding Statement, dated July 9, 2003;
- Senator Keating Boulevard Extension Environmental Review, William C. Holthoff, Stantec Consulting Services Inc., dated January 30, 2008;
- Memo from Andrew Smith, Stantec Consulting Services, dated January 28, 2008 analyzing the Woodlot Environmental Protection Overlay District;
- Phase 1 Cultural Resources Report, prepared by Tetra Tech, dated February 8, 2008;
- Phase 1 Cultural Resource Survey, prepared by Pratt & Pratt Archaeological Consultants, dated April 1, 2002; and
- Wetland Delineation for Senator Keating Boulevard, Stantec Consulting Services Inc., dated December 2005.

- In October 2001, Comprehensive Plan 2000 was adopted and an Environmental Impact Statement was completed. The planning and adoption process for the Comprehensive Plan included significant public involvement. The Comprehensive Plan identified the completion of Senator Keating as an integral component to relieve traffic pressure on Westfall Road. The proposed construction of Senator Keating Boulevard is consistent with the Comprehensive Plan.
- The project is consistent with the Senator Keating Boulevard Generic Environmental Impact Statement (GEIS) completed in 1997 and the Finding Statement adopted by the Brighton Town Board on August 13, 1997, and the July 9, 2003 Supplemental Finding Statement;
- The requirements of 6 NYCRR Part 617 have been met;
- The project is consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement and finding statements; and
- The project is consistent with social economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to any decision those mitigation measures which were identified as practicable; and adopted by the Brighton Town Board on August 13, 1997, and the July 9, 2003 Supplemental Finding Statement.

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 February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

On motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_, it is

**RESOLVED**, that correspondence dated February 20, 2008 from Thomas A. Low, Commissioner of Public Works, concerning a proposed amendment to the Town Code to increase the Penalties for Property Maintenance and Junk Vehicles Violations, be received and filed; and be it further

**RESOLVED**, that pursuant to Article 3 of the Municipal Home Rule Law of the State of New York, a public hearing on a proposed Local Law of 2008 entitled "Property Maintenance and Junk Vehicle Penalties Local Law", in the form presented to this meeting, be held by the Town Board of the Town of Brighton on the 12<sup>th</sup> day of March, 2008, at 7:30 o'clock PM, prevailing time, at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town to consider the proposed Local Law and to hear all persons interested therein and to take such action as may be proper, and it is further

**RESOLVED**, that the Town Clerk is hereby directed to publish and post a notice of such public hearing as required by law.

Dated: February 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 February,  
2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated February 27, 2008 from Thomas A. Low, Commissioner of Public Works, concerning the public and environmental review of the incentive zoning proposal submitted by Anthony J. Costello & Son Development, LLC for land located on the proposed Senator Keating Blvd. be received and filed, together with the draft scope of an environmental impact statement prepared by the applicant under the State Environmental Quality Review Act (SEQRA) attached thereto, and correspondence dated February 27, 2008 from Thomas A. Low, Commissioner of Public Works, also concerning the public and environmental review of the same proposal, together with the advisory report of the Planning Board concerning the proposal and a draft of a positive declaration for the project under SEQRA, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby requests that the applicant return to the Planning Board for additional discussion of the concept plan and the performance standards and such other topics as the Planning Board may deem appropriate; and be it further

**RESOLVED**, that the Town Board hereby directs Ramsey Boehner, the Town's Environmental Liaison, to publish and distribute the Positive Declaration as required by SEQRA regulations; and be it further