

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 13, 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:** 7:15 PM

**RECOGNITIONS/PRESENTATIONS:**

Susan B. Anthony's Birthday -- Proclamation

Frederick Douglass' Birthday – Proclamation

Swearing-In of John P. O'Brien as  
Deputy Town Clerk

**OPEN FORUM:**

Linden Hills Application Update--  
Timothy E. Keef, P.E., Town Engineer  
Marion Brown  
Judy Schwartz

**APPROVAL OF AGENDA:**

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board approve the agenda with changes in the order of swearing-in and appointments to the Planning Board and Historic Preservation Commission.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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

January 9, 2008  
January 23, 2008  
January 24, 2008

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board receive and file the Town Board minutes of January 9, 2008, January 23, 2008 and January 24, 2008.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**PUBLIC HEARINGS:**

**MATTER RE:** Proposed 2008 Technical Code Amendments Local Law  
(see Resolution #19, with attachments).

(Complete transcript under separate cover)

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. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Steve Gleason, Chief Financial Officer, Monroe County Department of Finance, dated February 5, 2008, regarding Monroe County Sales Tax Distribution for Fourth Quarter of 2007

**FROM** Fred Noteboom, dated February 7, 2008, commenting on the polite, helpful and efficient manner John Mosely conducted his responsibilities at the Town Lodge when they rented it for a party

**FROM** William W. Destler, Ph.D., President, Rochester Institute of Technology, dated January 28, 2008, congratulating Supervisor Frankel for being among the Athena Award finalists

**FROM** Steven B. Schafheimer, Assistant to the Superintendent for Strategic Initiatives, Brighton Central School District, dated January 25, 2008, thanking Supervisor Frankel for participating in the recent video taping for the U.S. Department of Education and Brighton Central School District School 2.0 initiative

**FROM** M. Gratia L'Esperance, RSM, President, The Interfaith Alliance of Rochester, dated February 4, 2008, requesting support for an end to the Iraq War and a redirection of funds for human services in Monroe County

**FROM** Christopher S. Clarke, Ph.D., dated January 27, 2008, advising of his resignation from the Historic Preservation Commission

**FROM** Matthew J. Millea, Acting President, New York State Environmental Facilities Corporation, dated January 18, 2008, regarding applications to the Clean Water State Revolving Fund for water pollution control projects

**FROM** Jaclyn A. Brilling, Secretary, State of New York Department of Public Service, dated January 22, 2008, extending the Temporary Operating Authority of Time Warner-Rochester Division for its operations in the Town of Brighton until August 5, 2008

**FROM** Colleen R. Donovan, Environmental Program Specialist, New York State Department of Environmental Conservation, dated January 11, 2008, regarding the Municipal Separate Stormwater System Program permit

**FROM** Town Justices Karen Morris and Richard Dollinger, dated January 30, 2008, providing the Town of Brighton Justice Court Annual Report of Activity for 2007

**FROM** Frank Dean, Executive Director, National Park Service, U.S. Department of the Interior, Erie Canalway National Heritage Corridor Commission, dated January 16, 2008, enclosing their 2007 Annual Report (filed in the Town Clerk's office)

**FROM** Delta Laboratories regarding Earth Day

**FROM** Ramsey A. Boehner, Environmental Review Liaison Officer, dated January 23, 2008, enclosing the State Environmental Quality Review Final Scoping Document for the proposed Faith Village project

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board receive and file the foregoing communications.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

There has been no meeting of the Community Services Committee since the last Town Board meeting. The next meeting will be February 21, 2008.

Councilmember Sheila Gaddis reported on the Finance and Administrative Services Committee meeting of February 6, 2008. The next meeting will be February 20, 2008.

Councilmember Ray Tierney Tierney reported on the Public Safety Committee meeting of February 12, 2008. The next meeting will be March 11, 2008.

Councilmember James Vogel reported on the Public Works Committee meeting of February 4, 2008. The next meeting will be March 3, 2008.

**OLD BUSINESS:**

**MATTER RE:** Proposed 2008 Temporary Amendment to Noise Control Law (see Resolution #20; letters from Kevin O'Buckley, P.E., Regional Director, NYS Department of Transportation, dated February 6, 2008; Scott Robinson, P.E., NYS Department of Transportation, dated January 28, 2008, with attachment; James A. Weller, dated January 28, 2008; Penelope R. Weller, dated January 30, 2008)

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel that the Town Board reconsider the Temporary Noise Control Local Law of January 9, 2008.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to amend the motion to reconsider to include changes set forth in the text of the law.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis that the Town Board adopt the Local Law as prepared by the Attorney for the Town as set forth on Exhibit No. 2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**NEW BUSINESS:**

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

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Supervisor read and approve payment of the claims as set forth on Exhibit No. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Appointments to the Brighton Town Planning Board and Historic Preservation Commission (see Resolutions #22, 23 and #32).

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

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. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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 renewal of contract with City of Rochester for assessment services 2008 at 3% increase, total annual amount not to exceed \$63,464. (see Resolution #2; memorandum from Elaine Ainsworth, Assessor, dated January 22, 2008).

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. 7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute amendment to the Retainer Agreement with Retainer Agreement with Davidson, Fink, LLP, increasing hourly billing rate to \$200 for legal services concerning real property tax assessments (see Resolution #25).

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. 8 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreements with M.E. Services Services Communication, Inc. for language interpreting services, and FMI Interpreting Services, Inc. for interpreting services for hearing impaired defendants, for the court at \$65. per appearance, fully reimbursable by Monroe County (see Resolution #3; letters from Dianne W. Burdett, Administrative Court Clerk, dated January 24 and 30, 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. 9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement with the Rochester-Monroe County Youth Bureau for the Town's 2008 funding, minimum receipt of \$15,745. (see Resolution #18; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated February 5, 2008, with attachment).

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. 10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize change to Recreation and Parks Department's table of organization for 2008 to create the Recreation Leader position to oversee the operations at the Buckland Farmhouse (see Resolution #4; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated January 28, 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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to renew trail maintenance contract with Property with Property Maintenance Company for 2008 at same prices, terms and conditions as 2007 contract (see Resolution #6; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated January 25, 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 Supervisor to renew mowing and landscape service contracts with Lilac City Services, Rochester Plow and Property Maintenance for 2008 at same prices, terms and conditions as 2007 contracts (see Resolution #7; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated January 24, 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. 13 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize revised offer to property owners of 3437 Elmwood Avenue for temporary and permanent easements for sewer construction (see Resolution #9; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated January 24, 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 contract renewal with Deckman Oil Company to furnish and deliver motor oil, antifreeze, transmission fluid and other lubricants (see Resolution #10; letter from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated January 31, 2008).

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. 15 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize submission of application to Environmental Facilities Corporation for Elmwood Avenue Relief Sewer, Phase II funding (see Resolution #11; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated February 1, 2008, with attachment).

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney 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:** Authorize award of professional services contract to Mohawk Valley Community College for additional one person plow training (see Resolution #12; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated January 29, 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:** Authorize submission of application to Monroe County for Community Development Block Grant Program funding for sidewalk construction on south side of Westfall Road at estimated cost of \$36,000; Adopt Negative Declaration (see Resolution #13; letters from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated January 28 and February 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. 18 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set March 12, 2008 public hearing for proposed removal of trees for proposed Rich's Dugway Pipe Bridge Stabilization project (see Resolution #14; letters from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated January 25, 2008, and Andrew Pleninger, Vice President, Urban Forestry, LLC, dated January 16, 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

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Proposed Amendment to Town Code, Chapter 201 for Cross Border Developments (see Resolution #16; letter from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated January 28, 2008; memorandum from Paul White, dated February 7, 2008).

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. 20 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Proposed Amendment to Town Code, Chapter 209 for Incentive Zoning Leadership in Energy and Environmental Design standards (see Resolution #17; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated February 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 on Exhibit No. 12 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Memorandum of Agreement with C.S.E.A. for One Person Plowing One Person Plowing (see Resolution #26; letter from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated February 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 on Exhibit No. 22 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize year end transfers and amendments to address object-level negative balances in the 2007 Town, Special District and Capital Budgets (see Resolution # 27; memorandum from Paula A. Parker, Director of Finance, dated February 12, 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. 23 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Proposed New York State Legislation S.4322-A/A.4688-A to allow certain towns in Monroe County to establish town wide speed limits of twenty-five miles per hour (see Resolution #24; letter from New York State Senator James S. Alesi, dated January 30, 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. 24 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Appointment of Councilwoman Louise Novros as Marriage Officer within the of Brighton effective immediately through December 31, 2008 (see Resolution #21).

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. 25 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement with Brighton Chamber of Commerce for improvements to Monroe Avenue, total cost not exceeding \$30,000. (see Resolution #8; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated January 24, 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. 26 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize amendments to the Buckland Farmhouse budget for recreation program expenses held at the house (see Resolution #5; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated January 28, 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. 27 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approve contributions to the Workers' Compensation reserve, Building Repair reserve and the "OPEB" reserve for fiscal year ending 12/31/07 (see Resolution #29; memorandum from Paula A. Parker, Director of Finance, dated February 12, 2008).

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth on Exhibit No. 28 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute a 'Color Brighton Green' campaign pledge for Town operations to reduce greenhouse gas emissions by 10% (see Resolution #31; letter from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated February 6, 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. 29 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement with TelVue Virtual Television Networks for programming services on the Town's public access television channel, at no cost to the Town (see Resolution #30).

MATTER HELD

**MATTER RE:** Transportation Development District for proposed Senator Keating Boulevard Corporate Campus (see memorandum from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated February 4, 2008).

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros that the Town Board receive and file Transportation Development District for proposed Senator Keating Boulevard Corporate Campus.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE TOWN CLERK:**

**MATTER RE:** Appointment of John P. O'Brien as Deputy Town Clerk, effective February 1, 2008 (see Resolution #28; memorandum from Susan Kramarsky, Town Clerk, dated February 7, 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. 30 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**ADJOURNMENT:**

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adjourn at 10:10 PM.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**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.

\_\_\_\_\_  
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 13<sup>th</sup> day of February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

---

**WHEREAS**, the Town Board duly scheduled a Public Hearing to be held on the 13th day of February, 2008, at 7:30 P.M., prevailing time, to consider the adoption of a proposed Local Law of 2008 entitled 2008 Technical Code Amendments Local Law for the Town of Brighton, Monroe County, New York, and the environmental impact thereof; and

**WHEREAS**, such public hearing was duly called and held and all persons having an interest in the matter having had an opportunity to be heard; and

**WHEREAS**, the Town Board finds that the proposed Local Law will not have a significant impact on the environment and deems it necessary and advisable to adopt the proposed Local Law.

**NOW, THEREFORE**, on motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_,

**BE IT RESOLVED**, that the Town Board hereby receives, files and adopts the Negative Declaration under the State Environmental Quality Review Act with respect to the proposed Local Law; and

**BE IT RESOLVED**, that the Town Board of the Town of Brighton, pursuant to the provisions of Article 3 of the Municipal Home Rule Law of the State of New York, hereby enacts the Local Law of 2008 entitled 2008 Technical Code Amendments Local Law, in the form attached hereto as Exhibit A, for the Town of Brighton, Monroe County, New York; and

**BE IT RESOLVED**, that the Town Board hereby directs the Town Clerk to cause the Local Law to be filed with the Department of State.

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	_____

LOCAL LAW OF 2008

2008 TEMPORARY AMENDMENT TO NOISE CONTROL LAW

TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK STATE

Section 1. Title

This Local Law shall be known as the 2008 Temporary Amendment to Noise Control Law of the Town of Brighton, Monroe County, New York State.

Section 2. Purpose

The purpose of this Local Law is to grant a temporary exemption from the Town Noise Control Law to the New York State Department of Transportation and its subcontractors on Interstate 490 from South Landing Road eastbound to the Town line. The State desires the Town to permit night time construction which will significantly speed the completion of the project. To that end, the Town Board desires to temporarily amend the Town=s Noise Control Law to permit such night time construction, so long as the New York State Department of Transportation and its subcontractors specifically agree to certain conditions which will minimize the impact of night time construction upon the residents of the Town of Brighton.

Section 3. Limited Exception to Noise Control Law

A. Section 102-2B, Exemptions, is hereby amended to add a new subsection (iv), to read in its entirety as follows:

(iv). Notwithstanding anything to the contrary in this chapter, construction and resurfacing in connection with the reconstruction of I-490 from South Landing Road east to N.Y. Rt. 31F, a portion of which is in the Town of Brighton (the Project), shall not constitute a violation of the Town=s Noise Ordinance, regardless of whether such construction, demolition or excavation occurs within the hours permitted by Section 102-3B(5) or (6) and such work and the noise created thereby shall not be considered to be unreasonable noise, so long as the New York State Department of Transportation and its contractor or contractors adhere to the following conditions and to cause each of their subcontractors and suppliers to adhere to the following conditions:

- (1) That prior public notice of the Project, including

specifically information relating to night time work, be provided, specifically, including but not limited to:

- (a) publication in the Brighton Pittsford Post and Democrat and Chronicle of the dates, times and nature of night work, including on site project manager=s telephone number; and
  - (b) a presentation at a meeting of Brighton Neighbors United and at a neighborhood information meeting.
- (2) That all contract and subcontract documents and bid specifications describe Brighton=s requirements, including but not limited to zoning and noise regulations, that limit and apply to any off site storage area in the Town and specifically exclude field offices, equipment staging and employee parking from the Town.
  - (3) That all contract and subcontract documents and bid specifications related to the Project contain provisions to encourage the speedy completion of night operations, including specifically waivers from New York State Department of Labor Limitations on Overtime.
  - (4) That all contract and subcontract documents and bid specifications related to the Project specifically prohibit the use of jackhammers, hoe-rams and pavement breakers, other than during the Permitted Hours.
  - (5) That all contract and subcontract documents and bid specifications related to the Project specifically prohibit the use of backup alarms, other than during the Permitted Hours and require the use of spotters instead, and prohibit the slamming of tailgates.
  - (6) The use of vibratory compaction in connection with the Project shall be prohibited at any time.
  - (7) That the contract documents for the Project shall specifically include a requirement that Building Conditioning Surveys be conducted with respect to

abutting houses in the Kirk-Astor and Buffard-Cromwell neighborhoods, which Building Condition Surveys shall include but not be limited to photographs of all affected properties prior to the start of construction, the specific properties to be determined by the project engineer following consultation with the designated neighborhood representative, and that the cell phone numbers of the on-site project managers for the Department of Transportation and the contractor be provided to the project neighbors.

- (8) DOT to conduct pre- and post-constructions noise testing of noise generated by I-490 traffic in the area.
- (9) The provisions of this Section 102-2B(iv) may be revoked by the Town Board by local law, in the event of a violation of the conditions set forth in this Section 102-2B(iv).

B. The provisions of this Section 102-2B(iv) shall automatically terminate on August 31, 2008, if not earlier revoked upon substantial completion of the Project.

C. As used in this Section 102-2B(iv), the following terms shall have the meanings indicated:

PERMITTED HOURS - Between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. Saturday and Sunday.

PROJECT - The resurfacing of I-490 from South Landing Road to N.Y. Rt. 31F, specifically that portion of which is located in Brighton.

SUBSTANTIAL COMPLETION - the date on which the Project is accepted as substantially complete by the State of New York Department of Transportation, but in no event later than August 31, 2008.

#### Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

Section 5. Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.



EXHIBIT NO. 4

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that the Town Board hereby appoints Frank Sciremammano as a member of the Planning Board, for a term effective *nunc pro tunc* January 1, 2008 through December 31, 2014; and be it further

**RESOLVED**, that Frank Sciremammano is hereby appointed Chairman of the Planning Board for a term effective *nunc pro tunc* January 1, 2008 through December 31, 2014.

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 13th day of February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that the Thomas J. Warth, is hereby appointed to the Planning Board to a term expiring December 31, 2014, effective immediately.

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 13th day of February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that the Town Board hereby appoints Jerome R. Ludwig as a member of the Historic Preservation Commission, for a term effective *nunc pro tunc* January 1, 2008 through December 31, 2011; and be it further

**RESOLVED**, that Jerome R. Ludwig is hereby appointed Chairman of the Historic Preservation Commission for a term effective *nunc pro tunc* January 1, 2007 through December 31, 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 13th 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 January 22, 2008 from Elaine Ainsworth, Town Assessor, concerning the contract with the City of Rochester for assessment services, be received and filed, and be it further

**RESOLVED**, that the Supervisor is hereby authorized and directed to execute and deliver an extension to the agreement by and between the Town and the City of Rochester for assessment services during 2008, under which the annual fee paid to the City of Rochester shall not exceed \$63,464.

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 13th day of February,  
2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an amendment to the Retainer Agreement by and between the Town and Davidson, Fink, LLP, under which Davidson, Fink provides legal services concerning real property tax assessments to the Town, to increase the hourly billing rate for such services from \$190 per hour to \$200 per hour.

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 13th 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 January 30, 2008 from Diane Burdett, Administrative Court Clerk, Justice Court, Town of Brighton, concerning agreements for interpreting services for hearing impaired defendants, be received and filed, together with attachments thereto; and be it further

**RESOLVED**, that the Supervisor is hereby authorized and directed to execute and deliver an agreement by and between the Town and FMI Interpreting Services, Inc., and an agreement by and between the Town and M.E. Service Communication, Inc., both for interpreting services for hearing impaired defendants in the Town of Brighton Justice Court during 2008, at a rate of \$65.00 per appearance.

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 13th 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 5, 2008 from Jerry LaVigne, Director of Parks and Recreation, concerning the Monroe County Youth Bureau Contract, be received and filed; and be it further

**RESOLVED**, that the Supervisor is hereby authorized and directed to execute and deliver the Monroe County Youth Bureau Contract by and between the Town and Monroe County, under which the Town will be reimbursed a minimum amount of \$15,745 by Monroe County, for services to be provided by the Town, specifically the development of the Town's Youth Asset Building Initiative, partially offsetting the salary of our Assistant Recreation Director responsible for such Initiative, which Contract 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 13th 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 January 28, 2008 from Jerry LaVigne, Director of Parks and Recreation, concerning a change in the Table of Organization for the Parks and Recreation Department, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby approves an amendment to the Parks and Recreation Department's Table of Organization to create the position of part-time permanent Recreation Leader, who will currently oversee the operations of the Buckland House, and to delete the position of part-time permanent Recreation Assistant.

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 13th 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 January 25, 2008 from Jerry LaVigne, Director of Parks and Recreation, concerning the renewal of the Town's trail maintenance contract, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the renewal of the contract for trail maintenance services during 2008 with the Property Maintenance Company, on the pricing terms as set forth in the above-referenced memorandum.

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 13th 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 January 24, 2008 from Jerry LaVigne, Director of Parks and Recreation, together with an attachment thereto, concerning mowing and landscape service contracts, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the renewal of the Town's Mowing and Landscape Service Contracts to Lilac City Services, Rochester Plow and Property Maintenance Company, all as set forth in the above-referenced memorandum.

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 13th 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 January 24, 2008 from Thomas A. Low, Commissioner of Public Works, together with an attachment thereto, concerning an offer to acquire an easement for sewer construction and maintenance, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes that the Commissioner of Public Works make an offer for the acquisition of a temporary and permanent easement for sewer construction and maintenance, to the owners of property located at 3437 Elmwood Avenue, Tax Identification No. 137.120-02-009, for a purchase price as set forth in the above-referenced memorandum, which purchase price shall be payable in the form of cash or, to the extent necessary, as in kind landscape plantings to restore any damaged area.

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 13th 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 January 31, 2008 from Thomas A. Low, Commissioner of Public Works, concerning the renewal of contracts to furnish and deliver motor oil, antifreeze and transmission fluid and other lubricants, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the renewal of an existing contract with Deckman Oil Company to furnish and deliver motor oil, antifreeze and transmission fluid and other lubricants to the Town for unit prices based upon the New York State Contracts for such items.

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 13th day of February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**WHEREAS**, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

**WHEREAS**, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the "CWSRF Act") established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

**WHEREAS**, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

**WHEREAS**, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

**WHEREAS**, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects; it is therefore

**RESOLVED**, that correspondence dated February 1, 2008 from Thomas A. Low, Commissioner of Public Works, concerning the reauthorization of an application to the Clean Water State Revolving Fund for the Elmwood Avenue Relief Sewer, Phase II, be received and filed, together with an attachment thereto, and be it further

**RESOLVED**, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

**RESOLVED**, that Sandra L. Frankel, the Supervisor of the Town of Brighton is hereby directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRF assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required; and be it further

**RESOLVED**, that the official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both; and be it further

**RESOLVED**, that One (1) certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997; and be it further

**RESOLVED**, that this Resolution shall take effect immediately.

Dated: February 13, 2008

Sandra L. Frankel, Supervisor	Voting	<u>Agree</u>
James R. Vogel, Councilman	Voting	<u>Agree</u>
Raymond J. Tierney III, Councilman	Voting	<u>Agree</u>
Louise Novros, Councilperson	Voting	<u>Agree</u>
Sheila A. Gaddis, Councilperson	Voting	<u>Agree</u>

**CERTIFICATE OF RECORDING OFFICER**

The attached Resolution is a true and correct copy of Resolution No. B.067 authorizing the execution and filing of an application and the execution and deliver of a Project financing agreement and other documents necessary for CWSRF assistance, as regularly adopted at a legally convened meeting of the Town Board of the Town of Brighton, duly held on the 13<sup>th</sup> day of February 2008; and further that such Resolution has been fully recorded in the office of the Town Clerk of the Town of Brighton. Exhibit # 16

**IN WITNESS WHEREOF**, I have hereunto set my hand this 14 day of February, 2008.

Susan Kramarsky  
Susan Kramarsky, Town Clerk  
Town of Brighton

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 13th 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 January 29, 2008 from Thomas A. Low, Commissioner of Public Works, concerning the award of a professional services contract to Mohawk valley Community College for additional training for one person plowing, be received and filed, together with a proposal letter dated January 15, 2008 from W. Richard Suhr, Coordinator of Market Analysis and Project Development, Mohawk Valley Community College; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver a contract by and between the Town and the Mohawk Valley Community College Center for Community and Economic Development for additional training for one-person plowing at the hourly and mileage rates set forth in the attached proposal dated January 15, 2008 and in an aggregate cost not to exceed \$5,500.

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 13th 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 January 28, 2008 and February 1, 2008 from Thomas A. Low, Commissioner of Public Works, a Short Environmental Assessment Form, dated January 30, 2008 and a proposed Negative Declaration under the State Environmental Quality Review Act, dated February 13, 2008, all concerning the construction of sidewalks on a portion of the south side of Westfall Road, and an application for the Community Development Block Grant Program to Monroe County for a grant for the construction of such sidewalks, be received and filed; and be it further

**RESOLVED**, that based on the Short Environmental Assessment Form, the Town Board hereby finds that the project will not have a significant impact on the environment and therefore adopts the Negative Declaration under the State Environmental Quality Review Act, dated February 13, 2008, for the project consisting of the construction of new sidewalks on the south side of Westfall Road, from existing sidewalks on the developed portion of Buckland Park, to the new sidewalks to be installed by the developer of property located at the southwest corner of Westfall Road and Lac de Ville Blvd.; and be it further

**RESOLVED**, that the Town Board hereby authorizes the submission of an application to Monroe County for funding under the Community Development Block Grant Program, for the construction of new sidewalks on the south side of Westfall Road, from existing sidewalks on the developed portion of Buckland Park, to the new sidewalks to be installed by the developer of property located at the southwest corner of Westfall Road and Lac de Ville Blvd.

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 13th 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 January 25, 2008 from Thomas A. Low, Commissioner of Public Works, concerning environmental review of the proposed Rich's Dugway Pipe Bridge Stabilization Project and the associated tree removals, correspondence dated January 16, 2008 from Andrew Pleniger, Vice President of Urban Forestry, LLC and Part I of an Environmental Assessment Form under the State Environmental Quality Review Act, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby declares its intention to seek lead agency status in the environmental review of Rich's Dugway Pipe Bridge Stabilization Project and associated removal of trees; and be it further

**RESOLVED**, that Ramsey Boehner, the Town's Environmental Liaison, is hereby directed to convey such intent to other potentially involved agencies and to coordinate the environmental review of the project with those agencies; and be it further

**RESOLVED**, that the Town Board hereby sets a public hearing pursuant to Chapter 175 of the Town Code, to consider the removal of 25 trees in connection with the proposed Rich's Dugway Pipe Bridge Stabilization Project, to be held at 7:30 pm local time on March 12, 2008 at Brighton Town Hall, 2300 Elmwood Avenue, at which time all persons having an interest in such matter shall have an opportunity to be heard; and be it further

**RESOLVED**, that notice of such public hearing is hereby directed to be given, pursuant to the terms of Chapter 175 of the Town Code.

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 13th 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 January 28, 2008 from Thomas A. Low, Commissioner of Public Works, together with a memorandum dated February 13, 2008 from Paul White, attached thereto, be received and filed; and be it further

**RESOLVED**, that the text of proposed amendments to Chapter 201 of the Town Code, concerning cross border developments, be referred to the Planning Board for an advisory report; and be it further

**RESOLVED**, that the proposed amendments also be referred to the Public Works Committee for a public discussion of the proposed amendments to be held March 3, 2008 at its regular meeting.

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 13th 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 5, 2008 from Thomas A. Low, Commissioner of Public Works, concerning a proposed amendment to Section 209-3 of the Town Code, under which the Town's Incentive Zoning Law would be amended to consider Leadership in Energy and Environmental Design standards as an incentive to be considered in connection with incentive zoning applications, together with the text of the proposed Amendment, be received and filed; and be it further

**RESOLVED**, that the text of the proposed amendment be referred to the Planning Board for an advisory report.

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	_____

EXHIBIT NO. 22

At a Town Board Meeting of the Town of  
Brighton, Monroe County, New York,  
held at the Brighton Town Hall, 2300  
Elmwood Avenue, in said Town of  
Brighton on the 13th day of February,  
2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that the Supervisor or her designee are hereby authorized to execute and deliver a Memorandum of Agreement by and between the Town and the Civil Service Employees Association with respect to one-person snow plowing, 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 _____

EXHIBIT NO. 23

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th 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 Paula A. Parker, Director of Finance, concerning year end transfers and amendments to address object levels, negative balances and the 2007 Town, Special Districts and Capital Budgets, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Town Board hereby approves the Budget transfers and amendments to the 2007 Town, Special District and Capital Budgets, all as more fully set forth in the attachment to the above-referenced memorandum.

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 _____

EXHIBIT NO. 24

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 13<sup>th</sup> day of February, 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 facilitate the ability to reduce speed limits on town highways in residential areas on a town wide basis or in neighborhood areas to 25 miles per hour; and

**WHEREAS**, the Town Board desires that the New York State Senate and Assembly enact special laws permitting the Town to reduce speed limits to 25 miles per hour in such residential areas; 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 correspondence from \_\_\_\_\_, dated \_\_\_\_\_, concerning a home rule message for Assembly Bill No A.4688A/Senate Bill S.4322A concerning speed limits, together with attachments thereto, be received and filed; and be it further

**RESOLVED**, that the Supervisor and Town Board of the Town of Brighton hereby resolve to make a Home Rule Request that Assembly Bill No. A.4688A and Senate Bill S.4322A be enacted to permit the Town of Brighton to reduce the speed limit on town highways on an area-wide basis in Brighton to 25 miles per hour.

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	_____

EXHIBIT NO. 25

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 13th day of February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

**RESOLVED**, that the Town Board hereby approves the appointment of Louise Novros as a Marriage Officer of Town of Brighton pursuant to Section 11-C of the Domestic Relations Law of the State of New York, subject to the provisions thereof, for a term commencing immediately and expiring December 31, 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 13th 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 January 24, 2008 from Thomas A. Low, Commissioner of Public Works, together with an attachment thereto, concerning an agreement with the Brighton Chamber of Commerce for improvements on and about Monroe Avenue in the Town, be received and filed, and be it further

**RESOLVED**, that the Supervisor is hereby authorized and directed to execute and deliver an agreement by and between the Town and the Brighton Chamber of Commerce for improvements to the Twelve Corners Park and Monroe Avenue, at a cost not to exceed \$30,000, to be received by the Town from the proceeds of a State grant, and be it further

**RESOLVED**, that a budget amendment in the amount of \$30,000 will be made to expense account A.DPW.8510 4.11 (Maintenance Supply) with offsetting revenues in the same amount to revenue account A.DPW.8510 3595 State Aid.

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	_____

EXHIBIT NO. 27

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 13th 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 January 28, 2008 from Jerry LaVigne, Director of Parks and Recreation, concerning a 2008 budget transfer related to the Buckland House, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby approves the budget transfer for the Buckland House as set forth in the above-referenced correspondence.

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 13th 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 Paula A. Parker, Director of Finance, concerning the approval of contributions to the Worker's Compensation Reserve, the Building Repair Reserve and the other Post Employment Benefits Reserve for 2007, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Town Board hereby approves the contributions to the Worker's Compensation Reserve, Building Repair Reserve, and other Post Employment Benefits Reserve for 2007, all as set forth in the above-referenced memorandum.

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 _____



TOWN OF BRIGHTON  
Paula A. Parker, Director of Finance  
2300 ELMWOOD AVENUE  
ROCHESTER, NEW YORK 14618  
(585) 784-5210 Fax (585) 784-5396

### MEMORANDUM

To: The Honorable Town Board  
Attn.: The Finance and Administrative Services Committee  
From: Paula A. Parker, Director of Finance *PAP*  
Date: February 12, 2008  
Subject: Approval of Contributions to the Workers' Compensation reserve, the Building Repair reserve and the "OPEB" reserve for Fiscal Year ending 12/21/2007.

I request the Honorable Town Board approve the following addition to the Town of Brighton Reserves for year ending 12/31/2007:

- Increase the Workers' Compensation Reserve (A.814) by \$45,000. This is due to the receipt of approximately \$29,000 in refunds of prior year premium expenses and \$17,000 in a third party settlement, which was unanticipated in the budget.
- Increase the Building Repair Reserve (A.889.REPAR) by \$50,000. This is due to the receipt of more interest earnings and sales tax revenue than initially estimated in the 2007 budget.
- Increase the OPEB (Other Post Employment Benefits) Reserve (A.909.OPEB) by \$40,000. This is also due to the receipt of more interest earnings and sales tax revenue than initially estimated in the 2007 budget.

By reserving these funds, the Town will not compromise its goal of maintaining the unappropriated fund balance within the guidelines as set forth by the Budget Review Task Force.

I would be happy to respond to any questions that members of the Committee or other members of the Board may have.

Copy to: S. Frankel, L. Albers, 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 13th day of February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**WHEREAS**, the Town's Green Brighton Task Force has encouraged residents and businesses in the Town of Brighton to commit to efforts to reduce energy consumption through the Color Brighton Green pledge to reduce energy consumption by 10%; and

**WHEREAS**, the Town of Brighton desires to support such efforts and participate in such pledge, thereby contributing to the protection of the environment and reducing Town expenses; it is therefore

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute the Color Brighton Green 10% pledge on behalf of the Town of Brighton.

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 _____

EXHIBIT NO. 30

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 13th day of February, 2008.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**WHEREAS**, the Town Clerk has duly appointed J.P. O'Brien as Deputy Town Clerk, on a full time, 35-hours per week basis, effective February 1, 2008, pursuant to Section 30 of the New York State Town Law; and

**WHEREAS**, the Town Board desires to set compensation for the Deputy Town Clerk pursuant to Section 30; it is therefore

**RESOLVED**, that the Town Board hereby sets the compensation for J.P. O'Brien as Deputy Town Clerk, at Group IV, Step 1 of the Town's salary schedule, for a starting salary of \$37,091.60, effective as of February 1, 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 ____