

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

December 23, 2009

PRESENT:

Supervisor Sandra Frankel
Councilmember Louise Novros
Councilmember Sheila Gaddis

William Moehle, Attorney for the Town
Susan Kramarsky, Town Clerk

MEETING CALLED TO ORDER: 12:15 PM

OPEN FORUM:

1. Emily Wood

APPROVAL OF AGENDA:

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to approve the agenda with the addition of correspondence from Ms. Emily Wood.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

December 9, 2009

Matter held

PUBLIC HEARINGS:

MATTER RE: Proposed removal of 12" maple tree at 145 Norman Road (see Resolution #1; communication from Deborah Dimeo, dated December 13, 2009).

(complete transcript under separate cover)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Award \$13,436. bid to Vision Ford for 2010 Ford Focus (see Resolution #2; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated December 8, 2009, with attachment).

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO.2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize bid award for tree trimming and bucket truck rental (see Resolution #3; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated December 16,2009) typo resolution.

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No.3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Steven Bopp, P.E., Project Engineer, New York State Department of Transportation, dated December 17, 2009, regarding Route 31 pavement resurfacing from Route 65 to the Canal Bridge during July through November 2010

FROM Renee Casler, Planner II, Monroe County Department of Planning and Development, dated December 14, 2009, regarding site plan/conditional use permit for parking - staging of roll-offs - trucks at 1509 Scottsville Road

FROM Donald D. Doe, Environmental Technician, Monroe County Water Authority (MCWA), dated December 11,2009, notifying that MCWA accepts the water main and appurtenances in the Sawgrass Drive Ext. Medical Center

FROM Darcy A. Sewar, DES Business Services, Monroe County Department of Environmental Services, dated December 9,2009, enclosing the Division of Pure Waters' 2010 rate schedule

FROM Brighton Fire District, providing Certificates of Examination of voting machines for the Brighton Fire District's annual election held on December 8,2009

FROM Peter Zimmerman, with Supervisor Frankel's response, dated December 12, 2009, regarding the Town's open swim program's 2010 schedule

FROM Beth Tarduno, with Supervisor Frankel's response, dated December 12, 2009, regarding traffic concerns in Brighton

FROM Geoffrey A. Hale, dated December 11,2009, expressing dismay over the Town pool limited hours for 2010

FROM Shirley and Howard Jacobson, dated December 7, 2009, expressing concern with proposed actions by Faith Village to the site at Winton and Westfall Roads

FROM Ramsey A. Boehner, Environmental Review Liaison Officer, dated December 18,2009, providing comments received by the Brighton Planning Board and the November 18, 2009 public hearing transcript regarding the Draft Environmental Impact Statement (DEIS) for Faith Village

FROM Emily Wood regarding use of the Brighton High School Pool, December 23, 2009

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis to receive and file the aforementioned communications.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services - Next meeting January 20,2010..
 Finance and Administrative Services December 16, 2009. Next meeting January 6,2010.
 Public Safety Services - Next meeting January 12, 2010.
 Public Works Services - Next meetings January 4,2010 February 1, 2010.

OLD BUSINESS:

MAnER RE: Authorize amendment to December 9,2009 Town Board Resolution #12 permitting agreement with Public Employer Risk Management Association (PERMA) (see Resolution #20).

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO.4 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 Louise Novros that the Supervisor read and approve payment of claims as set forth in Exhibit NO.5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MAnER RE: Authorize \$1,000. budget transfer for purchase of file folders (see Resolution #4; letter from Dianne W. Burdett, Administrative Court Clerk dated December 11, 2009).

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO.6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize extension of dry cleaning bid award to Town and Country Cleaners for 2010 (see Resolution #5; letter from Thomas M. Voelkl, Chief of Police, dated December 14, 2009).

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 in Exhibit NO.7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute contract with Park Place Corporate Transportation Services for senior citizen day transportation services in 2010 at \$36.18 per half hour plus adjustable price per gallon for fuel (see Resolution #6; letters from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated December 10, 2009 and Scott Pizzo, Park Place Corporate Transportation Services, dated December 10, 2009).

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 in Exhibit NO.8 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize amendment to Town's Mileage Reimbursement Policy, changing the "business mileage" reimbursement rate to \$.50 per mile, effective January 1, 2010 (see Resolution #7; memorandum from Paula A. Parker, Director of Finance, dated December 16, 2009, with attachment).

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO.9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize 2009 budget transfer for purchase of police cruiser (see Resolution #8; memorandum from Paula A. Parker, Director of Finance, dated December 16, 2009).

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 in Exhibit No.10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize 2009 budget transfer for Shared Services (see Resolution #19; memorandum from Paula A. Parker, Director of Finance, dated December 18, 2009).

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize \$2,500. transfer of funds for purchase of computer for Town Engineer (see Resolution #9; letter from Timothy E. Keef, P.E., Town Engineer, dated December 11, 2009).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute 2010 contract renewal agreement #7 with Brighton Volunteer Ambulance, Inc. for \$156,500. as approved and adopted in the 2010 Town Budget (see Resolution #10; memorandum from Paula A. Parker, Director of Finance, dated December 15, 2009, 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 in Exhibit No. 13 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize \$20,000. budget transfer to purchase video equipment (see Resolution #11; letter from Douglas S. Clapp, Director of Communications, dated December 16,2009).

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 in Exhibit No. 14 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute amendatory agreements with New York State Department of Transportation, Fisher Associates and the City of Rochester for necessary route adjustments in the Highland Park! Canalway Trail Project and authorize necessary 2010 budget amendments (see Resolution #12; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated December 8, 2009).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize extension of contract with Outsource, PC for technical database services for the Fire Marshal through December 31, 2010 at \$50. per hour, total not exceeding \$1,000. (see Resolution #13; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated December 8, 2009).

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 in Exhibit No. 16 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Accept retirement of Donald Cramer from position of Senior Automotive Mechanic in the Highway Department effective December 31, 2009 (see Resolution #14; letters from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated December 3,2009, and Donald L. Cramer, dated December 16, 2009).

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 17 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Accept transfer of parcel within Kirk-Astor Park District at #205 Astor Drive from New York State Department of Transportation (NYSDOT); authorize Supervisor to execute agreement with NYSDOT and any necessary documents for transfer; authorize Commissioner of Public Works to prepare and pay for necessary surveys; and Town Board declare itself to be lead agency in environmental review of the property transaction (see Resolution #15; letters from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated December 13, 2009 and Colin Brennan, Real Estate Specialist Trainee II, NYSDOT, dated December 9, 2009).

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 in Exhibit No. 18 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MANERRE: Authorize preparation of map, plan and report for proposed Far View Hills Sewer District (see Resolution #16; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated December 1, 2009, with attachment).

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 19 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MANER RE: Refer to Public Works committee proposed Winfield Park Development Incentive Zoning request (see Resolution #17; letter from Tim Gawenus, PE, Project Manager, Fisher Associates, dated December 11, 2009).

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 20 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MANERS OF THE SUPERVISOR:

MANER RE: Expense and Revenue Reports for period ended November 30,2009.

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to receive and file the aforementioned report.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MANERS OF THE TOWN CLERK:

MANER RE: Authorize Supervisor to execute contract with Rick Mendolia for database services related to town-wide contract file maintenance (see Resolution #18; letter from Susan Kramarsky, Town Clerk, dated December 17, 2009).

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 21 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MANER RE: Authorize two-year appointment of John Patrick O'Brien as Deputy Town Clerk, effective January 1, 2010 through December 31, 2011 (see Resolution #21; memorandum from Susan Kramarsky, Town Clerk, dated December 21, 2009).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to adjourn at 12:55 PM.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Susan Kramarsky, 79 Monteroy Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceedings of the Town of Brighton County of Monroe, State of New York meeting held on the 23'd of December and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 9th day of December, 2009.

12/23/09

PRESENT:

JAMES R. VOGEL,

Acting Supervisor

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

WHEREAS, the Town Board previously received and filed correspondence from Thomas A. Low, Commissioner of Public Works, requesting that a public hearing be called to consider the removal of a healthy 12" Maple tree located in the highway right-of-way adjacent to 145 Norman Road; and

WHEREAS, based upon such correspondence, the Town Board duly called a public hearing pursuant to Section 175-8 of the Town Code to consider the removal of such tree referenced in such correspondence, that all persons having had an interest in such matter had an opportunity to be heard at such hearing; and

WHEREAS, the public hearing was duly called and held to consider such matter, and based on the testimony and materials received in the record of such public hearing, it is

RESOLVED, that the Town Board hereby determines that although the tree in question is healthy, it is relatively small and would negatively affect the ability of the applicant to access their planned driveway safely, it therefore approves the application to remove the aforementioned 12" Maple tree from the Town's right of way adjacent to 145 Norman Road.

Dated: December 9, 2009

James R. Vogel, Acting Supervisor	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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated December 8, 2009 from Thomas A. Low, Commissioner of Public Works, concerning the award of a contract to furnish and deliver one four-door compact sedan, be received and filed, together with attachments thereto; and be **it** further

RESOLVED, that based on the recommendation of the Commissioner of Public Works, the Town Board awards the bid for the purchase of a four-door compact sedan to Vision Ford, the lowest responsible and responsive bidder, for the purchase of a 2010 Ford Focus SE Sedan, at a purchase price of \$13,436.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons.

WHEREAS, the Town Board previously took action with respect to its workers' compensation coverage for 2010 and has now determined that further action is appropriate to implement such resolution; it is therefore

RESOLVED, that for purposes of this resolution, the Authorized Representative of the Town of Brighton shall be the Supervisor, or her designee; and be it further

RESOLVED, that the Authorized Representative of the Town of Brighton desires to secure the Town of Brighton's obligation to provide workers' compensation benefits, as applicable, through participation in a group self-insurance program of which the Town of Brighton will be a member; and be it further

RESOLVED, that the Authorized Representation of the Town of Brighton, duly convened in regular session, does hereby resolve, pursuant to, and in accordance with the provisions of Section 50 of the New York State Workers Compensation Law and other applicable provisions of law and regulations thereunder, as follows:

Section 1. The Authorized Representative (hereinafter "Representative^H"), of the Town of Brighton does hereby resolve to secure the Town of Brighton's obligation to provide workers' compensation benefits, as applicable, through participate in a group self-insurance plan of which the Town of Brighton will be a member;

Section 2. The Representative of the Town of Brighton does hereby resolve to become a member of Public Employer Risk Management Association, Inc., a workers' compensation group self-insurance program for local governments and other public employers and instrumentalities of the State of New York;

Section 3. In order to effect the Town of Brighton's membership in said group self-insurance program, the authorized officer of the Town of Brighton is hereby authorized to execute and enter into the Public Employer Risk Management Association Workers' Compensation Program Agreement, annexed hereto as Exhibit A, on behalf of the Town of Brighton.

Section 4. This Resolution shall take effect immediately.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	Voting
Louise Novros, Councilperson	Voting
Sheila A. <i>Gaddis</i> , Councilperson	Voting

State of New York
WORKERS' COMPENSATION BOARD

NOTICE OF ELECTION BY A POLITICAL SUBDIVISION, AMBULANCE OR FIRE DISTRICT
TO SECURE COMPENSATION AS A SELF-INSURER

(Prepare in duplicate. Mail original and retain duplicate.)

To: CHAIR, WORKERS' COMPENSATION BOARD

TAKE NOTICE that this political subdivision, ambulance or fire district has elected to secure compensation to its employee, pursuant to subdivision 3 of section 50 of the Workers' Compensation Law and files this completed notice in accordance with subdivision 4-a of said section.

1. a. A certified copy of the Resolution adopted, re: Self-Insurance, is attached:

b. Other: (explain)

Joined PUBLIC EMPLOYER RISK MANAGEMENT ASSOCIATION

Workers' Compensation Program.

2. Election to secure compensation in accordance with subdivision 4-a of section fifty was duly made on

12/9/09

Enter Date

3. Such election is effective from 01/01/2010

Enter Effective Date

4. Previous to such Effective Date these employees were covered as follows:
(If by a policy of insurance, give name of carrier and policy number.)

by self insurance and was member of the Upstate New York Municipal Workers' Compensation Program

5. Do you intend to: a. Deal directly with your employees in compensation matters, or

b. Through a licensed self-insurers' representative.

If you checked "b", give the name and address of the representative

PERMA, PO Box 12250, Albany, NY 12212-2250

(518) 220-1111

Town of Brighton

Name of Political Subdivision, Ambulance or Fire District

2300 Elmwood Ave, Rochester, NY 14618

Address

Signed By

James R Vogel
Acting Supervisor

Date Signed

12-11-09

Official Title

Telephone Number

585-784-5257

Mail original of this form to:

Chair, WCB do Self-Insurance Office, 20 Park Street, Room 20e, Albany, New York 12207

RESOLUTION TO JOIN MUNICIPAL GROUP SELF-INSURANCE P

WHEREAS, the Authorized Representative of the Town of Brighton desires to secure the Town of Brighton's obligation to provide ~~volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and~~ workers' compensation benefits, **as** applicable, through participation in a group self-insurance program of which the Town of Brighton will be a member,

The Authorized Representative of the Town of Brighton, duly convened in regular session, **does hereby resolve**, pursuant to, and in **accordance** with the provisions of **Section 50** of the New York State **Workers** Compensation Law and other applicable provisions of law and regulations thereunder, as **follows**:

SectJoa 1. The Authorized Representative (hereinafter "Representative") of the Town of Brighton **does** hereby resolve to **secure** the Town of Brighton's obligation to ~~provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and~~ workers' compensation benefits, **as** applicable, through participation in a group **self-insurance** plan of **which** the Town of Brighton will be a member;

Section 2. The Representative of the Town of Brighton does hereby resolve to become a member of Public Employer Risk Management Association, Inc., a **workers'** compensation group self-insurance program for local governments and other public employers and instrumentalities of the State of New York;

Section 3. In order to effect the Town of Brighton's membership in said group self-insurance program, the authorized officer of the Town of Brighton is hereby authorized to execute and enter into the Public Employer Risk Management Association Workers' Compensation Program **Agreement**, annexed hereto as Exhibit A, on behalf of the Town of Brighton.

Section 4. This Resolution shall take effect immediately.

CERTIFICATION

I, JAMES R. VOGEL do hereby certify that I am the ACTING SUPERVISOR
Name Title
of the Town of Brighton and that the foregoing constitutes a true, **correct** and complete copy of a Resolution duly adopted by the Representative of the Town of Brighton at a meeting thereof held on 12/9/09
Date

Dated:

James R. Vogel - Acting Supervisor
Name and Title
James R. Vogel
Signature

{Seal *if* available}

SECTION 50, SUBDIVISION ~~4-A~~ OF THE NEW YORK STATE WORKERS' COMPENSATION LAW
AS ~~AMENDED~~ BY CHAPTER 81, LAWS OF 1989, EFFECTIVE APRIL 1, 1989

A county, city, village, ~~town, school~~ district, fire district or other political subdivision of the ~~state~~ may ~~secure compensation~~ to its ~~employees~~ in ~~accordance~~ with subdivision one, two or ~~three-a~~ of this section, and if public ~~corporation as defined~~ in subdivision ~~one~~ of section sixty of this ~~chapter~~ may also ~~secure~~ such ~~compensation~~ in ~~accordance~~ with ~~article five~~ of this chapter. If compensation is not so secured, a county, ~~city, village,~~ town, school ~~district, fire~~ district or ~~other~~ political subdivision shall be ~~deemed to have elected~~ to ~~secure~~ compensation pursuant to subdivision ~~three~~ of this ~~section~~ and, in such case, no proof ~~of financial ability or deposit or securities need be made~~ in ~~compliance~~ with such subdivision. All ~~other requirements prescribed~~ by this ~~chapter~~ for ~~employers~~ so electing shall be complied with and ~~notice~~ of such election ~~shall~~ be filed with the chair. ~~For failure~~ to file such ~~notice~~ of ~~election, prescribed~~ in form by the chair, within ten days ~~after~~ the election was made, the ~~treasurer~~ or other financial ~~officer~~ shall ~~be~~ liable to pay to the chair the sum of one hundred dollars as a penalty, to be ~~transferred to the state~~ treasury.

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

December 23, 2009

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

A - GENERAL	\$ <u>178,501.23</u>
D-HIGHWAY	<u>64,596.07</u>
H -CAPITAL	<u>7,115.99</u>
L - LIBRARY	<u>29,222.31</u>
SA • AMBULANCE DIST	<u>3,087.50</u>
SB • BUSINESS IMPROVM	<u>380.00</u>
SO - DRAINAGE DIST	<u>1,270.00</u>
SF - FIRE DIST	<u>32,841.25</u>
SK - SIDEWALK DIST	<u>2,384.30</u>
SL - LIGHTING DIST	<u>23,256.51</u>
SM - SNOW REMOVAL DST	<u>2,002.50</u>
SN-NEIGHBORHOOD DIST.	<u>423.75</u>
SP-PARKS DISTRICT	<u>253.75</u>
SR-REFUSE DISTRICT	<u>7,238.75</u>
SS - SEWER DIST	<u>22,182.90</u>
SW - WATER DIST	<u>1,047.50</u>
TA- AGENCY TRUST	<u>3,826.54</u>
TOTAL	\$ <u>379,830.85</u>

UPON ROLL CALL MOTION CARRIED _____

APPROVED BY: _____
SUPERVISOR

COUNCIL MEMBER

COUNCIL MEMBER

TO THE SUPERVISOR:

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

DATE

TOWN CLERK

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated December 11, 2009 from Diane Burdett, Administrative Court Clerk of the Justice Court of the Town of Brighton, concerning a budget transfer, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the budget transfer of \$1,000 requested in the above correspondence for a portion of the purchase price of case file folders to be purchased by the Court under a previously accepted bid.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting

JUSTICE COURT

TOWN OF BRIGHTON

MONROE COUNTY

2300 ELMWOOD AVENUE, ROCHESTER, NY 14618

PHONE: (585) 784-5152 FAX: (585) 784-5380

<http://www.townofbrighton.org>

JUSTICES
KAREN MORRIS
JOHN A. FALK

COURT ADMINISTRATOR
DIANNE BURDETT
ASSISTANT COURT CLERK
MARY JO SCHILLER

December 11, 2009

Town of Brighton
Finance and Administrative Services Committee
2300 Elmwood Avenue
Rochester, New York 14618

Re: Transfer of Account Funds

Dear Finance Committee Members,

I am requesting the court be allowed to transfer an existing fund balance in the 2.13 (equipment) account of \$1,000. to our 400 account in order to cover an anticipated shortage. The court would like to order 5,000 case file folders at a cost of \$1212., a previously accepted bid price, this year. We would need to place this order in the very near future in any event as our inventory is already low. As the funds are available in our 2009 budget, I am requesting permission to utilize them for this purpose.

I thank you for your consideration of this request.

Sincerely,



Dianne Burdett
Administrative Court Clerk

cc: Paula Parker, Finance Director
file

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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated December 14, 2009 from Thomas M. Voelkl, Chief of Police, concerning an extension of the contract for Police dry cleaning with Town and Country Cleaners, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Police dry cleaning contract with Town and Country Cleaners to be extended for calendar year 2010, upon the terms and conditions currently in effect.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	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 23rd day of December, 2009.

PRESENT :

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated December 10, 2009 from Jerry LaVigne, Director of Parks and Recreation, concerning the Parks & Recreation Department transportation contract renewal for 2010, together with correspondence dated December 10, 2009 from Scott Pizzo of Park Place Corporate Transportation Services, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to renew the Parks & Recreation Department transportation service agreement with Park Place Corporation Services for 2010, at a base rate of \$36.18 per half hour, subject to fuel price adjustments.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons.

RESOLVED, that a memorandum dated December 16, 2009 from Paula A. Parker, Director of Finance, concerning a proposed change in the Town mileage reimbursement rate, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Town Board hereby amends the Town's Mileage Reimbursement Policy to change the allowable business mileage reimbursement rate to \$.50 per mile, where such mileage expenses are incurred in accordance with all other provisions of the Mileage Reimbursement Policy, effective January 1, 2010.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	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: Finance and Administrative Services Committee²
From: Paula A. Parker, Director of Finance
Date: December 16, 2009
Subject: Proposed Change in Mileage Reimbursement Rate

I recommend that Your Honorable Body amend the Town Board's Mileage Reimbursement Policy, changing the "business mileage" reimbursement rate to \$.50 per mile (down from the current \$.55 per mile) effective January 1, 2010.

It has been our practice to utilize the IRS standard mileage reimbursement rate for business use of our employees' personal vehicle. By utilizing the IRS rate we ensure that no record keeping other than a contemporaneous record of business mileage incurred needs to be maintained, and that no employee compensation needs to be recorded by the Town for business mileage reimbursements.

The formal action being recommended to the Town Board is:

- To amend the Mileage Reimbursement Policy, changing the allowable business mileage reimbursement rate to \$.50 per mile where such mileage expenses are incurred in accordance with all other provisions of the Policy, with such amendment effective January 1, 2010.

I would be happy to respond to any questions members of the Town Board may have. By copy of this memo to the Library Board of Trustees, they are advised of the IRS's action, should they choose to amend the mileage reimbursement rate for Library employees as well.

Copies to: S. Frankel, the Library Board of Trustees, and All Department Heads

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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that a memorandum dated December 16, 2009 from Paula A. Parker, Director of Finance, concerning a 2009 budget transfer for the purchase of a Police vehicle, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Town Board hereby approves the 2009 budget transfer of \$10,000 from account A.POLCE.3120.130 to account A.POLCE.3120.221, for the purchase of one Police cruiser.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	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: December 16, 2009
Subject: **2009 Budget Transfer**
Police Car Purchase

I recommend that Your Honorable Body approve a 2009 budget transfer as follows:

From APOLCE.3120 1.30 overtime expense to A.POLCE.3120 2.21 police automobiles in the amount of \$10,000.

This amount needed to purchase one additional police cruiser using 2009 funds. This being done due to the budget reductions in the 2010 capital purchase budget.

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

Copy to: S. Frankel, B. Moehle, T. Voelkl

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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons.

RESOLVED, that a memorandum dated December 16, 2009 from Paula A. Parker, Director of Finance, concerning a proposed shared services budget transfer, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves a 2009 budget transfer in the amount of \$12,000.00 from account A.SSVCS.1620.421 to account A.SSVCS.1620.441 to facilitate the completion of repairs to Town Hall.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	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: December 16, 2009
Subject: **2009 Budget Transfer**
Shared Services

I recommend that Your Honorable Body approve a 2009 budget transfer as follows:

From ASSVCS.1620 4.21 electric & gas expense to ASSVCS.1620 4.41 maintenance repair services in the amount of \$12,000.

This transfer is needed for funds to be placed in the correct account category to facilitate the needed completion of building repairs.

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

Copy to: S. Frankel, B. Moehle, T. Voelkl

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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated December 11, 2009 from Timothy E. Keef, Town Engineer, concerning a proposed budget transfer for the purchase of a new computer for the Town Engineer, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the budget transfer for a new computer for the Town Engineer, as set forth in the above correspondence.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting



Town of Brighton

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618
PHONE: (585) 784-5250 FAX: (585) 784-5368

December 11, 2009

The Honorable Finance and Administrative Services Committee
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

re: Proposed Transfer of Funds

Dear Councilwoman Gaddis and Committee Members:

The DPW has evaluated the present availability of computers versus the near and long term needs of the Town Engineer. At **this** time, there are no **W**lused computers that will meet the program requirements of this position. While monies were not specifically allocated for purchase of a work station in the 2009 budget, I am requesting that funds be allocated from the contingency account as follows:

- 1) \$2,500.00 from A.UNDST.1990 4.90 to A1490 200 class sub account 2.13

As always, **thank** you for your consideration. I will be in attendance at your regularly scheduled December 16, 2009 meeting **in** the event that you have any questions regarding **this** matter.

very truly yours,

Timothy E. Keef, P.E.
Town Engineer

Department of Public Works

TEK/wp

cc: T. Low
R. Cortina
P. Parker
S. Wentworth

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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons.

RESOLVED, that a memorandum dated December 15, 2009 from Paula A. Parker, Director of Finance, concerning the 2010 contract renewal with Brighton Volunteer Ambulance, be received and filed, together with an attachment thereto; and be **it** further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver Amendment #7 to the Contract for Ambulance Service for the 2010 Calendar Year by and between the Town, acting for and on behalf of the Brighton Ambulance Services District and Brighton Volunteer Ambulance for ambulance service during 2010, at a contract amount of \$156,500, including \$21,000 for fuel expense.

Dated: December 23, 2009

<hr/>	
Sandra L. Frankel, Supervisor	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: December 15, 2010
Subject: Brighton Volunteer Ambulance
2010 Contract Renewal Amendment #7

I recommend that Your Honorable Body authorize the Supervisor to execute a renewal agreement for 2010 with Brighton Volunteer Ambulance, Inc. in the amount of \$156,500 as approved and adopted in the 2010 Town Budget.

The contract amount of \$156,500 represents the same amount as budgeted in the 2009 and 2008 budgets and was approved by the Town Board. Also note that the Town will retain \$21,000 for fuel usage which is also reflecting the same amount withheld in 2009. This is due in part to the potential volatility in fuel prices as well as the number of ambulances remaining in service (a total of four).

This represents a seventh amendment to the original contract dated January 1, 2003 with all other terms and conditions remaining unchanged. Also, an updated certificate of insurance will be on file attached to the contract amendment as per the language of the original contract effective on January 1, 2003.

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

AMENDMENT #7 TO THE CONTRACT FOR AMBULANCE SERVICE
For the 2010 Calendar Year

This Amendment, made as of January 1, 2010, is to the Agreement made as of January 1, 2003 between the Town of Brighton, acting for and on behalf of the Brighton Ambulance Services District, with offices at 2300 Elmwood Avenue, Rochester, NY 14618, and the Brighton Volunteer Ambulance Service, Inc. (BVA), with its principal place of business at 1551 Winton Road South, Rochester, NY 14610, which Agreement is hereby amended as follows:

Section 3c (Gasoline and Fuel Rights): Each reference relating to the estimated value associated with the provision of fuel remains unchanged at \$21,000, and this estimated value amount will be deducted from the total amount due BVA for services provided. In the event that any of the BVA vehicles can use E85 or other alternative fuels, consistent with manufacturer warranties and recommendations, and such alternative fuels are made available by the Town, BVA agrees to use such alternative fuels to the extent possible.

Section 4 (Compensation): Annual compensation to be provided to BVA for its services remains unchanged at \$156,500, less the \$21,000 value for the provision of fuel under Section 3 of the Agreement.

Section 12 (Vehicle Acquisition) remains as amended in 2009: BVA intends to retain use of all of its existing vehicles upon the acquisition of a new ambulance during 2009. BVA and Town hereby agree that BVA has made arrangements to house the oldest current ambulance vehicle at the West Brighton Fire House #1 on West Henrietta Road, as a back up vehicle, available for use when one or more of the ambulances is unavailable. BVA will not staff the West Brighton Fire House, and will otherwise adhere to the requirements of this Section 12 to operate, repair, maintain and insure such vehicle during the term hereof.

All other terms and conditions as provided in the original Agreement made as of January 1, 2003 (and hereby renewed for calendar year 2010) will remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed Amendment **#6** to the Agreement as shown below.

Sandra L. Frankel, Supervisor Town of Brighton	Date
---	------

Duncan Ververs, President Brighton Volunteer Ambulance, Inc.	Date
---	------

Attest: Susan Kramarsky, Town Clerk	Date
-------------------------------------	------

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 23rd day of December, 2009.

PRESENT :

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated December 16, 2009 from Douglas Clapp, Director of Communications, concerning a 2009 budget transfer, be received and filed; and be **it** further

RESOLVED, that the Town Board hereby approves the budget transfer of \$20,000 from account A.CABLE.8060.444 to account A.CABLE.8060.214 for the purchase of video equipment.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting



Town of Brighton

Office of Communications
2300 Elmwood Avenue
Rochester, New York 14618-2196
OFFICE 585-784-5253 FAX 585-784-5203

December 16, 2009

Honorable Finance Committee
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Re: Funds for Equipment Purchase

Honorable Members:

I respectfully request that the board approve a 2009 budget transfer in the amount of \$20,000 from account ACA8LE.8060 4.44 Contract Personnel Services to account .ACABLE.8060 2.14 Audio Visual Equipment in order to purchase needed video equipment.

Sincerely,

Douglas Clapp
Director of Communications
Town of Brighton

585-784-5253

Sheila A. Gaddis, Councilperson

Voting



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

December 8, 2009

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

Re: Authorize Amendatory Agreements
NYSDOT, Fisher Associates and the City of Rochester
Highland Park/ Canalway Trail Project
Supplemental #2: ROW Incidentals

Honorable Supervisor and Members:

A public information meeting on the proposed project was held last summer. Discussions with adjoining property owners (including Monroe County Parks) have continued. As a result, the proposed route will change somewhat/ requiring an onerous Federal process for ROW and some additional survey.

I recommend that your Honorable Body authorize the Supervisor to execute and to deliver the above amendment to the grant Agreement with NYSDOT in an amount of \$85,169.00/ of which 80% (\$68,135.20) would be covered by Federal funds.

I recommend that your Honorable Body authorize the Supervisor to execute and to deliver the above amendment to the Agreement with the City of Rochester, under which the 20% local share of these additional services would be divided in the ratio of 40% Town : 60% City (\$6,813.52 : \$10/220.28).



Further, I recommend that your Honorable Body authorize the Supervisor to execute and to deliver the above amendment to the Agreement with Fisher Associates, in an amount of \$85,169.00.

Finally, I recommend that the 2010 Budget be amended to increase appropriations in capital account H.PARKS.TPTRL.452 by \$85,169. Revenues would be recognized in that same account from Federal funds (\$68,135.20) and from the City (\$10,220.28). The remainder - the Town's share (\$6,813.52) should be transferred from the Quality of Life Reserve (A.878.QLIFE).

Sincerely,



Thomas A. Row
Commissioner of Public Works

cc: P. Parker
A. Banker

wpdata\letters\agree.nysdot

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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated December 8, 2009 from Thomas A. Low, Commissioner of Public Works, concerning a professional service agreement for technical database services for the Fire Marshal, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver a professional services agreement by and between the Town and Outsource, P.C. for technical database services for the Fire Marshal during calendar year 2010, at an hourly rate of \$50 per hour, not to exceed \$1,000 in the aggregate during 2010.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated December 3, 2009 from Thomas A. Low, Commissioner of Public Works, concerning the retirement and subsequent appointment of a Senior Automotive Mechanic, and December 16, 2009 from Donald L. Cramer, be received and filed; and be it further

RESOLVED, that the Town Board hereby accepts with regret, the retirement of Donald Cramer from the position of Senior Automotive Mechanic.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated December 13, 2009 from Thomas A. Low, Commissioner of Public Works, concerning the transfer of property formerly known as 205 Astor Drive, from the New York State Department of Transportation to the Town of Brighton, together with correspondence dated December 9, 2009 from Colin Brennan, Real Estate Specialist Trainee II, State of New York Department of Transportation and an attachment thereto, be received and filed; and be it further

RESOLVED, that the Town Board hereby requests the New York State Department of Transportation to convey property formerly known as 205 Astor Drive consisting of approximately .288 acres, all as more fully shown on map 1356 attached to the above-referenced correspondence, to the Town of Brighton for transportation and public park purposes; and be it further

RESOLVED, that the Town hereby agrees to accept title to the parcel; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver such agreements and documents as are necessary to complete the transaction contemplated by this resolution, including but not limited to the Purchase Agreement and any appropriate closing papers on behalf of the Town; and be it further

RESOLVED, that the commissioner of Public Works is hereby authorized to prepare or have prepared and pay for the necessary survey of the property on behalf of the Town; and be it further

RESOLVED, that the Town Board hereby declares itself to be the lead agency in the environmental review of the transaction under the State Environmental Quality Review Act, with the intent to engage in coordinated review with the New York State Department of Transportation as an involved agency in such review.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

December 13, 2009

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

Re: Accept Land from NYSDOT
former #205 Astor Dr. at Kirk Dr.
Kirk-Astor park District

Honorable Supervisor and Members:

NYSDOT is prepared to transfer the referenced parcel to the Town for transportation and public park purposes. The Town will, on behalf of the District, maintain and beautify the area. Acquisition will be at no cost to the Town, aside from filing fees and the preparation of a survey. Future maintenance will be at the District's expense.

I recommend that your Honorable Body receive and file this letter and the December 9th letter from Mr. Brennan of NYSDOT's regional office.

I further recommend that your Honorable Body request the conveyance of the area described, noting that, on behalf of the District, you are prepared to accept fee title.

I further recommend that your Honorable Body authorize the Supervisor to enter into an agreement with NYSDOT for the transfer of these lands, and to execute any necessary documents to complete this transfer.

I further recommend that you authorize the Commissioner of Public Works to prepare and to pay for the necessary surveys



Finally, I recommend that your Honorable Body declare itself to be the lead agency in the environmental review of this property transaction, with the intention to coordinate the review with NYSDOT.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas A. Low', with a long horizontal flourish extending to the right.

Thomas A. Low
Commissioner of Public Works

cc: W. Moehle
T. Keef



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
1530 JEFFERSON ROAD
ROCHESTER, NEW YORK 14623-3161

ROBERT A. TRAVER, PE
ACTING REGIONAL DIRECTOR

STANLEY GEE
ACTING COMMISSIONER

December 9, 2009

Thomas Low, Commissioner of Public Works 1 Highway Superintendent
Town of Brighton
1941 Elmwood Avenue
Rochester, NY 14620

Dear Commissioner Low:

As we discussed in our phone conversation of November 23, 2009 the regional groups have approved the proposed conveyance of Area IV. Since our conversation the Acting Regional Director has also approved of the conveyance.

The next approval needed is from the Property Executive Review Group (PERG). PERG is the body that approves of, and sets the terms of, all disposals Departmental real property and real property rights. Finally, approval by the Federal Highways Administration (FHWA) will be required subsequent to PERG's approval.

I have begun assembling the documentation necessary for the PERG and FHWA reviews of this matter. To continue this process we will need the following items:

- A resolution or **certified** minutes from the Town of Brighton requesting the Department of Transportation convey the requested area to the Town for Transportation and Public Park Purposes. The resolution should state that the Town agrees to accept title to the parcel. This resolution or a separate resolution should also designate the execution of the agreement and any appropriate closing papers on behalf of the Town of Brighton in this matter
- A SEQR review of the surplus parcel. The Town of Brighton should take lead agency status, with the New York State Department of Transportation as an Involved Agency, with a coordinated review role.
- A NEPA checklist prepared by the Town of Brighton for NYSDOT's review and submission, indicating the name and title of the preparer with all necessary documentation.

A field review of the property by Departmental staff on 11/30/2009 found utilities on the property, which makes Map 1356, Parcel 1356 unsuitable for use in the transfer of the property. A new map will need to be prepared by the Town of Brighton with an easement for all utilities granted. The Department wishes to spare the Town the cost of preparation of a map until the transfer of the property has been approved. More information will be provided subsequent to PERG and FHWA review and approval.

Our intention is to advance the proposed transfer for one dollar/payment waived. If the parcel is conveyed in this manner, a reverter clause would be included in the transfer document. This clause would stipulate that a change in the nature of the Town's use of the parcel would revert title back to the People of the State of New York. If the Town seeks to use the parcel in a different capacity the opportunity to purchase the property at a fair market value would be available to the Town of Brighton.

Once approval is granted by PERG and FHWA the following steps must be completed:

- Preparation of a *Conveyance* Map (C-Map) by the Town of Brighton to New York State Department of Transportation standards. Grant of Easement Map(s) for utilities may also be necessary.
- Execution by the Town of Brighton of an Agreement for the Sale of Surplus Property.
- Approval of Agreement by New York State Department of Transportation.
- Preparation of the deed and closing papers by the New York State Department of Law.
- Closing between New York State Department of Transportation and the Town of Brighton.

I look forward to progressing this matter to a successful conclusion. I am available at (585) 272-3328 if you have any questions or concerns. Thank you for your patience throughout this process.

Very Truly Yours,



Colin Brennan
Real Estate Specialist Trainee II

Enclosures
cc: File

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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated December 1, 2009 from Thomas A. Low, Commissioner of Public Works, concerning the proposed Far View Hills Sewer District, together with an attachment thereto, be received and filed; and be it further

RESOLVED, that the Town Engineer is hereby directed to prepare a map, plan and report of a possible Far View Hills Sewer District for maintenance, and if necessary, reconstruction of the private Sanitary Sewer now serving Far View Hills Drive.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated December II, 2009 from Tim Gawenus, Project Manager, Fisher Associates, concerning the proposed Winfield Park Development on approximately 122.4 acres located on Brighton Henrietta Townline Road, constituting an incentive zoning proposal for such property, be received and filed together with an attachment thereto; and be it further

RESOLVED, that the Town Board hereby refers the above referenced incentive zoning proposal for the proposed Winfield Park to the Public Works Committee for its initial review.

Dated: December 23, 2009

<hr/>	
Sandra L. Frankel, Supervisor	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting



FISHER ASSOCIATES

1500 Albany Street
Rochester, NY 14623
Phone: 585-334-1910
Fax: 585-334-1351
www.fisherassoc.com

December 11, 2009

Mr. Ramsey A. Boehner
Town of Brighton
2300 Elmwood Avenue
Rochester NY 14618

Proposed Winfield Park Development
122.4 +/- Acres
Brighton Henrietta Townline Road
Incentive/Rezone Request

Dear Mr. Boehner:

Buckingham Properties and Pride Mark Homes have joined forces to propose an exciting new development called Winfield Park. The Parcel is located in the vicinity of the northeast corner of Brighton Henrietta Town line Road (BHTL) and Clinton Ave. Their team has retained Fisher Associates to assist in obtaining approvals for the project. We have developed an incentive zoning/rezoning application in accordance with section 209-6 of the Brighton Town code for the Town Boards consideration.

Background

The "project" consists of approximately 122.4 +/- acres northeast of the BHTL Road and Clinton Ave. The property includes a total of 5 parcels (Parcels: 149.15-1-38,39,48,149.19-2-23,24,25,26, and 149.20-1-1) that would be combined into a single parcel for the development. These parcels that comprise the project currently include a mix of open fields, small growth trees (the property was farmed as recently as the mid eighties), the site of the former Brighton Swim Club and a small stream that runs from west to east and outlets to Allens Creek downstream.

The existing properties are zoned Residential - Low Density (RiB), except for approximately 0.87 +/- acres in the southeast corner along BHTL Road, which is zoning Technology and Office Park (TOP). The project is bordered to the north by the New York State Canal (Erie Canal); to the east by the Canal View Technology Park; Brighton Henrietta Town line Road to the south; and Woods Meadow subdivision, vacant land and a couple of residential properties to the west (there is a small finger that accesses Clinton Street.)



Proposed ZoningIncentive Zoning

In determining the proposed zoning for the project, the surrounding zoning areas were investigated. Below is summary of the adjacent property zoning:

- The northerly property line borders the Erie Canal.
- The southerly property limit is the BHTL Road and to the south is the Town of Henrietta. The zoning there is primarily industrial.
- To the east of the project is the Canal View Office Park, which is zoned TOP.
- West of the property, the land is zoned RLB.

To be consistent with the zoning to the East, we are proposing TOP zoning be utilized for the commercial buildings on the southeastern portion of the project. Planned Unit Development (PUD) is proposed for the western portion of the land. This zoning allows for residential lots to blend in with the existing residential homes to the west along BHTL and Clinton Ave. Between these two zoning designations, we are proposing Office and Office Park (BE-I). This zoning will accommodate commercial buildings but will not allow tractor trailer delivery vehicles to be utilized.

The Town of Brighton Comprehensive Plan was consulted and the property is noted as area 16. The Comprehensive Plan calls for higher density residential development on the eastern portion of the property and decreasing density as you move west along BHTL Road.

Below is summary of the proposed development by each proposed zoning designation from west to east. We have included a summary of the significant zoning requirements and what we are proposing based on the current concept plan.

The westernmost land area is proposed Planned Unit Development (PUD) and is comprised of approximately 80 acres. Below is a summary:

PLANNED UNIT DEVELOPMENT (PUD)		
	REQUIRED BY CODE	PROPOSED
Development Area:	50 Acres Min.	80.4 Acres
Density:	Minimum of 4 units per acre	6.9 units per acre (554 units/80.4 acres)
	Minimum of 20% single family residential units	12% single family (64 units/554 total units X 100) ••
	Maximum of 8 single family residential units per acre	2.9 single family residential units per acre (64 units/21.8 acres)
	Maximum of 14 multifamily units Der acre	8.4 multifamily units per acre (490 units/58.6 acres)
Parking:	1.5 parking spaces per dwelling unit Min.	2.0 parking spaces per dwelling unit
Open Space:	1,200 sf open space per dwelling unit Min. (Not more than 15% required)	2,540 sf open space per dwelling unit (1,406,961 sf/554 units)

•• designates that zoning **requirement** has not been met

The central portion of the project is proposed as Office and Office Park (BE-1). Below is summary of key zoning elements:

OFFICE AND OFFICE PARK (BE-1)		
	REQUIRED BY CODE	PROPOSED
Lot Area:	40,000 sf Min. (.92 Acres)	996812 sf (22.8 Acres)
Lot Width:	150 ft Min.	N/A
Setbacks:	Front: 50 ft Min.	75 ft
	Side: 20 ft Min.	30 ft
	Side abutting residential: 30 ft Min.	100 ft
	Rear: 30 ft Min.	30 ft
Building Height:	Maximum of 40 ft	40 ft
Building Stories:	3 Max.	2
Density	10,000 sf building space per acre Max.	7,500 sf building space per acre (171,000/22.8 Acres)
Parking	812 spaces (1 space per 250 sf of building area)	1,260 spaces (1 space per 136 sf of building area) (Including accessible aisles)
Coverage:	65% impervious cover Max.	57% (13.1 acres/22.8 acres X 100)

The eastern part of the project is proposed as Technology and Office Park (TOP). These 19+/- acres are summarized below:

TECHNOLOGY OFFICE PARK (TOP)		
	REQUIRED BY CODE	PROPOSED
Development Area:	25 Acres Min.	19.2 Acres**
Setbacks:	Front: 75 ft Min. Side: 40 ft Min. Side abutting residential: 100 ft Min. Rear: 60 ft Min. Rear abutting residential: 100 ft rear Min.	75 ft 40 ft N/A 90 ft N/A
Density	10,000 sf building space per acre Max.	8,542 sf building space per acre (164,000 sf/19.2 acres)
Parking:	476 spaces (1 space per 250 sf of building area)	994 spaces (1 space per 120 sf of building area) (Including accessible aisles)
	105 spaces (Hotel) (1 space per room (60), 1 space per employee (5), 50 spaces per public space (2000 sf))	154 spaces (1 space per 260 sf of building area) (Including accessible aisles)
	25 spaces (supporting retail) (5 spaces per 1000 sf of building area)	34 spaces (1 space per 147 sf of building area) (Including accessible aisles)
Coverage:	65% impervious cover Max.	68%-(13.1 acres/19.2 acres X 100) **

** designates that zoning requirement has not been met

Tax Impact Summary

In accordance with Town Code, the applicant will agree to provide amenities for rezoning of the proposed project to allow for the development. In addition, the applicant has looked at the tax and revenue impacts of the project based on the land, the development of the property for the current zoning designation, and building out the lands as currently proposed in the concept plan. Financing assistance through the County of Monroe Industrial Development Agency (COMIDA) will most likely be pursued for the commercial portion only.

As of 2009, the full property assessment in the Town of Brighton is \$3,351,671,572.00. The proposed project is comprised of 122.4 +/- acres and is taxed at the following rates according to the Town Assessor:

• Fire District and special assessment	\$1.10/\$1,000
• Henrietta School system	\$18.58/\$1,000
• Town of Brighton and County of Monroe taxes	<u>\$13.10/\$1,000</u>
Total Tax	\$32.78/\$1,000

To assess the impact of developing the site, the taxable property and the total tax revenue of the current property were compared to the site development as a signal family development (RLB Zoning) and as proposed in the current concept plan.

Below is a summary:

Existing Land

The existing eight parcels that comprise the project are currently taxed for a total amount of \$42,750.

Single Family Homes

If the project were built under current zoning (RL-B), a total of 175 single family homes could be located on the 8 properties that comprise "the project." Below is the summary of the total tax collection to local governing agencies.

Number of Units	Value per unit	Total Assessment	Total Tax
<u>175</u>	<u>200,000</u>	<u>...LI \$ 35,000,000</u>	<u>1 \$ 1,147,000</u>

Proposed Development

As currently proposed in the concept plan, below is a summary of the proposed units and the total assessment and taxes that would be collected.

Unit Type	Number of Units	Value/Rent per unit	Total Value	Total Tax
Single Family Homes	64	\$225,000	14,400,000	\$472,000
Apartment Homes	362	\$1250 Average Rent Per Month	\$16,000,000	\$525,000
Townhomes For Rent	41	\$1475 Average Rent Per Month	\$2,800,000	\$90,000
Hotel	1	\$2,500,000	\$2,500,000	\$82,000
Support Retail	1	\$800,000	\$800,000	\$22,000
Office Buildings	6	\$5,000,000	\$30,000,000	\$834,000
For Sale Townhomes	47	\$200,000	\$9,400,000	\$310,000
St John's Greenhouses	4			Not For Profit
Total				\$2,335,000

Summary

The proposed development represents an approximate increase of \$2,292,250 from the current taxes generated from undeveloped land. The proposed development will yield an increase of approximately \$1,188,000 in taxes over a development conforming to current zoning.

Summary of Incentives for Zoning Revisions

We have summarized the proposed amenities that the applicant is willing to provide and established a preliminary estimate of the value provided to the Town. This summary was prepared to provide the Town with enough information to decide upon the adequacy of amenities to be accepted in exchange for the requested incentive zoning. Below is summary of the proposed amenities:

Amenity Description	Cost
<p>Public parking and access to the Erie Canal - To insure that public access is maintained to the Erie Canal, the applicant will provide a 34 vehicle space parking area and a 250' long, 8'wide foot trail to the Erie Canal Walkway. In addition, there will be unloading spaces provided at the parking area so that "self launch" (small watercraft such as kayak's) opportunities will be an available feature on the canal. This removable dock will be utilized for seasonal use.</p> <p>The benefit to the community is another access point to the Erie Canal within the Town that abuts private lands. It is our understanding that there is limited public access to the canal in this region of the Town of Brighton. In addition, this will provide the residents and the staff that work at the businesses to utilize and access the canal. The feature will be funded by the developer or through means arranged by the developer.</p>	\$290,000
<p>Trail network through the northeast portion of the project - In alliance with the Towns goals of walk-ability, a network of trails and other features are proposed near the community center and adjacent to the proposed storm water management ponds. These trails will be accessible to both residents and the general public.</p> <p>A total of 5,300 feet of stone dust trails are proposed. The trail will be developed in accordance with NYSDOT trail standards and will be 6' wide. The trails connect to the community center that contains a fitness center. Again this reinforces the promotion of fitness and walkability in the Community.</p> <p>This amenity will provide the Town with additional facilities to encourage walking and fitness as part one of their goals. Additionally, the developer will attempt to work with HPRT to extend the new trails through the existing TOP to the East.</p> <p>These improvements will be funded by the project applicant</p>	\$225,000

Amenity Description	Cost
<p>Sewer Extension for Homes on BHTL and Clinton Ave. - The developer is proposing to provide public sewer extensions to the single family homes just west of the proposed project. A total of 24 homes would be connected via this proposal. An estimated 3,400 linear feet of a gravity public sanitary sewer and 24 individual sewer leads will be installed in accordance with the Monroe County Pure Waters standards and Town code.</p> <p>12 homes would be connected on BHTL Road with extension of the existing sewer stubs that cross BHTL Road from Henrietta. According to an agreement between Henrietta and Brighton, these homes can be connected to the trunk line. In addition, there are 12 homes that would be connected to the primary sanitary sewer line that extends through the project and along the westerly access road to South Clinton Ave. The work for these homes would include installation of the 8" sanitary sewer main and the sanitary sewer laterals to each home.</p> <p>The benefit to the Community is threefold: 1) the local residents will enjoy the ease of having a public sewer service and not have any worries about septic system replacements costs and maintenance. 2) This will also improve environmental conditions for the residents affected with the removal of underground effluent discharge near their properties. 3) The town will increase the amount of public sewer connections for the local residents and also benefit from local sewer taxes.</p> <p>These improvements will be funded by the project applicant</p>	<p>\$300,000</p>
<p>Site work near Long meadow Subdivision and BHTL Road. - There are noted drainage and flooding issues located near BHTL Road and the existing Longmeadow subdivision. These problem areas would be addressed by infrastructure improvements and the inclusion of new storm drainage system. Regrading of the entire site will allow for discharge of water collection areas to the master storm water detention ponds located in the northeast corner of the site.</p> <p>These improvements will be funded by the project applicant</p>	<p>\$30,000</p>

<p>Senior Housing for Aging populations - The applicant is proposing to include 4 Greenhouse homes (10 living units each) for elder citizens. These living units will provide a well diversified community that represents this project.</p> <p>The unique characteristics of these types of living units allow integration units within central areas where residents gather meet and engage in daily activities. In addition, they are integrated within the development (located between townhome sand single family residences) and become a vital part of the overall community. Located close to the community center, residents have the opportunity to engage with other residents such as families and other community residents.</p> <p>This type of Senior housing component is aligned with the 2000 Town of Brighton Comprehensive plan that helps to meet the growing demand for Seniors living within the Town.</p>	<p>\$200,000</p>
<p>Affordable Housing Program - The applicant will agree to set aside a portion of the apartment units for affordable housing. If approximately 10% of the units were to be affordable housing, this would add approximately 37 units to the Town inventory.</p> <p>The rates of the affordable housing inventory are expected to be priced approximately \$200 under market rate and would be developed in accordance with the New York State Affordable Housing Corporation (AHC). This increase in affordable housing stock helps to achieve a demographically diverse community and provide a balance on the type and cost of residential developments.</p>	<p>\$150,000</p>

In accordance with the Town of Brighton incentive zoning code (section 209.5A (3) b), we have completed a preliminary investigation of the sewer, water, waste disposal, fire protection, and transportation systems for the project. Based on our initial investigations, we have found that all these infrastructure systems will be able to accommodate the additional demands of the proposed project. Detailed preliminary demand and capacity calculations have been provided as an appendix to this report and titled "preliminary Engineers Report."

Thank you for your consideration of this request. Please feel free to call if you have any questions or would like more information.

Sincerely,

Tim Gawenus, PE
Project Manager

Appendix A: Preliminary infrastructure information.
Appendix B: Color 11 x 17' concept plan

cc: Ken Glazer, AIA, Buckingham Properties
Jim Barbato, Pride Mark Homes, Inc.
File
Front

At a Tpw 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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that correspondence dated December 17, 2009 Susan Kramarsky, Town Clerk, concerning a contract with Rick Mendolia for database services related to maintenance of the Town-wide contract file in the Town Clerk's office, be received and filed; and be **it** further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Rick Mendolia for database services related to the Town-wide contract file, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	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 23rd day of December, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons.

RESOLVED, that a memorandum dated December 21, 2009 from Susan Kramarsky, Town Clerk and Receiver of Taxes, be received and filed; and be **it** further

RESOLVED, that John Patrick O'Brien be appointed to position Deputy Town Clerk and Deputy Receiver for a two-year term commencing January 1, 2010, at the salary set under the Town Salary Schedule approved by the Town Board.

Dated: December 23, 2009

Sandra L. Frankel, Supervisor	Voting
Louise Novros, Councilperson	Voting
Sheila A. Gaddis, Councilperson	Voting



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

Susan Kramarsky
Town Clerk/Receiver of Taxes

(585) 784-5240
Email: brclerk@rochester.rr.com

TO: Town Board
FROM: **Susan Kramarsky**, Town Clerk *SK*
RE: Deputy Town Clerk
DATE: **December** 21, 2009

I am **pleased to recommend** Mr. **John Patrick O'Brien**, of 40 Knollbrook Dr. for the **position** of **Deputy Town Clerk/Deputy Receiver** for a **two-year term**. Mr. O'Brien **has** done an **outstanding job as Deputy Clerk**, and **has greatly expanded** the **duties** of **this position** in order to **benefit** the **residents** of Brighton **and** all those who **access the services** of the office of the Town **Clerk**.

Cc. **Personnel**

