

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  
May 12, 2010

**PRESENT:**

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

William Moehle, Attorney for the Town

Susan Kramarsky, Town Clerk

**MEETING CALLED TO ORDER: 7:10 PM**

**RECOGNITIONS/PRESENTATIONS:**

*Peter Lovenheim, Author of "In The Neighborhood: The Search for Community on an American Street, One Sleepover at a Time"*

*Better Hearing and Speech Month Proclamation*

*EMS Week Proclamation*

*Hattie Harris Good Spirits Club International Thank You Presentation to Supervisor Sandra L. Frankel*

**APPROVAL OF AGENDA:**

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to approve the agenda with the addition of executive session to discuss collective bargaining negotiation and the employment of particular persons

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to approve and file minutes for April 28, 2010

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Timothy E. Keef, Commissioner of Public Works/Highway Superintendent, dated April 30, 2010, regarding the proposed Incentive Zoning Amendment request for The Reserve Residential Development

**FROM** Brighton Fire District, dated April 29, 2010, regarding concerns with the proposed secondary emergency access point and pathway for the proposed Reserve Residential Development

**FROM** Timothy E. Keef, Commissioner of Public Works/Highway Superintendent, dated May 10, 2010, advising that copies of the Draft Report for 2009/2010 Phase 2 Stormwater Regulations are available in the Brighton Memorial Library and on the Brighton Town website for review and comment through May 31, 2010

**FROM** Ruth L. Pierpont, Director, Division for Historic Preservation, New York State Office of Parks, Recreation and Historic Preservation, dated May 5, 2010, advising that property at 1589 Clover Street has been listed on the State Register of Historic Places

**FROM** Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, dated April 26, 2010, replying to a request that they determine if certain property is located within an identified Special Flood Hazard Area

**FROM** Monroe County Executive Maggie Brooks, dated April 16, 2010, informing that \$45,000. for the Westfall Road Sidewalk Project is on the list of Community Development Block Grant projects in the 2010 Annual Action Plan for Housing and Community Development in Suburban Monroe County

**FROM** New York State Department of Environmental Conservation (NYSDEC) notifying that their Record of Decision for the former Speedy's Cleaners Site has been issued and copies are available at the Brighton Memorial Library and NYSDEC Region 8 Office

**FROM** Joshua Farrelman, Director, Office of Government & Community Relations University of Rochester, dated May 6, 2010, forwarding a University of Rochester Among top Employers in New York State News Release and their "Economic Impact of University of Rochester and its Affiliates"

**FROM** Brighton Fire District, forwarding the Brighton Fire District Fire Chiefs Annual Report for 2009

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

Community Services - Next meeting June 17,2010

Finance and Administrative Services - Councilmember Sheila Gaddis reported on meeting of May 5, 2010. Next meeting May 19, 2010

Public Safety Services - Councilmember Ray Tierney reported on meeting of May 11, 2010. Next meeting June 8, 2010

Public Works Services - Councilmember James Vogel reported on meeting of May 7,2010. Next meeting June 7,2010

**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 claims as set forth in Exhibit NO.1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute any related documents and acceptance of Justice Court Assistance Program grant award of \$1,176.41 and amend budget for purchase of four-drawer file cabinet and executive chair (see Resolution #1; letter from Dianne W. Burdett, Administrative Court Clerk, dated April 29, 2010, with attachment)

Motion by Councilmember Ray Tierney 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 Supervisor to execute contract with Young Explosives for the 2010 Fourth of July fireworks display (see Resolution #2; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated April 29, 2010, 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.3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize probationary promotion of Eric Bassford to position of Motor Equipment Operator in the Highway Department, effective May 24, 2010 with 26-week probationary period (see Resolution #3; letter from Timothy E. Keef, Commissioner of Public Works/Highway Superintendent, dated April 30, 2010)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize probationary appointment of Brad Giddings to position of Laborer in the Highway Department, effective May 24, 2010, with 52-week probationary period (see Resolution #4; letter from Timothy E. Keef, Commissioner of Public Works/Highway Superintendent, dated April 30, 2010)

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit NO.5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute Supplemental Agreement #1 to the Master Federal Aid Agreement for the Highland Avenue Reconstruction Project (Clover Street-City Line) Design Phase (see Resolution #5; letters from Timothy E. Keef, Commissioner of Public Works/Highway Superintendent, dated May 3, 2010 and Daniel Hallowell, Manager, Regional Program Development and Management, New York State Department of Transportation, dated April 27, 2010)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize transfer of remaining Workers' Compensation claims from the Upstate New York Municipal Workers' Compensation Program (UNYMWCP) to the Public Employers Risk Management Association (PERMA) and for Supervisor to execute an New York State Workers Compensation Board eCase File access agreement (see Resolution #7; memorandum from Gary Brandt, Director of Personnel, dated May 3, 2010, 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 in Exhibit NO.7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Accept retirement of Laraine Albers from position of Secretary to the Supervisor, effective May 28,2010 (see Resolution #8; letter from Laraine Albers, dated May 4,2010)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE SUPERVISOR:**

**MATTER RE:** Revenue and Expense Reports for period ended April 30, 2010

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**EXECUTIVE SESSION**

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to go into executive session at 8:15 PM To discuss the employment of particular person and collective bargaining negotiations

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 in Exhibit NO.9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to come out of executive session at 8:55 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED:**

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to adjourn at 9:00 PM

**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 12 May 2010 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

May 12, 2010

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>290,195.34</u>
O- HIGHWAY	<u>32,081.14</u>
SL - LIGHTING DIST	<u>19,858.94</u>
SS - SEWER DIST	<u>18,228.14</u>
TA - AGENCY TRUST	<u>7,262.70</u>
TOTAL	\$ <u>367,626.26</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 12th day of May 2010.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**RESOLVED**, that correspondence dated April 29, 2010 from Dianne Burdett, Administrative Court Clerk of the Justice Court of the Town of Brighton, and correspondence dated March 1, 2010 from Honorable Thomas M. VanStrydonck, Seventh District Administrative Judge, concerning a Justice Court Assistance Program Grant, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby accepts a grant award of \$1,176.41 from the 2009 Justice Court Assistance Program; and be it further

**RESOLVED**, that the 2010 Budget be amended to increase appropriations in account A.JSTCE.1110.212 by \$1,176.41 to be offset by an increase in revenues in account A.JSTCE.1110.3390 in the same amount, to be used for the purchase of a 4 drawer file cabinet and executive chair.

Dated: May 12, 2010

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 12th day of May 2010.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**RESOLVED**, that correspondence dated April 29, 2010 from Jerry LaVigne, Director of Parks and Recreation, concerning a contract for the 2010 4<sup>th</sup> of July fireworks display, be received and filed, together with attachments thereto; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Young Explosives for the 2010 4<sup>th</sup> of July fireworks display at a cost of \$11,400, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: May 12, 2010

Sandra L. Frankel, Supervisor	Voting
James R. Vogel, Councilman	Voting
Raymond J. Tierney <b>III</b> , 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 12th day of May 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 30, 2010 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning a proposed Motor Equipment Operator promotion in the Highway Department, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby confirms the appointment of Eric Bassford to the position of motor equipment operator in the Highway Department, effective May 24, 2010 on a probationary basis with a 26 week probationary period and at the starting wage rate of \$23.10 per hour, increasing to \$24.13 per hour upon successful completion of the probationary period, subject to Civil Service approval.

Dated: May 12, 2010

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 Hal 1, 2300 Elmwood Avenue, in said Town of Brighton on the 12th day of May 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated April 30, 2010 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning the proposed appointment of a Laborer in the Highway Department, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby confirms the appointment of Brad Giddings to the position of Laborer in the Highway Department on a probationary basis with a 52 week probationary period, effective May 24, 2010 at an hourly wage rate of \$15.78 per hour under the current CSEA wage schedule.

Dated: May 12, 2010

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 Board Meeting of the Town of Brighton, Monroe County, New York held at the Brighton Town Hall, 11, 23 Elmwood in said Town of Brighton on the 12th day of May 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED,** that correspondence dated May 3, 2010 from Timothy Keefe, P.E., Commissioner of Public Works, concerning the Highland Avenue Reconstruction Project, Design Phase Supplemental Agreement #1 to the Master Federal Aid Agreement, be received and filed, together with correspondence dated April 27, 2010 from Daniel Halliwell, Manager, Regional Program Development and Management State of New York, Department of Transportation and proposed Supplemental Agreement No.1 attached thereto, be received and filed; and be it further

**RESOLVED,** that the Supervisor is hereby authorized to execute and deliver Supplemental Agreement No.1 to the Master Federal Aid Agreement for the Highland Avenue Reconstruction Project, Design Phase, to permit the Town to receive additional Federal/State aid for the project, which Supplemental Agreement No.1 shall be in form and substance as may be approved by the Attorney to the Town.

Y l , 20

Frankel,

Voting

AYE

Novros

YES

AYE

Tierney III Council:

AYE

AYE

AYE

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 12th day of May 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated May 3, 2010 from Gary Brandt, Director of Personnel, concerning the assignment of workers' compensation claims to the Public Employers Risk Management Association (PERMA), be received and filed, together with an attachment thereto; and be **it** further

**RESOLVED**, that the Town Board hereby approves the transfer of **all** of the Town's remaining New York State Workers' Compensation claims from the Upstate New York Municipal Workers' Compensation Program to PERMA; and be **it** further

**RESOVLED**, that in connection therewith, the Town Board hereby authorizes the Town to join the New York State Workers' Compensation Board eCase File administration system and to authorize Supervisor Frankel to execute an eCase File Agreement by and between the Town and the New York State Workers' Compensation Board, which agreement shall be in form and substance as may be approved by the Attorney for the Town, and shall be at no cost to the Town.

Dated: May 12, 2010

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  
12th day of May 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated May 4, 2010 from Laraine Albers, concerning her retirement, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby accepts the notice of retirement of Laraine Albers, effective May 28, 2010, with the deepest of regret.

Dated: May 12, 2010

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 12th day of May 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**WHEREAS**, the Supervisor intends to appoint MaryAnn Hussar to the position of Secretary to the Supervisor and desires that such position be a 35 hour per week position, which requires an amendment to the Town's Non-Represented Employee Salary and Wage Schedule; it is therefore

**RESOLVED**, that the Town Board hereby amends the Non-Represented Employee Salary and Wage Schedule to change the position of Secretary to the Supervisor from 40 hours per week to 35 hours per week; and be it further

**RESOLVED**, that upon the appointment of MaryAnn Hussar of Secretary to the Supervisor, that such position be placed in Group 5 Step 4 of the Town's Non-Represented Employee Salary and Wage Schedule for a period of 6 months at which time, upon satisfactory performance, as evaluated by the Supervisor, the position will be placed at Group 5 Step 5.

Dated: May 12, 2010

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