

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  
August 25, 2010

**PRESENT:**

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

William Moehle, Attorney for the Town

Susan Kramarsky, Town Clerk

**MEETING CALLED TO ORDER: 7:15 PM**

**OPEN FORUM:**

Brett Robbins  
Bruce Bellwood  
Marge Alaimo  
Jennifer Reis Taggart  
Robert Levine  
Mordechai Rennert  
Roger Ciccarelli  
Paul Horowitz  
Paul Holohan  
Robert Levine  
Roger Ciccarelli  
Anthony Daniele  
Mike Triano  
Paul Horowitz  
Anthony Daniele  
Paul Horowitz  
Anthony Daniele

**APPROVAL OF AGENDA:**

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney to approve and file the minutes for the meeting of August 11, 2010

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Brighton Parks & Recreation Citizens Advisory Board dated August 12, 2010 to Tim Keef, Town of Brighton Commissioner of Public Works concerning the impact the construction of the Reserve Project may have on Meridian Centre Park

**FROM** Chuck Marangola, Brighton Soccer League Board member dated August 11, 2010 to Jerry LaVigne, Director, Town of Brighton Parks & Recreation concerning the great job Mark Kritall and Rich Wagner (Town Parks employees) maintaining the Meridian Center sport field used during the 2010 Men's Soccer League Summer Season

**FROM** Ahab Altaji, Team Captain for the Brighton Soccer League Team the Barcelona F.C. to Chuck Marangola, Brighton Soccer League Board member dated August 8, 2010, in appreciation of the excellent maintenance provided by the Brighton Parks & Recreation employees of the Meridian Center sport field during the 2010 Men's Soccer League Summer Season

**FROM** Rafael A. Epstein, Administrative Law Judge for the State of NY Public Service Commission dated August 10, 2010 ruling that grants St. Lawrence Gas Co., to modify the active track schedule for Case 09-T-0870, Application of Niagara Mohawk Power Co. for a Certificate of Environmental Compatibility for the reconstruction of transmission line 111 from Lockport to Mortimer, NY.

**FROM** Maura C. Desmond, Sr. Attorney for NY State Dept. of Environmental Conservation to Timothy Keef, Commissioner of Public Works/Highway Superintendent, Town of Brighton dated August 17, 2010 concerning unrestricted use of land for Gonsenhauser Farm site.

**FROM** Leo Dodd Historic Brighton member, dated August 15, 2010 to Jerry LaVigne concerning Buckland Orchard Stewardship.

**FROM** Scott M. Adair, CFO Dept. of Finance, County of Monroe, dated August 17, 2010 to Supervisor re: Monroe County Sales Tax Distribution for Second Quarter.

**FROM** NY State Office of Children & Family Services to the Town of Brighton, dated August 10, 2010 issuing Registration Certification for the Brighton Recreation Afterschool Program for a period of two (2) years (see copy of Registration ID. Original Registration Certificate posted at Afterschool Program site)

**FROM** Jon Stanat dated August 23, 2010 to town of Brighton Police Chief Mark Henderson expressing appreciation for excellent service provided to his family by Officer Julie Knutowicz and Brighton Police Technicians on July 16, 2010.

**FROM** Nancy Griffin Shadd, Susan B. Anthony House Trustee dated August 23, 2010 thanking Supervisor Frankel for attending and speaking at the SBA House Neighborhood Celebration event for the 90<sup>th</sup> Anniversary of the 19<sup>th</sup> Amendment signing.

**FROM** Charlie Vevera Jr. dated August 24, 2010 thanking Supervisor Frankel for the Summer Concerts program provided by the Town of Brighton Parks & Recreation Dept. for the 2010 summer season.

**FROM** Patrick Hooker, NY State Commissioner of Department of Agriculture & Markets, dated August 16, 2010 to the Town of Brighton providing copies of licensing changes and modifications to the NYS Animal Population Control program that will take effect on January 1, 2011

Motion by Councilmember Ray Tierney seconded by Councilmember Sheila Gaddis to receive and file the aforementioned communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

Community Services--Councilmember Louise Novros reported on meeting of August 19, 2010.  
Next meeting September 16, 2010

Finance and Administrative Services--Next meeting September 2, 2010.  
 Public Safety Services--Next meeting September 14, 2010.  
 Public Works Services--Next meeting September 7, 2010

**OLD BUSINESS:**

**MATTER RE:** Incentive Zoning Amendment regarding proposed Car Wash located at 2875 Monroe Avenue. Town Board awaiting State Traffic Report for review (see communications received from Eric C. Streb dated August 22, 2010, Jennifer & Kirk Hampton dated August 20, 2010 and Lynn K. Goldman dated August 18, 2010 concerning matter).

**NEW BUSINESS:**

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

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney 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 approval of \$5,000 in appropriation funding to the 2010 Town budget to create an account for the Veteran's Memorial project for start-up funding which is anticipated to be fully reimbursed by private donations (see Resolution #1 and letter dated August 17, 2010 from Suzanne Zaso, Acting Director of Finance, Town of Brighton).

Motion by Councilmember Ray Tierney seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 2 attached

UPON ROLL CALL

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval of exception to the Town of Brighton procurement policy to contract with Rick Mendolia for professional services in the upgrading of Town of Brighton's Access database capabilities (see Resolution #2 and letter dated August 12, 2010 from Susan Kramarsky, Brighton Town Clerk).

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney 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:** Refer proposed Master Plan for Lynch Woods Park to Conservation Board for their review and recommendations (see Resolution #3, copy of Master Plan with option A & option B, letter dated August 25, 2010 from Jerry LaVigne, Director Parks and Recreation and communication from Town of Brighton citizen Jennifer Ries-Taggart, dated August 19, 2010 concerning matter).

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. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval to accept award made to Town of Brighton in the amount of \$45,000 for the Westfall Road Sidewalk Construction Project received from Monroe County's Community Development Block Grant Program. (see Resolution #7 and letter dated August 20, 2010 from Monroe County Executive Maggie Brooks).

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. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval to renew membership with The Association of Towns of the State of New York for the year 2011 in the amount of \$1,650 (see Resolution #6 and letter dated August 17, 2010 from G. Jeffrey Haber, Executive Director of the ATSNY Organization).

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

**MATTERS OF THE SUPERVISOR:**

**MATTER RE:** Revenue & Expense Reports for period ending July 31, 2010

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Town Board to reappoint of Terry Shannon to a 5-year term as Member of the Town of Brighton Board of Assessment Review, effective October 1, 2010 through September 30, 2015. (see Resolution #5 and letter dated August 23, 2010 from Elaine Ainsworth, Town of Brighton Assessor.

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney that the Town adopt the resolution as prepared by the attorney for the Town as set forth in Exhibit No. 7.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Marcellus Shale and Hydro-Fracking

No action taken

**MATTERS OF THE ATTORNEY TO THE TOWN:**

Motion by Councilmember Ray Tierney seconded by Councilmember Sheila Gaddis to amend the agenda to include an executive session to discuss Kuligowski litigation

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE TOWN CLERK:**

Town Board to concur appointment of Mr. John Rogers as second Deputy Receiver of Taxes effective August 30, 2010. (see Resolution #4 and letter dated August 17, 2010 from Susan Kramarsky, Brighton Town Clerk).

Motion by Councilmember Louise Novros Seconded by Councilmember Ray Tierney 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

**MOTION TO GO INTO EXECUTIVE SESSION:**

Motion by Councilmember Ray Tierney Seconded by Councilmember Sheila Gaddis to go into executive session at 9:45 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Ray Tierney seconded by Councilmember Sheila Gaddis to come out of executive session at 9:55 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED:**

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney to adjourn at 9:58 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 11 August 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

August 25, 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>374,520.96</u>
D - HIGHWAY		<u>96,181.02</u>
H - CAPITAL		<u>7,751.98</u>
L - LIBRARY		<u>76,510.68</u>
SB - BUSINESS IMPROVM		<u>180.00</u>
SF - FIRE DIST		<u>18,000.00</u>
SL - LIGHTING DIST		<u>19,674.71</u>
SR-REFUSE DISTRIICT		<u>62,042.92</u>
SS - SEWER DIST		<u>28,443.13</u>
TA - AGENCY TRUST		<u>27,379.01</u>
	TOTAL \$	<u>710,684.41</u>

UPON ROLL CALL

MOTION CARRIED \_\_\_\_\_

APPROVED BY:

*Frank J. Frankel*  
SUPERVISOR

*Robert P. Perry*  
COUNCIL MEMBER

*David G. Gaudin*  
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.

8/25/10  
DATE

*Susan Bromberg*  
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 25th day of August 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

**RESOLVED**, that a memorandum dated August 17, 2010 from Suzanne Zaso, Acting Director of Finance, concerning appropriations to the 2010 Town Budget to create an account and funding for the proposed Veteran's Memorial project, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the appropriation and amendment to the 2010 Budget in connection with the Veteran's Memorial project as set forth in the above-referenced memorandum, to be used in connection with the proposed Veteran's Memorial project.

Dated: August 25, 2010

Sandra L. Frankel, Supervisor	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____



SUZANNE E. ZASO, ACTING DIRECTOR OF FINANCE  
2300 ELMWOOD AVENUE  
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: Suzanne Zaso, Acting Director of Finance  
Date: August 17, 2010  
Subject: **2010 Budget Appropriation**  
Veteran's Memorial Project

I recommend that Your Honorable Body approve an appropriation to the 2010 Town budget to create an account and funding for the Veteran's Memorial project as follows:

Debit: A.REC.8984 2705 (gifts & donations)	\$5,000.00
Credit: A.REC.8984 4.83 (printing expenses)	\$2,500.00
Credit: A.REC.8984 4.89 (misc. expenses)	\$2,500.00

These funds are proposed to be used to help the Veteran's Memorial project start-up and are anticipated to be fully reimbursed by private donations.

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

Copy to: S. Frankel, B. Moehle

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of August 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

**RESOLVED**, that correspondence dated August 12, 2010 from Susan Kramarsky, Town Clerk, concerning a professional services contract to upgrade the Town Clerk's Access database capabilities, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves an exception to the Town's Procurement Policy in connection with the Town Clerk's Access database update project, to permit the Town to retain the contractor who commenced providing professional services in connection with the software upgrade in 2009; 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, under which Mr. Mendolia would complete the Access database update project in the Town Clerk's Office, at a cost not to exceed \$1,900, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: August 25, 2010

Sandra L. Frankel, 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 25th day of August 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated August 25, 2010 from Jerry LaVigne, Director of Parks and Recreation, concerning the proposed Master Plan for Lynch Woods Park, be received and filed, together with the proposed Master Plan, options A and B attached thereto; and be it further

**RESOLVED**, that the Town Board hereby refers the proposed Lynch Woods Park Master Plan, options A and B, to the Conservation Board for its advisory report and recommendations.

Dated: August 25, 2010

Sandra L. Frankel, 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 25th day of August 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

**RESOLVED**, that correspondence dated August 20, 2010 from Maggie Brooks, Monroe County Executive, concerning the award of a grant under the Community Development Block Grant Program, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby accepts the grant in the amount of \$45,000 for Westfall Road Sidewalk Construction Project from the Community Development Block Grant Program; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver such agreement and documents as may be necessary in connection with the receipt of such grant, all of which such documents and agreements shall be in form and substance as may be approved by the Attorney for the Town.

Dated: August 25, 2010

Sandra L. Frankel, 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 25th day of August 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

**RESOLVED**, that correspondence dated August 17, 2010 from G. Jeffrey Haber, Executive Director of the Association of Towns of the State of New York, concerning the Town's membership in the Association of Towns, be received and filed; and be it further

**RESOLVED**, that the Town Board approves the renewal of the Town' membership in the Association of Towns of the State of New York during 2011, at a cost of \$1,650.

Dated: August 25, 2010

Sandra L. Frankel, 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 25th day of August 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

**RESOLVED**, that a memorandum dated August 23, 2010 from Elaine Ainsworth, Town Assessor, concerning the re-appointment of Terry Shannon to the Board of Assessment Review, be received and filed; and be it further

**RESOLVED**, that Terry Shannon, 3210 Elmwood Avenue, is hereby appointed to a five-year term on the Board of Assessment Review, effective October 1, 2010 through September 30, 2015.

Dated: August 25, 2010

Sandra L. Frankel, 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 25th day of August 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

**RESOLVED**, that a memorandum dated August 17, 2010 from Susan Kramarsky, Town Clerk and Receiver of Taxes, concerning the appointment of a second Deputy Receiver of Taxes, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby concurs in the appointment, by the Town Clerk and Receiver of Taxes, of John Rogers as Deputy Receiver of Taxes, effective August 30, 2010, on a probationary basis with a probationary period of 52 weeks at Group 2/Step 1 of the Town's salary schedule, initially \$28,810.60 per year.

Dated: August 25, 2010

Sandra L. Frankel, Supervisor	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____