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
October 13, 2010

PRESENT:
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:**

**MOTION TO GO INTO EXECUTIVE SESSION:**

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney to discuss Collective Bargaining Negotiations

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**RECOGNITIONS/PRESENTATIONS:**

Presentation of Proclamation to the Friends of the Town of Brighton's Memorial Library (Marcia Elwitt to accept on behalf of group)

Brown & Brown Insurance Co.
Bryan Hart Re: The Finger Lakes Regional Municipal Health Care Consortium

**APPROVAL OF AGENDA:**

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to approve the agenda with the addition of an executive session at end to discuss 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 the minutes of September 7, 2010 and September 22, 2010 Town Board Meetings

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**PUBLIC HEARINGS:**

**MATTER RE:** 1st of two Public Hearings to review Supervisor's 2011 Preliminary Operating & Capital Improvement Budgets.
(Complete transcript under separate cover)

**MATTER RE:** 1st of two Public Hearings to consider adoption of Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvement Districts within the Town of Brighton.
(Complete transcript under separate cover)

**MATTER RE:** 1st of two Public Hearings to review Agreements between the Town of Brighton with the West Brighton Fire Department, and the Town of Brighton with the City of Rochester for fire protection services in the West Brighton Fire District during 2011 (see copies of Master Agreements for same).
(Complete transcript under separate cover)

**COMMUNICATIONS:**

**FROM** Ed McDonnell, dated September 26, 2010 to Supervisor complimenting Animal Control Officer Amy Bianchi's professional and courteous service in helping him retrieve his lost pet.

**FROM** Laura J. Palmer, Program Assistant, AARP of Rochester to Supervisor dated September 2, 2010 re: NY State AARP's Anti-Hunger Campaign

**FROM** Elaine Spaull, Executive Director, The Center for Youth dated September 21, 2010 to Supervisor Re: Center Summer Activity Highlights.

**FROM** Fire Fighters for 9-11Truth organization dated September 21, 2010 to Supervisor re: support of their appeal in demanding a new investigation by the Nine-Eleven Commission into the 9/11 tragedy.

**FROM** Anthony J. Costello copies of a feature article from the July 7, 1974 issue of National Geographic noting that the stage of development of European Canals at that time were in the same stage as we are today.

**FROM** Louise Novros, Town of Brighton Councilperson dated September 28, 2010 to Supervisor commending Michael Guyon, Town of Brighton Engineer, on his assistance and participation in the September 25th, 2010 Town of Brighton "Take-Back Day" event.

**FROM** Steve Olufsen, Jr. Planner with the Monroe County Department of Planning and Development dated September 24, 2010 to Town of Henrietta Planning Board with copy to the Town of Brighton as bordering municipality, Re: Site plan review for College Town Club House, located at 300 Park Point Drive.

**FROM** Pat Inzer, Treasurer of the Monroe County Fire Marshals & Inspectors Association, dated October 1, 2010 to Supervisor informing her that Christopher Roth, Town of Brighton Fire Marshal, was re-elected as President of the New York State Fire Marshals and Inspectors Association on September 28, 2010 and Richard Tracy, Town of Brighton Fire Inspector, was elected as 2nd Vice President of the Association.

**FROM** Chris Mueller, Manager, Government Relations Time Warner Cable dated October 1, 2010 advising of certain programming agreements due to expire.

**FROM** Mark Sansouci, Assistant Superintendent, Penfield Central Schools to Timothy Keef P.E., Town of Brighton Commissioner of Public Works, dated September 28, 2010 expressing his appreciation for his assistance and support during the partial re-roofing project at Indian Landing School

**FROM** Jean Baric, President of ACCGPG, dated September 27, 2010 to Jerry LaVigne, Town of Brighton Director of Parks & Recreation, expressing her appreciation to the Parks & Rec. staff that helped prepare Corbett's Glen Park for the "Celebrate the Glen" event held on September 12, 2010

**FROM** Harvey Reiner to Supervisor dated October 7, 2010 regarding the building of the Car Wash at the intersection of Monroe Ave. and Clover Street and his support of same.

**FROM** Niagara Mohawk Power Corp d/b/a National Grid dated September 15, 2010, to all active parties with Niagara Transmission Lines crossing through their areas; Re: Request for Certificate of Environmental Compatibility and Public Need for Reconstruction of Transmission Line 111 from Lockport to Mortimer, NY.

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

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

Community Services--Next meeting November 18, 2010.
Finance and Administrative Services—Councilmember Sheila Gaddis reported on meeting of October 6, 2010. Next meeting October 20, 2010
Public Safety Services—Councilmember Ray Tierney reported on meeting of October 12, 2010. Next meeting November 9, 2010
Public Works Services—Councilmember James Vogel reported on meeting of October 4, 2010. Next meeting November 1, 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 approval of a $2,800 budget transfer from A.REC.7550 4.49 (other contracted services) to A.REC.7125 2.40 (maintenance equipment) to replace Amphitheatre transformer at Meridian Centre Park (see Resolution #2 and letter dated September 16, 2010 from Jerry LaVigne, Town of Brighton Director of Parks & Recreation).

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. 2 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Accept retirement of Jack Wing from the position of Automotive Mechanic with the Town of Brighton Highway Department effective October 30, 2010 (see Resolution #3 and letter dated October 1, 2010 from Tim Keef, P.E. Town of Brighton Commissioner of Public Works).

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. 3 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Accept retirement of Freda White from the position Clerk 1/Records Division Supervisor with the Town of Brighton Police Department effective October 30, 2010 (see Resolution #4 and letter dated September 20, 2010 from Mark Henderson, Town of Brighton Chief of Police).

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 4 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement between the Town of Brighton and Freda White for transitional training to be provided to her position replacement (see Resolution #5 and letter dated October 1, 2010 from Mark Henderson, Town of Brighton Chief of Police).

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 5 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize certiorari settlement for vacant property located on Elmwood Avenue, formerly owned by Max Farash (see Resolution #6 and letter dated October 5, 2010 from Town of Brighton Assessor Elaine Ainsworth, Judgment and Order, Settlement Agreement and Assessor Affidavit).

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. 6 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute amended contract with ME Engineering, not to exceed $6,000, to prepare plans and specifications for the HVAC repair needed in the IT Room and Human Resources Office (see Resolution #7 and letter dated October 1, 2010 from Timothy Keef, P.E. Commissioner of Public Works for the Town of Brighton).

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. 7 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute Membership Renewal Agreement between the Town of Brighton and the Monroe County Energy Aggregation Group (see Resolution #8 and letter dated October 1, 2010 from Timothy Keef, P.E. Commissioner of Public Works, Town of Brighton).

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. 8 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Declare surplus and approve disposal of 4-drawer file cabinet (see Resolution #9 and letter dated October 1, 2010 from Dianne Burdette, Town of Brighton Administrative Court Clerk).

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. 9 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approve the appointment of Brenda J. Northrup as Permanent Part-Time Telephone Operator effective October 18, 2010 (see Resolution #10 and letter from Douglas Clapp, Town of Brighton Director of Communications).

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. 10 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Receive and file letter of appointment of Officer Mark Liberatore to the position of Investigator effective October 23, 2010 (see letter from Mark Henderson, Town of Brighton Chief of Police dated October 4, 2010).

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel to receive and file aforementioned letter

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize 2010 budget transfers totaling $38,850 to cover costs associated with computer equipment purchase requests, (see Resolution #11, letter dated October 5, 2010 from Suzanne Zaso, Acting Director of Finance for the Town of Brighton and account transfer listing).

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. 11 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute amended contract not to exceed $1,544 with LMC Codes, LLC (see Resolution #12 and letter dated October 4, 2010 from Timothy Keef P.E., Town of Brighton Commissioner of Public Works).

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. 12 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize budget transfer in the amount of $2,256 from account A.DPW.8020 4.49 to A.DPW.8020 1.20 part-time wages (see Resolution #13 and letter dated September 20, 2010 from Ramsey Boehner, Town Planner for Town of Brighton).

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. 13 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize probationary appointment of William Youngman to the position of Laborer, effective October 18, 2010 with a 52-week probationary period (see Resolution #14 and letter dated October 1, 2010 from Timothy Keef P.E., Town of Brighton Commissioner of Public Works).

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. 14 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize renewal of agreement with the Monroe County Dept. of Transportation for yearly pavement marking and specialty signage for the Town of Brighton (see Resolution #15 and letter dated October 1, 2010 from Timothy Keef P.E., Commissioner of Public Works, Town of Brighton).

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. 15 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize renewal of agreement with the Monroe County Department of Transportation for Fleet Services Sharing (see Resolution #16 and letter dated October 1, 2010 from Timothy Keef P.E., Commissioner of Public Works, Town of Brighton).

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. 16 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize budget transfer in the amount of $700 from SS.SEWER.8120 4.15 (computer software supplies) to SS.SEWER.8120 4.22 (telephone service charges) (see Resolution #17 and letter dated September 24, 2010 from Amy Banker, Finance Dept., Town of Brighton).

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 17 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute professional services agreement with ME Engineering for Operations Center Alarm Systems with amount not to exceed $12,900 (see Resolution #1 and letter dated October 1, 2010 from Timothy Keef P.E., Commissioner of Public Works, Town of Brighton).

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. 18 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute Supplemental Agreement #2 to the Master Federal Aid/Marchiselli Aid Project Agreement, which allocates $90,000 for ROW

Incidentals (see Resolution #23, letter dated October 1, 2010 from Timothy Keef P.E., Commissioner of Public Works, Town of Brighton and copy of Agreement).

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. 19 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval for increasing the hours from a 35 work week to a 40 hour work week for the position of Data Processing Coordinator for the Town of Brighton (see Resolution #20 and letter dated October 5, 2010 from Suzanne E. Zaso, Acting Director of Finance, Town of Brighton).

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. 20 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval to adopt Refunding Bond Resolution for issuance of refunding serial bonds of the Town of Brighton issued in 1999 (see Resolution prepared by Municipal Solutions, Memorandum dated October 6, 2010 from Suzanne Zaso, Town of Brighton Acting Director of Finance, and refunding results data sheet).

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. 21 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval to accept monetary award from The Bureau of Justice Assistance Agency for fiscal year 2010, for National Institute of Justice compliant armored vests (see Resolution #21, letter dated October 12, 2010 from Mark Henderson, Town of Brighton Chief of Police and award notification dated October 7, 2010 from BVP Program Support Team).

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. 22 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set Public Hearing Date of November 10, 2010 for proposed Amendment to Section 102-3 (B) (8) of the Brighton Town Code (see Resolution #19, letter dated October 12, 2010 from Timothy Keef, P.E., Town of Brighton Commissioner of Public Works, and copy of proposed amendment).

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 23 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE TOWN CLERK:**

**MATTER RE:** Confirm Membership of Kathleen S. Banner, Jarrod T. Bogue, Michael H. Clark, Jeffrey H. Clark, Irvine B. Johnstone, Dylan D. Morris and Alexander J. Perry with the West Brighton Fire Department (see Resolution #22 and letter dated October 4, 2010 from Pat A. Inzer, Secretary, West Brighton Fire Department).

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 24 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MOTION TO GO INTO EXECUTIVE SESSION: 10:10 PM**

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to go into executive session to discuss the employment of particular persons

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney to come out of executive session at 10:20 PM

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Appointment of 2nd Deputy Receiver

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 25 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED:**

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis to adjourn at 10:35 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 13th of October 2010 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York

EXHIBIT NO. 1

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING October 13, 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 | $ | 177,901.51 |
| D - HIGHWAY | | 170,746.94 |
| H - CAPITAL | | 359.58 |
| L - LIBRARY | | 17,094.40 |
| SF - FIRE DIST | | 79,125.00 |
| SK - SIDEWALK DIST | | 8,793.41 |
| SP-PARKS DISTRICT | | 125.00 |
| SR-REFUSE DISTRIICT | | 62,042.92 |
| SS - SEWER DIST | | 13,665.61 |
| TA - AGENCY TRUST | | 7,067.06 |
| TOTAL | $ | **536,921.43** |

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

EXHIBIT NO. 2

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated September 16, 2010, from Jerry LaVigne, Director of Parks and Recreation, concerning a budget transfer to fund the expense of replacing the amphitheatre transformer at Meridian Centre Park, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the budget transfer in the amount of $2,800.00, as more fully set forth in the above-referenced correspondence, in connection with the replacement of the amphitheatre transformer at Meridian Centre Park.

Dated: October 13, 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 | ____ |

EXHIBIT NO. 3

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated October 1, 2010, from Timothy E. Keef, P.E., Commissioner of Public Works, and correspondence dated September 27, 2010 from Jack Wing, both concerning the retirement of Jack Wing, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby accepts, with regret, the retirement of Jack Wing from the position of Automotive Mechanic.

Dated: October 13, 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 | ____ |

EXHIBIT NO. 4

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated September 20, 2010, from Mark T. Henderson, Chief of Police, together with correspondence dated September 20, 2010, from Freda S. White, both concerning the retirement of Freda S. White, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby accepts, with regret, the retirement of Freda S. White from the Brighton Police Department, effective, October 30, 2010.

Dated: October 13, 2010

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|---|---|---|
| Sandra L. Frankel, Supervisor | Voting | ____ |
| James R. Vogel, Councilman | Voting | ____ |
| Raymond J. Tierney III, Councilman | Voting | ____ |
| Louise Novros, Councilperson | Voting | ____ |
| Sheila A. Gaddis, Councilperson | Voting | ____ |

EXHIBIT NO. 5

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated October 1, 2010, from Mark T. Henderson, Chief of Police, concerning a contract for training of an anticipated replacement as Clerk 1/records division supervisor and interim services as needed, 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 Freda S. White for training for her replacement as Clerk 1/records division supervisor and interim services as needed, at an hourly rate of $25.00, not to exceed $6,500 in the aggregate, which agreement shall be in form and substance as may be approved by the Attorney to the Town.

Dated: October 13, 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 | ____ |

EXHIBIT NO. 6

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**WHEREAS**, James C. Gocker, as Trustee of the Max M. Farash Declaration of Trust, the predecessor to the current owner of property consisting of 82.47 acres on Elmwood Avenue, tax identification number 136.16-2-29.2, previously commenced tax certiorari litigation against the Town challenging the valuation of such property and the taxes paid thereon for 2008; and

**WHEREAS**, counsel for the Town and for the Plaintiff have entered into a proposed Settlement Agreement of such litigation; and

**WHEREAS**, the Town Board desires to approve such settlement; it is therefore

**RESOLVED**, that a memorandum dated October 5, 2010 from Elaine Ainsworth, Town Assessor, concerning the settlement of tax certiorari litigation, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the tax certiorari settlement of litigation entitled "James C. Gocker, as Trustee of the Max M. Farash Declaration of Trust v. The Board of Assessors and the Board of Assessment Review of the Town of Brighton, New York, upon the terms and conditions recommended by counsel to the

Town, and authorizes the Supervisor to execute and deliver such documents and agreements as are necessary in connection therewith.

Dated: October 13, 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 Special Term of the Supreme Court of the State of New York, held in and for the County of Monroe, at the Hall of Justice, Rochester, New York, on the __ day of _____, 2010.

Present: Hon. Kenneth R. Fisher

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

In the Matter of the Application of

JAMES C. GOCKER, AS TRUSTEE OF THE MAX M. FARASH DECLARATION OF TRUST,

*Petitioner,*

-vs-

THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF BRIGHTON, NEW YORK,

*Respondents.*

**JUDGMENT AND ORDER**

Index No. 08-10183

Tax Year: 2008
Tax Map No.: 136.16-2-29.2

Property Address:
Elmwood Avenue

WHEREAS, the Petitioner has commenced these proceedings under Article 7 of the Real Property Tax Law to review the assessment of certain real property located at Elmwood Avenue, in the Town of Brighton, County of Monroe, State of New York (Tax Map No. 136.16-2-29.2) for the taxable status date for tax year 2008; and

WHEREAS, it is now proposed that the proceeding be settled upon the terms and conditions set forth in the Settlement Agreement entered into between the attorneys for the respective parties; and

WHEREAS, upon reading said Settlement Agreement;

NOW, on the joint motion of HARTER SECREST & EMERY LLP, Megan K. Dorritie, Esq., of counsel, attorneys for the Petitioner, and DAVIDSON FINK LLP, Thomas A. Fink, Esq., of counsel, attorneys for the Respondents, it is hereby

for the Town, it is deponent's opinion the Settlement Agreement is in the best interest of the Town.

4. Your deponent respectfully requests that the Court issue an Order approving the Settlement Agreement in the above described proceeding.

_____
Elaine Ainsworth

Subscribed and sworn to before me
this ___ day of _____, 2010.

_____
Notary Public

Town, and authorizes the Supervisor to execute and deliver such documents and agreements as are necessary in connection therewith.

Dated: October 13, 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 | ____ |

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

In the Matter of the Application of

JAMES C. GOCKER, AS TRUSTEE OF THE MAX M. FARASH DECLARATION OF TRUST,

*Petitioner,*

-vs-

THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF BRIGHTON, NEW YORK,

*Respondents.*

**ASSESSOR AFFIDAVIT**

Index No. 08-10183

Tax Year: 2008/09
Tax Map No.: 136.16-2-29.2

Property Address:
Elmwood Avenue

State of New York }
} ss.:
County of Monroe}

Elaine Ainsworth, being duly sworn, deposes and days:

1. That your deponent is the Assessor for the Town of Brighton ("Town"), County of Monroe, State of New York.
2. That these proceedings were commenced by Petitioners to obtain judicial review under Article 7 of the Real Property Tax Law for the assessments of certain parcels of real property in the Town.
3. A Settlement Agreement to be signed by the attorneys for both parties which sets forth the applicable tax status date, parcels of real property which are the subject of these proceedings, and the terms and conditions of the Settlement Agreement executed by the attorneys for the parties entered into on the ___ day of _____, 2010, has been submitted to the undersigned for review by your deponent. After consulting with counsel

2. There shall be refunded to the Petitioner any overpayments made for the Town, School, and County taxes paid by the Petitioner for the 2008/2009 tax year.
3. The refunds shall be without interest provided that said refunds are paid to the Petitioner's attorneys, Harter Secrest & Emery LLP, within sixty (60) days of the date of filing a demand in accordance with the annexed Judgment and Order and service upon the municipalities
4. The Town having reduced the assessment of the property for the 2009 and 2010 tax years to $1,250,000 has agreed pursuant to the provisions of §727 of the Real Property Tax Law ("RPTL") of the State of New York, to reduce the assessment of the property for the 2011 tax year to $1,250,000.
5. This Settlement Agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall the Settlement Agreement, or the contents thereof, be offered to or admitted in this proceeding if prosecution thereof is carried forward, or in any other proceeding by the parties or third parties, as competent evidence of any fact.
6. The parties agree that these proceedings be discontinued forthwith, without costs to any party, and that a Judgment and Order to said effect may be entered.

Dated: _____, 2010
Rochester, New York

HARTER SECREST & EMERY LLP

By: _____
Megan K. Dorritie, Esq.
*Attorneys for Petitioner*
1600 Bausch & Lomb Place
Rochester NY 14604

DAVIDSON FINK LLP

By: _____
Thomas A. Fink, Esq.
*Attorneys for Respondents*
28 East Main Street
Suite 1700

585-232-6500

Rochester, New York 14614
Tel.: (585) 546-6448

EXHIBIT NO. 7

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated October 1, 2010, from Timothy E. Keef, P.E., Commissioner of Public Works, concerning a proposed contract amendment to the contract for evaluation of HVAC systems, be received and filed; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an amendment to the agreement by and between the Town and ME Engineering to allow for the preparation of plans and specifications, and to solicit bids for repairs to the HVAC System in the information technology room and the human resources office area of Town Hall, at a cost not to exceed $6,000; and be it further

**RESOLVED**, that the Town Board hereby approves a budget transfer of $6,000 from account A.UNDST.1990.490 to account A.SSVCS.1620.452 in connection therewith.

Dated: October 13, 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 13th day of October, 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated October 1, 2010, from Timothy E. Keef, P.E., Commissioner of Public Works, together with an attachment thereto, concerning the renewal of the agreement for the Monroe County Energy Aggregation Group, be received and filed; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver the renewal to the agreement for the Monroe County Energy Aggregation Group, in form and substance as may be approved by the Attorney to the Town.

Dated: October 13, 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 13th day of October, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated October 1, 2010, from Diane Burdett, Administrative Court Clerk of the Justice Court of the Town of Brighton, concerning the declaration of certain equipment to be surplus, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby declares the Justice Court 4-drawer file safe to be surplus and authorizes that it be disposed of as junk.

Dated: October 13, 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 | ____ |

EXHIBIT NO. 10

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated October 5, 2010, from Douglas Clapp, Director of Communications, concerning the employment of a Part-Time Telephone Operator, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby appoints Brenda J. Northrup to the position of Permanent Part-Time Telephone Operator, effective October 18, 2010 at Group II, Step 1, at an hourly wage of $11.49 per hour during 2010, on a probationary basis, with a probationary period of 26 weeks.

Dated: October 13, 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 13th day of October, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated October 5, 2010, from Suzanne E. Zaso, Acting Director of Finance, concerning 2010 Budget transfers for computer equipment purchases, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Town Board hereby approves the 2010 Budget transfers as set forth in the attachment to the above-referenced correspondence, totaling $38,850 in the aggregate, in connection with the purchase of computer equipment.

Dated: October 13, 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 13th day of October, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated October 4, 2010, from Timothy E. Keef, P.E., Commissioner of Public Works, concerning a contract amendment with LMC Codes, LLC, be received and filed; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an amendment to the agreement by and between the Town and LMC Codes, LLC dated May 28, 2009, for State Building Code compliance review for building permit submissions, to extend the term of the contract through December 31, 2010 and increase the contract amount by $1,544 to an aggregate total of $5,344, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: October 13, 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 | ____ |

EXHIBIT NO .1:

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated September 29, 2010, from Ramsey A. Boehner, Town Planner, concerning a budget transfer for the Department of Public Works, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves a Budget Transfer of $2,256 from account A.DPW.8020.449 to account A.DPW.8020.120, to cover additional workload for building code compliance work in the Department of Public Works.

Dated: October 13, 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 13th day of October, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated October 1, 2010, from Timothy E. Keef, P.E., Commissioner of Public Works and Highway Superintendent, concerning the appointment of a Laborer in the Highway Department, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby concurs in the appointment by the Superintendent of Highways of William Youngman II to the position of Laborer in the Highway Department, at a starting rate of $15.78 per hour under the current CSEA wage schedule effective October 18, 2010, on a probationary basis, with a 52 week probationary period.

Dated: October 13, 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 | ____ |

EXHIBIT NO. 15

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated October 1, 2010, from Timothy E. Keef, P.E., Commissioner of Public Works, concerning the Monroe County Department of Transportation pavement marking and signage agreement, 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 the Monroe County Department of Transportation for pavement marking and signage during 2011, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: October 13, 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 | ____ |

EXHIBIT NO. 16

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated October 1, 2010, from Timothy E. Keef, P.E., Commissioner of Public Works, concerning the Monroe County Department of Transportation Pavement Fleet Services Sharing Agreement, be received and filed; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver a Renewal by and between the Town and the Monroe County Department of Transportation of the Pavement Fleet Services Sharing Agreement, which Renewal Agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: October 13, 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 | ____ |

EXHIBIT NO. 17

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated September 24, 2010, from Amy Banker, concerning a Sewer Department budget amendment, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves a budget transfer of $700 from account SS.SEWER.8120.415 to account SS.SEWER.8120.422.

Dated: October 13, 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 | ____ |

EXHIBIT NO. 18

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated October 1, 2010, from Timothy E. Keef, Commissioner of Public Works, concerning the solicitation of proposals for alarm systems evaluation, be received and filed, together with a memorandum dated September 24, 2010, from Michael E. Guyon, Town Engineer; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and ME Engineering for evaluation of the Town Hall and Operations Center Alarm Systems, at a cost not to exceed $12,900, which agreement shall be in form and substance as may be approved by the Attorney for the Town; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to approve change orders to the above referenced agreement, so long as such change orders do not increase the contract price by more than $1,290 in the aggregate, without further action by the Town Board,

**RESOLVED**, that the Town Board hereby approves the transfer of $6,450 from account A.HWY.5132.260 to account A.HWY.5132.452 and $6,450 from account A.SSVCS.1620.263 to A.SSVCS.1620.452.

Dated: October 13, 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 | ____ |

EXHIBIT NO. 19

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated October 1, 2010, from Timothy E. Keef, P.E., Commissioner of Public Works, concerning an amendment to the Master Federal Aid/Marchiselli Aid Project Agreement for the Highland Park/Canalway Trail Agreement, be received and filed together with the proposed Supplemental Agreement #2 attached thereto; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver Supplemental Agreement #2 to an Agreement by and between the Town and the New York State Department of Transportation, Comptrollers Number D031790, which agreement shall be in form and substance as may be approved by the Attorney to the Town.

Dated: October 13, 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 | ____ |

Municipality/Sponsor:**Town of Brighton**
PIN: 475408 BIN:
Comptroller's Contract No. **D031790**
Supplemental Agreement No.2
Date Prepared:08/04/2010 By:RSL
Initials

Press F1 for instructions in the blank fields:

**SUPPLEMENTAL AGREEMENT No. 2 to D031790** *(Comptroller's Contract No.)*

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State");

and

**Town of Brighton** (the Municipality/Sponsor)
Acting by and through the **Supervisor**
with its office at **2300 Elmwood Avenue, Rochester, New York 14618.**

This amends the existing Agreement between the parties in the following respects only *(check applicable categories):*

☒ Amends a previously adopted Schedule A by *(check as applicable)*:

- ☐ amending a project description
- ☐ amending the contract end date
- ☒ amending the scheduled funding by:
  - ☒ adding additional funding *(check and enter the # phase(s) as applicable)*:
    - ☒ adding phase 221 which covers eligible costs incurred on/after / /
    - ☐ adding phase which covers eligible costs incurred on/after / /
  - ☐ increasing funding for a project phase(s)
  - ☐ adding a pin extension
  - ☐ change from Non-Marchiselli to Marchiselli
  - ☐ deleting/reducing funding for a project phase(s)
  - ☐ other ( )

☒ Amends a previously adopted Schedule "B" (Phases, Sub-phase/Task s, and Allocation of Responsibility)

☐ Amends the text of the Agreement as follows *(insert text below)*:

Municipality/Sponsor:**Town of Brighton**
PIN: 475408 BIN:
Comptroller's Contract No. **D031790**
Supplemental Agreement No.2
Date Prepared:08/04/2010 By:RSL
Initials

Press F1 for instructions in the blank fields:

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed by their duly authorized officials as of the date first above written.

MUNICIPALITY/SPONSOR:

By: _____

Print Name: _____

Title: _____

MUNICIPALITY/SPONSOR ATTORNEY:

By: _____

Print Name: _____

STATE OF NEW YORK )
)ss.:
COUNTY OF )

On this _____ day of _____, 20__ before me personally came _____ to me known, who, being by me duly sworn did depose and say that he/she resides at _____; that he/she is the _____ of the Municipal/Sponsor Corporation described in and which executed the above instrument; (except New York City) that it was executed by order of the _____ of said Municipal/Sponsor Corporation pursuant to a resolution which was duly adopted on _____ and which a certified copy is attached and made a part hereof; and that he/she signed his/her name thereto by like order.

_____
Notary Public

**APPROVED FOR NYSDOT:**

BY:_____
For Commissioner of Transportation

Agency Certification: In addition to the acceptance of this contract I also certify that original copies of this signature page will be attached to all other exact copies of this contract.

Date: _____

**APPROVED AS TO FORM:**
**STATE OF NEW YORK ATTORNEY GENERAL**

By: _____
Assistant Attorney General

**COMPTROLLER'S APPROVAL:**

By:_____
For the New York State Comptroller
Pursuant to State Finance Law §112

585-232-6500

Rochester, New York 14614
Tel.: (585) 546-6448

EXHIBIT NO. 20

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated October 5, 2010, from Suzanne E. Zaso, Acting Director of Finance, concerning a change in the hourly work week for the Coordinator of Data Processing, be received and filed; and be it further

**RESOLVED**, that based on the recommendation of the Acting Director of Finance, the Town Board hereby amends the Town's Table of Organization to permanently assign the position of Coordinator of Data Processing to a 40-hour work week, effective January 1, 2011.

Dated: October 13, 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 | ____ |

# REFUNDING BOND RESOLUTION

A regular meeting of the Town Board of the Town of Brighton, Monroe County, New York, held in the Town Hall Auditorium located at 2300 Elmwood Avenue, Rochester, New York, on October 13, 2010 at 7:00 p.m. o'clock p.m., prevailing time.

The meeting was called to order by _____, and upon roll being called, the following were:

PRESENT:

ABSENT:

The following resolution was offered by _____, who moved its adoption, seconded by _____, to-wit:

REFUNDING BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE TOWN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $918,500 PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY

WHEREAS, the Town of Brighton, Monroe County, New York (the "Town") heretofore issued its Public Improvement (Serial) Bonds, 1999, dated October 1, 1999 in the original aggregate principal amount of $1,858,000, pursuant to bond resolutions adopted by the Town Board on February 28, 1996 and April 9, 1997, for the specific objects or purposes for which they were issued being more particularly described in Exhibit A attached hereto (the "Prior Bonds"); and

WHEREAS, the Town Board has received a refunding proposal containing a proposed refunding financial plan, a copy of which is attached hereto as Exhibit B (the "Refunding Financial Plan"), which proposal calls for the refunding of all of the outstanding Prior Bonds maturing in the years 2011 and thereafter (the "Refunded Bonds"); and

WHEREAS, the Town Board has reviewed and considered the Refunding Financial Plan in consultation with the Supervisor of the Town Board of the Town, and the financial advisory and bond counsel firms retained by the Town; and

WHEREAS, in order for the Town to realize the potential for substantial long-term debt service savings with respect to the Refunded Bonds, the Town Board has determined, acting in

consultation with the financial advisory and bond counsel firms retained by the Town, that it is prudent for the Town to consider the refunding of all or a portion of the outstanding Refunded Bonds; and

WHEREAS, the Refunded Bonds are, by their terms, subject to redemption prior to their stated maturity dates at the option of the Town; and

WHEREAS, the Town has the power and authority to issue refunding bonds of the Town for the purpose of refunding and thereby refinancing the Refunded Bonds, including provision for incidental costs of issuance in connection therewith, pursuant to the provisions of Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as required by Section 90.10 of the Local Finance Law; and

WHEREAS, Section 90.10 of the Local Finance Law requires that the Town adopt a refunding bond resolution which includes a refunding financial plan setting forth all of the details in connection with the proposed refunding transaction.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. Based on the recommendation of Municipal Solutions, Inc., the financial advisory firm retained by the Town, the Town Board hereby determines to undertake a refunding of the Refunded Bonds, through the issuance of refunding bonds of the Town. The Town Board also hereby determines to retain the services of Roosevelt & Cross, Inc., as underwriter, in connection with the issuance of the Refunding Bonds.

SECTION 2. For the object or purpose of refunding the $800,000 outstanding principal balance of the Refunded Bonds, including providing moneys which together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (a) the principal amount of the Refunded Bonds, (b) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date or dates on which the Refunded Bonds which are optionally redeemable are to be called for redemption prior to their respective maturities in accordance with the refunding financial plan, (c) the redemption premiums, if any, payable on the Refunded Bonds which are to be called for redemption prior to their respective maturities, (d) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including without limitation the development of the refunding financial plan, compensation to the underwriter as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, (as defined in Section 7 of this Resolution), and fees and charges of the Escrow Holder (as defined in Section 7 of this Resolution), financial advisory fees, printing fees and legal fees and (e) the premium or premiums for a policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued the Public Improvement Refunding (Serial)

Bonds, 2010 of the Town in an aggregate principal amount not to exceed $918,500 pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being currently anticipated that the amount of Refunding Bonds actually to be issued will be approximately $835,000 as described in Section 6 hereof. The Refunding Bonds shall be dated as of such date as shall hereinafter be determined by the Supervisor of the Town Board of the Town pursuant to Section 6 hereof, and shall be of the denomination of $5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity. The Refunding Bonds shall mature annually and shall bear interest payable semi-annually on such dates as shall be determined by the Supervisor of the Town Board of the Town pursuant to Section 6 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Supervisor of the Town Board of the Town. Notwithstanding anything in this resolution to the contrary, the Refunding Bonds shall only be issued by the Town if the refunding of the Refunded Bonds hereby will result in present value savings as determined in accordance with the methodology set forth in Section 90.10(b)(2) of the Local Finance Law.

SECTION 3. The Supervisor of the Town Board of the Town, as the chief fiscal officer, is hereby delegated all powers of the Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 4. The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor of the Town Board of the Town, and a facsimile of its corporate seal shall be imprinted thereon and attested by the Town Clerk. The Refunding Bonds shall contain the recital required by Section 90.10(j)(4) of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals as the Supervisor of the Town Board of the Town shall determine.

SECTION 5. It is hereby determined that:

(a) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;

(b) The maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is as shown upon Exhibit A attached hereto.

(c) In accordance with Section 90.10(c)(1) of the Local Finance Law, the last installment of the Refunding Bonds will mature not later than the expiration of the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with the Refunded Bonds determined as of the date of issuance of the Refunded Bonds, or from the date the first bond anticipation note was issued in anticipation thereof, whichever is earlier.

(d) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of Section 90.10(b)(2) of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 6 hereof.

SECTION 6. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, and the estimated present value of the total debt service savings computed in accordance with the requirements of Section 90.10(b)(2)(a) of the Local Finance Law, is set forth in Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of $835,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit B. This Town Board recognizes that the amount of the Refunding Bonds, and the maturities, terms, and interest rate and rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The Supervisor of the Town Board of the Town is hereby authorized and directed to determine the actual amount of the Refunding Bonds to be issued (not in excess of the maximum principal amount authorized by Section 2 of this resolution), the date of such bonds and date of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, whether the Refunding Bonds shall provide for substantially level or declining debt service as authorized by Section 21.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds, and, pursuant to Sections 50.00 and 56.00 of the Local Finance Law, all powers in connection therewith are hereby delegated to the Supervisor of the Town Board of the Town; provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Supervisor of the Town Board of the Town shall file with the Town Clerk not later than the date of issuance of the Refunding Bonds, as herein provided, (1) a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan and (2) the Certificate of the State Comptroller setting forth the present value of the total debt service savings, as required by Section 90.10(g) of the Local Finance Law.

SECTION 7. The Supervisor of the Town Board of the Town is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in the State of New York (the "State") as the Supervisor of the Town Board of the Town shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, as the escrow holder to perform the services described in Section 90.10(i)(1) of the Local Finance Law.

SECTION 8. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds herein authorized as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 9.

(a) All of the proceeds from the sale of the Refunding Bonds, including the premium, if any (the "Proceeds of the Refunding Bonds"), shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. From the Proceeds of the Refunding Bonds, the portion thereof as is necessary to pay the outstanding principal amount of the Refunded Bonds, the aggregate amount of unmatured interest on the Refunded Bonds to and including the respective maturity dates or redemption dates thereof as set forth in the final Refunding Financial Plan prepared or caused to be prepared by the Supervisor of the Town Board of the Town in accordance with Section 6 of this resolution, and the redemption premiums, if any, payable on the Refunded Bonds on such redemption dates, (such amount being hereinafter referred to as the "Escrow Deposit Amount") shall be deposited in the escrow deposit fund to be established pursuant to the Escrow Contract, and either held in cash or invested in direct obligations of the United States of America or in obligations, the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates such moneys will be required to make payments in accordance with the final Refunding Financial Plan. Amounts held on deposit in the Escrow Fund, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of, interest on, and redemption price of the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such monies held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the Escrow Fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims or any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

(b) After depositing the Escrow Deposit Amount into the Escrow Fund, in accordance with paragraph (a) above, the remaining balance, if any, of the Proceeds of the Refunding Bonds not so deposited shall, immediately upon receipt thereof, be placed in escrow with the Escrow Holder for the Refunded Bonds and deposited in the expense fund to be established under the Escrow Contract by the Escrow Holder to pay, to the Supervisor of the Town Board of the Town, as Chief Fiscal Officer, or as the Supervisor of the Town Board of the Town may direct and be applied to pay (i) accrued interest on the Refunding Bonds from the dated date thereof to the date of issuance thereof, and (ii)

costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds.

SECTION 10. The Supervisor of the Town Board of the Town, as chief fiscal officer, is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, if applicable, to designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265 of the Code.

SECTION 11. The Town Board hereby determines that issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 12. In accordance with the provisions of Sections 53.00 and 90.10(h) of the Local Finance Law, the Town Board of the Town hereby elects to call in and redeem on March 1, 2011 all the Refunded Bonds maturing after March 1, 2011. The sum to be paid therefor on each such redemption date shall be the par value of the Refunded Bonds being redeemed on such date plus the redemption premium, if any, and the accrued interest thereon to such redemption date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the respective Refunded Bonds being redeemed or in the certificates or documentation of the Town pursuant to which they were issued. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Refunded Bonds that are subject to redemption at the option of the Town and the direction to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

SECTION 13. The Supervisor of the Town Board of the Town is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the Refunding Bonds authorized by this resolution, if required, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 14. Subject to compliance with the provisions of Section 90.10(f)(2) of the Local Finance Law, the Refunding Bonds shall be sold at a private sale. The Supervisor of the Town Board of the Town is hereby authorized to negotiate the terms of such private sale with Roosevelt & Cross, Inc., an underwriter hereinafter selected by the Supervisor (the "Underwriter"), consistent with the Refunding Financial Plan approved in Section 6 hereof. Subject to the approval of the terms and conditions of such sale by the State Comptroller as required by Section 90.10(f)(2) of the Local Finance Law, the Supervisor of the Town Board of the Town is hereby authorized to execute and deliver a bond purchase agreement for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds. After the Refunding Bonds have been duly

executed, they shall be delivered by the Supervisor of the Town Board of the Town in accordance with said bond purchase agreement upon the receipt by the Town of said purchase price, including accrued interest. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor of the Town Board of the Town to the purchaser of such Refunding Bonds, upon the receipt by the Town of the applicable purchase price, including any premium or accrued interest.

SECTION 15. The Supervisor of the Town Board of the Town and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

SECTION 16. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor of the Town Board of the Town and all powers in connection therewith are hereby delegated to the Supervisor of the Town Board of the Town.

SECTION 17. The validity of the Refunding Bonds may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money; or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

SECTION 18. Upon this resolution taking effect, the Supervisor of the Town Board of the Town is hereby authorized and directed to publish the same, or a summary thereof, together with a notice in substantially the form set forth in Section 81.00 of the Local Finance Law.

SECTION 19. This resolution shall take effect immediately upon its adoption.

The following vote was taken and recorded in the public or open session of said meeting:

AYES: NAYS:

This resolution shall take effect immediately.

## Exhibit A

Summary of Refunded Bonds

**Public Improvement (Serial) Bonds, 1999**

Dated Date: October 1, 1999
Original Principal Amount: $1,858,000
Outstanding Principal Amount: $800,000
Interest Payment Date: March 1st and September 1st

**Maturity Schedule**

| Date (March 1st) | Principal Amount |
|---|---|
| 2011 | $100,000 |
| 2012 | 100,000 |
| 2013 | 100,000 |
| 2014 | 100,000 |
| 2015 | 100,000 |
| 2016 | 100,000 |
| 2017 | 100,000 |
| 2018 | 100,000 |

| Objects or Purposes | Principal Amount of Bonds Issued | Original PPU |
|---|---|---|
| The reconstruction and resurfacing of Markay Court and Gailhaven Court, such private roads being located in said Town, including any land or rights in land and the acquisition of original furnishings, equipment and apparatus required in connection therewith for such reconstruction and resurfacing, so that the subject private roads may be accepted for dedication by the Town and used for the general purpose of the Town and all the residents of the Town | $18,000 | 10 years - (subdivision 20(b) of Local Finance Law Section 11.00(a)) |
| The construction of an addition to, and the reconstruction of portions of, Brighton Town Hall, 2300 Elmwood Avenue, for library facilities and the reconstruction of certain areas and portions of Brighton Town Hall including the acquisition of any land or rights in land and the acquisition of original furnishings, equipment and apparatus required in connection therewith for such construction and reconstruction, and Town use | $1,840,000 | 20 years - (subdivision 12 of Local Finance Law Section 11.00(a)) |

**Exhibit B**

Refunding Financial Plan

[attach]

STATE OF NEW YORK )
COUNTY OF MONROE ) S.S.:

I, the undersigned Town Clerk of the Town of Brighton, Monroe County, New York, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Town Clerk of the Town of Brighton, Monroe County, New York (the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board of the Town, and am duly authorized to execute this certificate.

2. A regular meeting of the Town Board of the Town of Brighton, Monroe County, New York (the "Town Board"), was held on October 13, 2010, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

> REFUNDING BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE TOWN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $918,500 PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY

3. That the full Town Board of the Town consists of five (5) members; that _____ (___) members of the Town Board were present at such meeting, that _____ (___) of such members voted in favor of the above resolution; and that the above resolution has not been amended or repealed.

4. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (2/3's of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

5. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town this _____ day of October, 2010.

[SEAL]

_____
Susan Kramarsky, Town Clerk

# TOWN OF BRIGHTON, NY
# SUMMARY OF REFUNDING RESULTS
# (UNENHANCED "Aa2"); (BANK QUALIFIED)

## REFUNDING OF 10/01/1999 BONDS (03/01/2011 - 2018)

| | |
|---|---|
| Dated Date | 10/01/2010 |
| Refunding Par Amount | 835,000 |
| Bond Arbitrage Yield | 1.804976% |
| Escrow Yield | 0.168800% |
| Refunded Bonds Par Amount | 800,000 |
| Average Coupon of Refunded Bonds | 5.250000% |
| Net PV Savings | 55,603.11 |
| Percentage of PV Savings | 6.950389% |
| Aggregate Budgetary Savings | 58,443.75 |
| Annual Budgetary Savings (12/31) | |
| Fiscal Year 2011 | 8,406.25 |
| Fiscal Year 2012 | 8,850.00 |
| Fiscal Year 2013 | 5,800.00 |
| Fiscal Year 2014 | 7,700.00 |
| Fiscal Year 2015 | 4,812.50 |
| Fiscal Year 2016 | 7,125.00 |
| Fiscal Year 2017 | 9,312.50 |
| Fiscal Year 2018 | 6,437.50 |

***ROOSEVELT & CROSS***

SOURCES AND USES OF FUNDS

Town of Brighton, New York
REFUNDING BONDS
REFUNDING OF 10/01/1999 BONDS (03/01/2011 - 2018)
BANK QUALIFIED; UNENHANCED Aa2; NON-CALLABLE

| | |
|---|---|
| Dated Date | 10/01/2010 |
| Delivery Date | 10/01/2010 |

| Sources: | |
|---|---|
| Bond Proceeds: | |
| Par Amount | 835,000.00 |
| Premium | 16,781.60 |
| | 851,781.60 |

| Uses: | |
|---|---|
| Refunding Escrow Deposits: | |
| Cash Deposit | 20.01 |
| SLGS Purchases | 820,423.00 |
| | 820,443.01 |
| Delivery Date Expenses: | |
| Cost of Issuance | 20,000.00 |
| Underwriter's Discount | 10,000.00 |
| | 30,000.00 |
| Other Uses of Funds: | |
| Additional Proceeds | 1,338.59 |
| | 851,781.60 |

SUMMARY OF REFUNDING RESULTS

Town of Brighton, New York
REFUNDING BONDS
REFUNDING OF 10/01/1999 BONDS (03/01/2011 - 2018)
BANK QUALIFIED; UNENHANCED Aa2; NON-CALLABLE

| | |
|---|---|
| Dated Date | 10/01/2010 |
| Delivery Date | 10/01/2010 |
| Arbitrage yield | 1.804976% |
| Escrow yield | 0.168800% |
| | |
| Bond Par Amount | 835,000.00 |
| True Interest Cost | 2.136441% |
| Net Interest Cost | 2.153000% |
| All-In TIC | 2.817873% |
| Average Coupon | 2.368432% |
| Average Life | 3.770 |
| | |
| Par amount of refunded bonds | 800,000.00 |
| Average coupon of refunded bonds | 5.250000% |
| Average life of refunded bonds | 3.917 |
| | |
| PV of prior debt to 10/01/2010 @ 1.804976% | 906,046.12 |
| Net PV Savings | 55,603.11 |
| Percentage savings of refunded bonds | 6.950389% |
| Percentage savings of refunding bonds | 6.659055% |

SAVINGS

Town of Brighton, New York
REFUNDING BONDS
REFUNDING OF 10/01/1999 BONDS (03/01/2011 - 2018)
BANK QUALIFIED; UNENHANCED Aa2; NON-CALLABLE

| Date | Prior Debt Service | Refunding Debt Service | Savings | Annual Savings | Present Value to 10/01/2010 @ 1.8049756% |
|---|---|---|---|---|---|
| 03/01/2011 | 121,000.00 | 122,781.25 | -1,781.25 | | -1,767.96 |
| 09/01/2011 | 18,375.00 | 8,187.50 | 10,187.50 | | 10,021.07 |
| 12/31/2011 | | | | 8,406.25 | |
| 03/01/2012 | 118,375.00 | 118,187.50 | 187.50 | | 182.79 |
| 09/01/2012 | 15,750.00 | 7,087.50 | 8,662.50 | | 8,369.24 |
| 12/31/2012 | | | | 8,850.00 | |
| 03/01/2013 | 115,750.00 | 117,087.50 | -1,337.50 | | -1,280.66 |
| 09/01/2013 | 13,125.00 | 5,987.50 | 7,137.50 | | 6,773.06 |
| 12/31/2013 | | | | 5,800.00 | |
| 03/01/2014 | 113,125.00 | 110,987.50 | 2,137.50 | | 2,010.22 |
| 09/01/2014 | 10,500.00 | 4,937.50 | 5,562.50 | | 5,184.48 |
| 12/31/2014 | | | | 7,700.00 | |
| 03/01/2015 | 110,500.00 | 109,937.50 | 562.50 | | 519.58 |
| 09/01/2015 | 7,875.00 | 3,625.00 | 4,250.00 | | 3,890.64 |
| 12/31/2015 | | | | 4,812.50 | |
| 03/01/2016 | 107,875.00 | 103,625.00 | 4,250.00 | | 3,855.84 |
| 09/01/2016 | 5,250.00 | 2,375.00 | 2,875.00 | | 2,585.03 |
| 12/31/2016 | | | | 7,125.00 | |
| 03/01/2017 | 105,250.00 | 97,375.00 | 7,875.00 | | 7,017.40 |
| 09/01/2017 | 2,625.00 | 1,187.50 | 1,437.50 | | 1,269.50 |
| 12/31/2017 | | | | 9,312.50 | |
| 03/01/2018 | 102,625.00 | 96,187.50 | 6,437.50 | | 5,634.29 |
| 12/31/2018 | | | | 6,437.50 | |
| | 968,000.00 | 909,556.25 | 58,443.75 | 58,443.75 | 54,264.52 |

Savings Summary

| | |
|---|---|
| PV of savings from cash flow | 54,264.52 |
| Plus: Refunding funds on hand | 1,338.59 |
| Net PV Savings | 55,603.11 |

BOND DEBT SERVICE

Town of Brighton, New York
REFUNDING BONDS
REFUNDING OF 10/01/1999 BONDS (03/01/2011 - 2018)
BANK QUALIFIED; UNENHANCED Aa2; NON-CALLABLE

| Period Ending | Principal | Coupon | Interest | Debt Service | Annual Debt Service |
|---|---|---|---|---|---|
| 03/01/2011 | 115,000 | 2.000% | 7,781.25 | 122,781.25 | |
| 09/01/2011 | | | 8,187.50 | 8,187.50 | |
| 12/31/2011 | | | | | 130,968.75 |
| 03/01/2012 | 110,000 | 2.000% | 8,187.50 | 118,187.50 | |
| 09/01/2012 | | | 7,087.50 | 7,087.50 | |
| 12/31/2012 | | | | | 125,275.00 |
| 03/01/2013 | 110,000 | 2.000% | 7,087.50 | 117,087.50 | |
| 09/01/2013 | | | 5,987.50 | 5,987.50 | |
| 12/31/2013 | | | | | 123,075.00 |
| 03/01/2014 | 105,000 | 2.000% | 5,987.50 | 110,987.50 | |
| 09/01/2014 | | | 4,937.50 | 4,937.50 | |
| 12/31/2014 | | | | | 115,925.00 |
| 03/01/2015 | 105,000 | 2.500% | 4,937.50 | 109,937.50 | |
| 09/01/2015 | | | 3,625.00 | 3,625.00 | |
| 12/31/2015 | | | | | 113,562.50 |
| 03/01/2016 | 100,000 | 2.500% | 3,625.00 | 103,625.00 | |
| 09/01/2016 | | | 2,375.00 | 2,375.00 | |
| 12/31/2016 | | | | | 106,000.00 |
| 03/01/2017 | 95,000 | 2.500% | 2,375.00 | 97,375.00 | |
| 09/01/2017 | | | 1,187.50 | 1,187.50 | |
| 12/31/2017 | | | | | 98,562.50 |
| 03/01/2018 | 95,000 | 2.500% | 1,187.50 | 96,187.50 | |
| 12/31/2018 | | | | | 96,187.50 |
| | 835,000 | | 74,556.25 | 909,556.25 | 909,556.25 |

BOND PRICING

Town of Brighton, New York
REFUNDING BONDS
REFUNDING OF 10/01/1999 BONDS (03/01/2011 - 2018)
BANK QUALIFIED; UNENHANCED Aa2; NON-CALLABLE

| Bond Component | Maturity Date | Amount | Rate | Yield | Price |
|---|---|---|---|---|---|
| Serial Bonds: | | | | | |
| | 03/01/2011 | 115,000 | 2.000% | 0.800% | 100.497 |
| | 03/01/2012 | 110,000 | 2.000% | 0.870% | 101.587 |
| | 03/01/2013 | 110,000 | 2.000% | 1.010% | 102.357 |
| | 03/01/2014 | 105,000 | 2.000% | 1.220% | 102.602 |
| | 03/01/2015 | 105,000 | 2.500% | 1.600% | 103.822 |
| | 03/01/2016 | 100,000 | 2.500% | 1.920% | 102.969 |
| | 03/01/2017 | 95,000 | 2.500% | 2.220% | 101.665 |
| | 03/01/2018 | 95,000 | 2.500% | 2.410% | 100.606 |
| | | 835,000 | | | |

| | | |
|---|---|---|
| Dated Date | 10/01/2010 | |
| Delivery Date | 10/01/2010 | |
| First Coupon | 03/01/2011 | |
| Par Amount | 835,000.00 | |
| Premium | 16,781.60 | |
| Production | 851,781.60 | 102.009772% |
| Underwriter's Discount | -10,000.00 | -1.197605% |
| Purchase Price | 841,781.60 | 100.812168% |
| Accrued Interest | | |
| Net Proceeds | 841,781.60 | |

ESCROW REQUIREMENTS

Town of Brighton, New York
REFUNDING BONDS
REFUNDING OF 10/01/1999 BONDS (03/01/2011 - 2018)
BANK QUALIFIED; UNENHANCED Aa2; NON-CALLABLE

| Period Ending | Principal | Interest | Principal Redeemed | Total |
|---|---|---|---|---|
| 03/01/2011 | 100,000.00 | 21,000.00 | 700,000.00 | 821,000.00 |
| | 100,000.00 | 21,000.00 | 700,000.00 | 821,000.00 |

ESCROW DESCRIPTIONS

Town of Brighton, New York
REFUNDING BONDS
REFUNDING OF 10/01/1999 BONDS (03/01/2011 - 2018)
BANK QUALIFIED; UNENHANCED Aa2; NON-CALLABLE

| | Type of Security | Type of SLGS | Maturity Date | First Int Pmt Date | Par Amount | Rate | Max Rate |
|---|---|---|---|---|---|---|---|
| Oct 1, 2010: | | | | | | | |
| | SLGS | Certificate | 03/01/2011 | 03/01/2011 | 820,423 | 0.170% | 0.170% |
| | | | | | 820,423 | | |

SLGS Summary

| | |
|---|---|
| SLGS Rates File | 19AUG10 |
| Total Certificates of Indebtedness | 820,423.00 |

ESCROW STATISTICS

Town of Brighton, New York
REFUNDING BONDS
REFUNDING OF 10/01/1999 BONDS (03/01/2011 - 2018)
BANK QUALIFIED; UNENHANCED Aa2; NON-CALLABLE

| | Total Escrow Cost | Modified Duration (years) | Yield to Receipt Date | Yield to Disbursement Date | Perfect Escrow Cost | Value of Negative Arbitrage | Cost of Dead Time |
|---|---|---|---|---|---|---|---|
| Global Proceeds Escrow: | 820,443.01 | 0.416 | 0.168800% | 0.168800% | 814,895.98 | 5,546.88 | 0.15 |
| | 820,443.01 | | | | 814,895.98 | 5,546.88 | 0.15 |

| | |
|---|---|
| Delivery date | 10/01/2010 |
| Arbitrage yield | 1.804976% |

SUMMARY OF BONDS REFUNDED

Town of Brighton, New York
REFUNDING BONDS
REFUNDING OF 10/01/1999 BONDS (03/01/2011 - 2018)
BANK QUALIFIED; UNENHANCED Aa2; NON-CALLABLE

| Bond | Maturity Date | Interest Rate | Par Amount | Call Date | Call Price |
|---|---|---|---|---|---|
| Public Improvement (Serial) Bonds, 1999, 1999: | | | | | |
| SERIALS | 03/01/2011 | 5.250% | 100,000.00 | | |
| | 03/01/2012 | 5.250% | 100,000.00 | 03/01/2011 | 100.000 |
| | 03/01/2013 | 5.250% | 100,000.00 | 03/01/2011 | 100.000 |
| | 03/01/2014 | 5.250% | 100,000.00 | 03/01/2011 | 100.000 |
| | 03/01/2015 | 5.250% | 100,000.00 | 03/01/2011 | 100.000 |
| | 03/01/2016 | 5.250% | 100,000.00 | 03/01/2011 | 100.000 |
| | 03/01/2017 | 5.250% | 100,000.00 | 03/01/2011 | 100.000 |
| | 03/01/2018 | 5.250% | 100,000.00 | 03/01/2011 | 100.000 |
| | | | 800,000.00 | | |

PRIOR BOND DEBT SERVICE

Town of Brighton, New York
REFUNDING BONDS
REFUNDING OF 10/01/1999 BONDS (03/01/2011 - 2018)
BANK QUALIFIED; UNENHANCED Aa2; NON-CALLABLE

| Period Ending | Principal | Coupon | Interest | Debt Service | Annual Debt Service |
|---|---|---|---|---|---|
| 03/01/2011 | 100,000 | 5.250% | 21,000 | 121,000 | |
| 09/01/2011 | | | 18,375 | 18,375 | |
| 12/31/2011 | | | | | 139,375 |
| 03/01/2012 | 100,000 | 5.250% | 18,375 | 118,375 | |
| 09/01/2012 | | | 15,750 | 15,750 | |
| 12/31/2012 | | | | | 134,125 |
| 03/01/2013 | 100,000 | 5.250% | 15,750 | 115,750 | |
| 09/01/2013 | | | 13,125 | 13,125 | |
| 12/31/2013 | | | | | 128,875 |
| 03/01/2014 | 100,000 | 5.250% | 13,125 | 113,125 | |
| 09/01/2014 | | | 10,500 | 10,500 | |
| 12/31/2014 | | | | | 123,625 |
| 03/01/2015 | 100,000 | 5.250% | 10,500 | 110,500 | |
| 09/01/2015 | | | 7,875 | 7,875 | |
| 12/31/2015 | | | | | 118,375 |
| 03/01/2016 | 100,000 | 5.250% | 7,875 | 107,875 | |
| 09/01/2016 | | | 5,250 | 5,250 | |
| 12/31/2016 | | | | | 113,125 |
| 03/01/2017 | 100,000 | 5.250% | 5,250 | 105,250 | |
| 09/01/2017 | | | 2,625 | 2,625 | |
| 12/31/2017 | | | | | 107,875 |
| 03/01/2018 | 100,000 | 5.250% | 2,625 | 102,625 | |
| 12/31/2018 | | | | | 102,625 |
| | 800,000 | | 168,000 | 968,000 | 968,000 |

## ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 13th day of October, 2010, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Brighton, Monroe County, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

_____

Susan Kramarsky, Town Clerk

## SUMMARY OF REFUNDING BOND RESOLUTION

The resolution is entitled "REFUNDING BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE TOWN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $918,500 PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY"

SECTION 1. Based on the recommendation of Municipal Solutions, Inc., the financial advisory firm retained by the Town, the Town Board determined to undertake a refunding of the Refunded Bonds, through the issuance of refunding bonds of the Town. The Town Board also determined to retain the services of Roosevelt & Cross, Inc., as underwriter, in connection with the issuance of the Refunding Bonds.

SECTION 2. For the object or purpose of refunding the $800,000 outstanding principal balance of the Refunded Bonds, including providing moneys which together with the interest earned from the investment of certain of the proceeds of the refunding bonds therein authorized, shall be sufficient to pay (a) the principal amount of the Refunded Bonds, (b) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date or dates on which the Refunded Bonds which are optionally redeemable are to be called for redemption prior to their respective maturities in accordance with the refunding financial plan, (c) the redemption premiums, if any, payable on the Refunded Bonds which are to be called for redemption prior to their respective maturities, (d) the costs and expenses incidental to the issuance of the refunding bonds therein authorized, including without limitation the development of the refunding financial plan, compensation to the underwriter as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, (as defined in Section 7 of the Resolution), and fees and charges of the Escrow Holder (as defined in Section 7 of the Resolution), financial advisory fees, printing fees and legal fees and (e) the premium or premiums for a policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds therein authorized, or any portion

thereof, there are authorized to be issued the Public Improvement Refunding (Serial) Bonds, 2010 of the Town in an aggregate principal amount not to exceed $918,500 pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being currently anticipated that the amount of Refunding Bonds actually to be issued will be approximately $835,000 as described in Section 6 of the Resolution. The Refunding Bonds shall be dated as of such date as shall thereinafter be determined by the Supervisor of the Town Board of the Town pursuant to Section 6 hereof, and shall be of the denomination of $5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity. The Refunding Bonds shall mature annually and shall bear interest payable semi-annually on such dates as shall be determined by the Supervisor of the Town Board of the Town pursuant to Section 6 of the Resolution, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Supervisor of the Town Board of the Town. Notwithstanding anything in the resolution to the contrary, the Refunding Bonds shall only be issued by the Town if the refunding of the Refunded Bonds will result in present value savings as determined in accordance with the methodology set forth in Section 90.10(b)(2) of the Local Finance Law.

SECTION 3. The Supervisor of the Town Board of the Town, as the chief fiscal officer, is delegated all powers of the Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 4. The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor of the Town Board of the Town, and a facsimile of its corporate seal shall be imprinted thereon and attested by the Town Clerk. The Refunding Bonds shall contain the recital required by Section 90.10(j)(4) of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals as the Supervisor of the Town Board of the Town shall determine.

SECTION 5. It was determined that:

(a) The maximum amount of the Refunding Bonds authorized to be issued pursuant to the resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;

(b) The maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is as shown upon Exhibit A attached to this summary of the Resolution.

(c) In accordance with Section 90.10(c)(1) of the Local Finance Law, the last installment of the Refunding Bonds will mature not later than the expiration of the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with the Refunded Bonds determined as of the

date of issuance of the Refunded Bonds, or from the date the first bond anticipation note was issued in anticipation thereof, whichever is earlier.

(d) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of Section 90.10(b)(2) of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 6 of the Resolution.

SECTION 6. The financial plan for the refunding authorized by the resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, and the estimated present value of the total debt service savings computed in accordance with the requirements of Section 90.10(b)(2)(a) of the Local Finance Law, is set forth in Exhibit B attached to and made a part of the resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of $835,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit B of the resolution. This Town Board recognizes that the amount of the Refunding Bonds, and the maturities, terms, and interest rate and rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached to the resolution as Exhibit B. The Supervisor of the Town Board of the Town is authorized and directed to determine the actual amount of the Refunding Bonds to be issued (not in excess of the maximum principal amount authorized by Section 2 of the Resolution), the date of such bonds and date of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, whether the Refunding Bonds shall provide for substantially level or declining debt service as authorized by Section 21.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds, and, pursuant to Sections 50.00 and 56.00 of the Local Finance Law, all powers in connection therewith were delegated to the Supervisor of the Town Board of the Town; provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Supervisor of the Town Board of the Town shall file with the Town Clerk not later than the date of issuance of the Refunding Bonds, as therein provided, (1) a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan and (2) the Certificate of the State Comptroller setting forth the present value of the total debt service savings, as required by Section 90.10(g) of the Local Finance Law.

SECTION 7. The Supervisor of the Town Board of the Town is authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in the State of New York (the "State") as the Supervisor of the Town Board of the Town shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, as the escrow holder to perform the services described in Section 90.10(i)(1) of the Local Finance Law.

SECTION 8. The faith and credit of said Town are irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds herein authorized as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 9.

(a) All of the proceeds from the sale of the Refunding Bonds, including the premium, if any (the "Proceeds of the Refunding Bonds"), shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. From the Proceeds of the Refunding Bonds, the portion thereof as is necessary to pay the outstanding principal amount of the Refunded Bonds, the aggregate amount of unmatured interest on the Refunded Bonds to and including the respective maturity dates or redemption dates thereof as set forth in the final Refunding Financial Plan prepared or caused to be prepared by the Supervisor of the Town Board of the Town in accordance with Section 6 of the Resolution, and the redemption premiums, if any, payable on the Refunded Bonds on such redemption dates, (such amount being hereinafter referred to as the "Escrow Deposit Amount") shall be deposited in the escrow deposit fund to be established pursuant to the Escrow Contract, and either held in cash or invested in direct obligations of the United States of America or in obligations, the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates such moneys will be required to make payments in accordance with the final Refunding Financial Plan. Amounts held on deposit in the Escrow Fund, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of, interest on, and redemption price of the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such monies held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the Escrow Fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims or any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

(b) After depositing the Escrow Deposit Amount into the Escrow Fund, in accordance with paragraph (a) above, the remaining balance, if any, of the Proceeds of the Refunding Bonds not so deposited shall, immediately upon receipt thereof, be placed in escrow with the Escrow Holder for the Refunded Bonds and deposited in the expense fund to be established under the Escrow Contract by the Escrow Holder to pay, to the Supervisor of the Town Board of the Town, as Chief Fiscal Officer, or as the Supervisor of the Town Board of the Town may direct and be applied to pay (i) accrued interest on

the Refunding Bonds from the dated date thereof to the date of issuance thereof, and (ii) costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds.

SECTION 10. The Supervisor of the Town Board of the Town, as chief fiscal officer, is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, if applicable, to designate the Refunding Bonds authorized by the resolution as "qualified tax-exempt bonds" in accordance with Section 265 of the Code.

SECTION 11. The Town Board determined that issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 12. In accordance with the provisions of Sections 53.00 and 90.10(h) of the Local Finance Law, the Town Board of the Town elects to call in and redeem on March 1, 2011 all the Refunded Bonds maturing after March 1, 2011. The sum to be paid therefor on each such redemption date shall be the par value of the Refunded Bonds being redeemed on such date plus the redemption premium, if any, and the accrued interest thereon to such redemption date. The Escrow Holder is authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the respective Refunded Bonds being redeemed or in the certificates or documentation of the Town pursuant to which they were issued. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Refunded Bonds that are subject to redemption at the option of the Town and the direction to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

SECTION 13. The Supervisor of the Town Board of the Town is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the Refunding Bonds authorized by the resolution, if required, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 14. Subject to compliance with the provisions of Section 90.10(f)(2) of the Local Finance Law, the Refunding Bonds shall be sold at a private sale. The Supervisor of the Town Board of the Town is authorized to negotiate the terms of such private sale with Roosevelt & Cross, Inc., an underwriter hereinafter selected by the Supervisor (the "Underwriter"), consistent with the Refunding Financial Plan approved in Section 6 hereof. Subject to the approval of the terms and conditions of such sale by the State Comptroller as required by Section 90.10(f)(2) of the Local Finance Law, the Supervisor of the Town Board of the Town is authorized to execute and deliver a bond purchase agreement for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of

the Refunding Bonds. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor of the Town Board of the Town in accordance with said bond purchase agreement upon the receipt by the Town of said purchase price, including accrued interest. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor of the Town Board of the Town to the purchaser of such Refunding Bonds, upon the receipt by the Town of the applicable purchase price, including any premium or accrued interest.

SECTION 15. The Supervisor of the Town Board of the Town and all other officers, employees and agents of the Town are authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by the resolution or any document or agreement approved.

SECTION 16. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor of the Town Board of the Town and all powers in connection therewith were delegated to the Supervisor of the Town Board of the Town.

The resolution summarized herein shall be available for public inspection during normal business hours at the offices of the Town Clerk located at 2300 Elmwood Avenue, Rochester, New York 14618.

## Exhibit A

Summary of Refunded Bonds

**Public Improvement (Serial) Bonds, 1999**

Dated Date: October 1, 1999
Original Principal Amount: $1,858,000
Outstanding Principal Amount: $800,000
Interest Payment Date: March 1st and September 1st

**Maturity Schedule**

| Date (March 1st) | Principal Amount |
|---|---|
| 2011 | $100,000 |
| 2012 | 100,000 |
| 2013 | 100,000 |
| 2014 | 100,000 |
| 2015 | 100,000 |
| 2016 | 100,000 |
| 2017 | 100,000 |
| 2018 | 100,000 |

| Objects or Purposes | Principal Amount of Bonds Issued | Original PPU |
|---|---|---|
| The reconstruction and resurfacing of Markay Court and Gailhaven Court, such private roads being located in said Town, including any land or rights in land and the acquisition of original furnishings, equipment and apparatus required in connection therewith for such reconstruction and resurfacing, so that the subject private roads may be accepted for dedication by the Town and used for the general purpose of the Town and all the residents of the Town | $18,000 | 10 years - (subdivision 20(b) of Local Finance Law Section 11.00(a)) |
| The construction of an addition to, and the reconstruction of portions of, Brighton Town Hall, 2300 Elmwood Avenue, for library facilities and the reconstruction of certain areas and portions of Brighton Town Hall including the acquisition of any land or rights in land and the acquisition of original furnishings, equipment and apparatus required in connection therewith for such construction and reconstruction, and Town use | $1,840,000 | 20 years - (subdivision 12 of Local Finance Law Section 11.00(a)) |

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

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

**RESOLVED**, that a memorandum dated October 12, 2010, from Mark Henderson, Chief of Police, together with an email dated October 7, 2010 from the Bureau of Justice Assistance, both concerning the 2010 Bullet Proof Vest Partnership, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby accepts the grant in the amount of $1,927.50 from the Bureau of Justice Assistance, under its fiscal year 2010 Bullet Proof Vest Partnership Program; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver any documents or agreements necessary in connection with the receipt of such grant.

Dated: October 13, 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 13th day of October, 2010.

**PRESENT:**

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

Councilpersons.

On motion of Councilperson _____,
seconded by Councilperson _____,
it is

**RESOLVED**, that correspondence, dated October 6, 2010 from Timothy E. Keef, P.E., Commissioner of Public Works, relating to the proposed Refuse Collection Noise Local Law, be received and filed; and be it further

**ORDERED**, that pursuant to Article 3 of the Municipal Home Rule Law of the State of New York, a public hearing on a proposed Local Law of 2010 entitled "Refuse Collection Noise Local Law", in the form presented to this meeting, be held by the Town Board of the Town of Brighton on the 10th day of November, 2010, at 7:30 o'clock P.M., prevailing time, at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town to consider the proposed Local Law and to hear all persons interested therein and to take such action as may be proper, and it is further

**ORDERED**, that Notice of the time and place of such hearing, describing the purpose of said Local Law be published pursuant to Law.

Dated: October 13, 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 | ____ |

EXHIBIT NO. 24

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated October 4, 2010, from Pat A. Inzer, Secretary, West Brighton Fire Department, Inc., concerning the appointment of new members of the West Brighton Fire Department, Inc., be received and filed; and be it further

**RESOLVED**, that the Town Board hereby confirms the appointments of Kathleen S. Banner, Jared Bogue, Michael W. Clark, Jeffrey H. Clark, Irvine B. Johnstone, Dillon D. Morris, Alexander J. Perry, as members of the West Brighton Fire Department.

Dated: October 13, 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 | ____ |

**WEST BRIGHTON FIRE DEPARTMENT, INC.**
**2695 West Henrietta Road, Rochester, New York 14623**
**(585) 424-1414**

October 4, 2010

Susan Kramarsky, Town Clerk
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

Subject: New Members

Dear Susan:

The West Brighton Fire Department, Inc. is please to announce that the following individuals were elected to Active Membership on October 4, 2010:

Ms. Kathleen S. Banner
727 Kimball Drive
Rochester, New York 14623

Mr. Jarrod T. Bogue
250 Exchange Blvd. Apt. 204
Rochester, New York 14608

Mr. Michael W. Clark
2350 West Henrietta Road
Rochester, New York 14623

Mr. Jeffrey H. Clark
Tribune Hall – Box 310
1000 East Henrietta Road
Rochester, New York 14623

Mr. Irvine B. Johnstone
213 Colony Manor Drive
Rochester, New York 14623

Mr. Dylan D. Morris
148 Barrington Street – No. 3
Rochester, New York 14607

Mr. Alexander J. Perry
338 Crittenden Way
Rochester, New York 14623

The Board of Directors request that the above individuals be confirmed by the Brighton Town Board at their next meeting.

Thanking you in advance for your consideration on this matter.

Pat A. Inzer, Secretary
West Brighton Fire Department, Inc.

EXHIBIT 25

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of October, 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED,** that a memorandum dated October 3, 2010, from Susan Kramarsky, Town Clerk, 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 of Dan Aman, as Deputy Receiver of Taxes, at Group 2/Step 2, $30,321.20 per year, effective November 8, 2010, on a probationary basis, with a 52-week probationary period.

Dated: October 13, 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 | ____ |