

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  
March 9, 2011

PRESENT:

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

William Moehle, Attorney for the Town

Susan Kramarsky, Town Clerk

**MEETING CALLED TO ORDER at 6:00 PM:**

**EXECUTIVE SESSION:**

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to go into executive session at 6:05 PM to discuss employment of particular persons and labor negotiations- Councilmember Sheila Gaddis excused for certiorari matter.

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney to come out of executive session at 7:05PM

**RECOGNITIONS/PRESENTATIONS:**

March - Women's History Month Proclamation - Jennifer Martlew from the Susan B. Anthony House International Women's Day March 8th - 100<sup>th</sup> Anniversary - Marilyn Tedeschi from AAUW  
Aliens Creek Valley Land Use Plan - Jean Baric, President, ACCGPG  
- Tom Robinson, Environmental Data Resources, Inc. (EDR)  
2010 Brighton Police Annual Report - Chief Mark Henderson

**OPEN FORUM:**

Ken Glazer - Buckingham Properties Re: Winfield Park  
Brijen Gupta  
Mordechai Rennert  
Richard Aikens  
Brijen Gupta  
Andrew Kappy  
Paul Holohan

**APPROVAL OF AGENDA:**

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney to approve the agenda with the addition of executive session to discuss the employment of particular persons and two items of New Business

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

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis to approve and file minutes for Town Board Meeting February 8, 2011 and Town Board Meeting February 23, 2011

**MATTER RE:** Authorize solicitation of request for proposals for professional arboricultural services for 2011 (see Resolution #5 and letter dated February 28, 2011 from Timothy Keef, P.E. 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. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize solicitation for requests for qualifications and services proposals to provide independent assessment of farm structures situated on and within Town land contiguous to Buckland Park (see Resolution #7 and letter dated March 2, 2011 from Timothy Kesf, P.E. Commissioner of Public Works).

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No.2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Justice Court, Town of Brighton dated February 17, 2011 to Supervisor Re: 2010 Annual Report of **Activity** for the Brighton Town **Court** (Report **available** for viewing in the Town Clerk's Office).

**FROM** Town of Brighton Sustainability Oversight Committee dated February 14, 2011 to Supervisor Re: recommendation to pursue and implement various initiatives in 2011.

**FROM** Nicholas A. Noce, Executive Director **Monroe** County Water Authority dated February 18, 2011 to Supervisor informing her that the 2011 Cleaning & Cement Mortar Lining project **will** begin in April **with** a projected **completion** date of November 2011. (Residents near the project will be notified by letter by the MCWA).

**FROM** Brighton Police Department received 2/28/2011 to Supervisor Re: 2010 Annual Report of **Activity** (Report available for viewing in the Town Clerk's Office).

**FROM** Brighton Fire **District** dated 2/28/2011 to Susan Kramarsky, Town Clerk Re: 2010 Annual Report (Report available for viewing in the Town Clerk's Office).

**FROM** Chris Mueller, Director, Government Relations, Time Warner Cable, dated March 1, 2011 to Supervisor Re: listing of Time Warner Cable Channels **with** soon to be expired contracts, which may or may not be renewed.

**FROM** Anne M. Kress, President Monroe Community College dated February 28, 2011 Re: MCC's **continued** support of the Monroe County Department of Health Point of Dispensing Plan and MCC's designation as Dispensing Location #13B for Town of Brighton Residents.

**FROM** Nancy Uffindell, Social Coordinator, Legacy at Clover Blossom to Supervisor, dated March 1, 2011 complimenting the Brighton Symphony Orchestra's performance at the Legacy.

**FROM** Congressman Tom Reed dated March 3, 2011 to Supervisor **Re:** HR4 Legislation (the Small **Business** Paperwork Mandate Elimination Act of 2011).

FROM Congressman Thomas Reed to Supervisor Re: Monroe Community Sports Centre and IRS matter.

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 March 17, 2011

Finance and Administrative Services - Next meeting **March** 16, 2011

Public Safety Services **Next** meeting - April 12, 2011

Public **Works** Services Councilmember James Vogel reported on **meeting** of March 7, 2011. Next meeting April 4, 2011

OLD BUSINESS:

MANER RE: Approve transfer in the amount of \$2,222.96 from **unreserved** general fund to Trust Fund for Community **Recycling** (see resolution **#8** and memorandum dated March 2, 2011 from Suzanne Zaso, Acting Director of Finance).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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.4 attached.

**MATTER** RE: Authorize amendment to personnel policy uCompensation for Police Captains to **designate** status of the position as Managerial/Confidential (see Resolution #14 and Summary of standards **for** Managerial/Confidential Designation under the Taylor Law).

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

MANER RE: Approval to accept grant donation and conditions of same from the David J. Kauffman Post #41 Jewish War Veterans of the USA Memorial Foundation, a supporting foundation of the Jewish Federation of Greater Rochester, for the Town of Brighton Veterans Memorial in the amount of \$25,000 (~~see~~ Resolution #2 letter Memorandum dated March 3, 2011 from Suzanne Zaso, Acting Director of Finance, copy of check and grant donation letter from the Foundation dated February 7, 2011).

**Motion** by Councilmember James Vogel seconded by Councilmember Sheila Gaddis

that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No.6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER** RE: Approve West Brighton Fire Protection District Service Award Program service points (~~see~~ Resolution #11. memorandum dated March 2. 2011 from Suzanne Iase. Acting Director of Finance and attachment).

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. 7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER** RE: Receive and file amended Winfield Park Incentive Zoning Application and authorize referral of same to the Public Works and Public Safety Committees for their submission of advisory report to the Town Board (see Resolution #12 and amended application).

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, 8 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER** RE: Authorize bid award to Emerald Services of WNY, Inc. in an amount not to exceed \$224,800 , with authorization for Supervisor to execute all contract related documents for the 2011 Sidewalk Replacement program (see Resolution #3 , letter dated February 28, 2011 from Timothy Keef, P.E. Commissioner of Public Works, bid summary sheet and Brighton-Pittsford Post bid notification).

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.9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER** RE: Authorize bid award to Tree Doctor of Clarence. New York Inc. in an amount not to exceed \$27,008.00 , with authorization for Supervisor to execute all contract related documents for Emerald Ash Borer mitigation and treatment services for 2011 (see Resolution #4 and letter dated February 28.2011 from Timothy Keef, P.E. 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. 10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER** RE: Authorize award of contract to Bergmann Associates in an amount not to exceed \$10,000 to provide Phase 1 - Preliminary Design and Field Work for the Veterans Memorial project (see Resolution #9 and letter dated February 28, 2011 from Michael Guyon, P.E. Department 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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file letter dated February 10,2011 from ~~the~~ Empire State Construction Fund Re: Proposed project - Empire State College Regional Center, **with** authorization to approve designation of SUCF as lead agency for same (see Resolution #10, SUCF letter and letter dated March 2, 2011 from Timothy Keef, P.E. Commissioner of Public Works).

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that ~~the~~ Town Board **receive** and file the aforementioned letters as set forth in Exhibit 12 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: **Authorize** Supervisor to execute 2011 mowing and landscape **service** contracts with Woodgate Landscaping Co. and **Rochester** Plow Inc. as alternate (see Resolution #1, letter dated March 3,2011 from Jerry LaVigne, Director of **Parks** and Recreation and bid summary sheet).

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis that the Town Board adopt ~~the~~ resolution as prepared by the Attorney for ~~the~~ Town as set forth in **Exhibit** No. 13 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize **Supervisor** to execute renewal agreement with Deckman 011 Co. to provide lubricants for Town vehicles and equipment effective Immediately through **March** 1, 2012 (see Resolution #8 and letter dated February 28,2011 from Timothy Keef, P.E. 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 acceptance of a \$45,000 Community Development Block Grant to install 4,000 square **feet** of concrete sidewalk along south side of Westfall Road and east of the Buckland Farmhouse at Buckland Park (see Resolution #13 and letter dated **March** 1,2011 from Michael Guyon, Town Engineer).

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: **Tax** certiorari settlement

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. 16 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Wage Increase.

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: **Expense** and Revenue Reports for February 2011

MATTER RE: Memorandum dated March 9, 2011 from Sandra Frankel to Brighton Town Board Members re: Town Board Committee Assignments for 2011

Motion by Councilmember Sheila Gaddis seconded by James Vogel to receive and file aforementioned reports as it appears in **Exhibit 18**.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

EXECUTIVE SESSION:

**Motion** by Councilmember James Vogel seconded by Councilmember Ray Tierney to go into executive session to discuss the employment of particular persons 10:15 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel to come out of executive session at 11:00 PM

MEETING ADJOURNED at 11:05 PM

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney to adjourn at 11:05 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 9<sup>th</sup> of March 2011 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

At a Town Board Meeting of the Town of Brighton, Monroe county, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 9<sup>th</sup> day of March, 2011.

**PRESENT:**

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

**RESOLVED**, that correspondence dated February 28, 2011 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning a request for proposals for consulting services from an independent arborist during 2011, be received and filed; and be **it** further

**RESOLVED**, that the Commissioner of Public Works is hereby authorized to solicit requests for proposals to retain an independent arborist to perform independent tree evaluations and reports on Town trees.

Dated: March 9, 2011

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 9<sup>th</sup> day of March, 2011.

**PRESENT:**

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

**RESOLVED**, that correspondence dated March 2, 2011 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning a request for proposals for evaluation of farm structures on Town-owned land adjacent to Buckland Park, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Commissioner of Public Works to solicit requests for qualifications and to perform an independent evaluation of farm structures situated on Town-owned land adjacent to Buckland Park.

Dated: March 9, 2011

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 9<sup>th</sup> day of March, 2011.

**PRESENT:**

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

**RESOLVED**, that a memorandum dated March 2, 2011 from Suzanne Zaso, Acting Director of Finance, and Louise Novros, Town Board member, concerning a budget transfer to a trust fund for community recycling and beautification, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the transfer of the prior years' Clean Sweep program surplus, in the amount of \$2,222.96, from unreserved fund balance to a newly established trust fund for the support of community recycling and beautification projects to be established and identified by the Acting Director of Finance.

Dated: March 9, 2011

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



SUZANNE ZASO, ACTING DIRECTOR OF FINANCE  
2300 ELMWOOD AVENUE  
ROCHESTER, NEW YORK 14618  
Phone (585) 784-5210 Fax (585) 784-5306

## MEMORANDUM

To: The Honorable Town Board  
Attn.: Finance and Administrative Services Committee  
From: Suzanne zaso, Acting Director of Finance - 6.  
Louise Novros, Councilmember (Event Coordinator)  
Date: March 2, 2011  
Subject: Transfer to Trust Fund for Community Recycling and Beautification

For the past three years Councilmember Louise Novros has coordinated an annual clean sweep event in the Brighton community Involving cleaning the streets, trails, and waterways within the Town. To date this program has been supported by many volunteers, Including sponsorships from local businesses and organizations which have resulted In a surplus of \$2,222.96 since the program's inception.

As Councilmember Novros plans to not only continue the **Clean** Sweep program but also expand upon the community recycling and beautification programs within the Town, It Is recommended that a trust fund be **set-up** for these and future sponsor donations to be utilized to **offset** current and future program costs relating to Community **Recycling** and Beautification.

The **formal** action requested of the Town Board is to authorize a transfer of the Clean Sweep program surplus from prior years of \$2,222.96 from the **unreserved** general fund balance to a newly established trust fund for the support of community recycling and **beautification** projects.

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

Copy to: S, Frankel, B. Moehle

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

March 9, 2011

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

A - GENERAL	\$	<u>144,575.71</u>
CS- RISK RETENTION		<u>0.00</u>
CT - TL200 ROAD IMPROV		<u>0.00</u>
D - HIGHWAY		<u>42,164.34</u>
H - CAPITAL		<u>158.97</u>
L - LIBRARY		<u>42,068.33</u>
SA - AMBULANCE OIS1		<u>0.00</u>
58 - BUSINESS IMPROVM		<u>0.00</u>
SO - DRAINAGE DIST		<u>0.00</u>
SF - AREOIST		<u>0.00</u>
SK - SIDEWALK OIST		<u>0.00</u>
SL - LIGHTING 015T		<u>0.00</u>
SM - SNOW REMOVAL CST		<u>0.00</u>
SN-NEIGHBORHOOD OIST.		<u>0.00</u>
SP-pARKS DISTRICT		<u>0.00</u>
SR-REFUSE DISTRICT		<u>63,244.21</u>
55 - SEWER OIST		<u>40,391.22</u>
SW - WATER 015T		<u>0.00</u>
TA - AGENCY TRUST		<u>8,404.84</u>
TE - EXPENDABLE TRUST		<u>0.00</u>
V - DEBT SERVICE		<u>0.00</u>
TOTAL	\$	<u>342,008.82</u>

UPON ROII CALL **MOTION CARRIED** \_\_\_\_\_

APPROVED BY: \_\_\_\_\_  
SUPERVISOR

\_\_\_\_\_  
 COUNCIL MEMBER

\_\_\_\_\_  
 COUNCIL MEMBER

TO THE SUPERVISOR:

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

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 TOWN CLERK

At a Town Board Meeting of the Town of Brighton, Monroe county, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 9<sup>th</sup> day of March, 2011.

**PRESENT:**

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

**RESOLVED**, that a proposed Amendment to the Town's Personnel Policy entitled "Compensation for Police Captains", be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the Amendment to the Town's Personnel Policy entitled "Compensation for Police Captains," *in* the form presented to this meeting.

Dated: March 9, 2011

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

Summary of Standards for **Managerial/Confidential** Designation under the Taylor Law.

Under the New York State Taylor Law (Civil Service Law Article 14) an employee is not eligible for inclusion in a public sector **bargaining** unit if the employee's duties satisfy the **definition** of a managerial or confidential employee. Civil Service Law §201(7) **states** an employee may be **designated** as manager only if they **"are** persons (i) who formulate policy or (n) who may reasonably be required on **behalf** of the public employer to **assist** directly **in** the **preparation** for and conduct of collective **negotiations** or to have a major role in the **administration** of agreements or in personnel **administration** provided that such role is not of a routine or **clerical** in **nature** and requires the exercise of independent judgment." The **same** section of law **indicates** employees may be designated **as confidential** only if they are **persons** who **assist** and act in a confidential **capacity** to **managerial** employees.

The Public Employment Relations Board is the agency which **interprets** and renders decisions with respect to **interpretations** of the Taylor Law. Through its **decisions**, PERB and its Administrative Law Judges have **established** four criteria by which an employee can be **designated as a managerial** employee based on the statutory language set forth above. The **following** analysis of these **criteria** are **taken** from **Administrative** Law Judge decisions involving the County of **Nassau** (**Matter of County of Nassau**, 2001 NYPER(LRP) LEXIS 31) and **Town of Rawa PQ** (36PERB 4006 [2003]). In **summary** they provide the following.

The first criterion for a managerial designation is "Policy formulation." An employee formulates policy within the meaning of the Act if the employee: "either individually selects from among options ... **which** are to be the objectives of a public employer **in fulfilling** its mission, **and** the **methods** and extent of meeting those objectives. or ... regularly participates in the essential process resulting in **such** decisions." Only those **employees** who have a "direct **and** powerful influence on policy **formulation**" at the **highest** level will be **determined managerial** under the "formulation of **policy**" criteria. An employee who individually selects from among options .... the objectives of a public employer in fulfilling its **mission**, and the methods **and** extent of meeting those objectives. or who regularly **participates** in the **essential** process resulting in **such** decisions, **formulates** policy within the **meaning** of the **Act**. A person who **participates** in that process in a clerical or advisory role or **as** a resource person does not **satisfy that** criterion.

"To satisfy the second **criterion, participation** in collective **negotiations**, an **employee** must be a **direct participant** in the **preparation of the employer's proposals and** positions in collective **negotiations** and **an active** participant in the **negotiating process** itself .." Acting **as an** observer or resource **person** either **at the** table or in **caucuses** is **insufficient**.

"To **satisfy** the third criterion **an** employee must have a major role in the administration of agreements, beyond that of a routine or clerical nature. He **must** have the authority to exercise independent judgment in **effecting** changes in the employer's procedures or methods of operation as necessitated by the implementation of agreements: participation in the first level of the contract **grievance** procedures does not meet this criterion."

"The fourth **crit**erion, **exercising** a major role in personnel administration, requires **that** an employee exercise independent judgment **and** fundamental control over the direction and scope of the employer's mission. A **first** step grievance role or the authority to **hire** or recommend the retention of employees could **indicate** supervision but would not satisfy this criterion."

**As a result**, even those employees occupying what may **fairly** be **termed** a high-level **supervisory** role, do not necessarily fall within the **managerial** definition.

To be designated confidential, an employee must act in **a** confidential capacity to another employee who satisfies any of the latter three managerial criteria or be privy to **labor** relations information not intended for the eyes and **ears** of unit members or their representatives.

EXHIBIT6

At a Town Board Meeting of the Town of Brighton, Monroe county, New York, held at the Brighton Town Hall, 2300 E wood Avenue, in said Town of Brighton on the 9<sup>th</sup> day of March, 2011.

**PRESENT:**

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

**RESOLVED**, that a memorandum dated March 3, 2011 from Suzanne Zaso, Acting Director of Finance, concerning the acceptance of a grant from David J. Kaufman Post #41 of the Jewish War Veterans for the Brighton Veterans Memorial Project, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby gratefully accepts the donation of \$25,000 from the David J. Kaufman Post #41 of the Jewish War Veterans of the USA Memorial Foundation for the Brighton Veterans Memorial Project; and be it further

**RESOLVED**, that the Town Board hereby accepts the recommendation of the Acting Director of Finance, and directs that a balance of at least \$25,000 remain at all times in the trust fund designated by the Town for donations towards such project, until the Commissioner of Public Works and/or Director of Finance of the Town determines in writing that the cost of completion of the Project is \$25,000 or less.

Dated: March 9, 2011

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



TOWN OF BRIGHTON  
SUZANNE ZASO, ACTING DIRECTOR OF FINANCE  
2300 ELMWOOD AVENUE  
ROCHESTER, NEW YORK 14618  
(585) 784-5210 Fax (585) 784-5396

## MEMORANDUM

To: The Honorable Town Board  
Attn: Finance and Administrative Services Committee  
From: Suzanne Zaso, Acting Director of Finance   
Date: March 3, 2011  
Subject: Accept Grant from David J. Kauffman Post #41 Jewish War Veterans for Veterans Memorial Project

I recommend that Your Honorable Body accept a grant in the amount of \$25,000 from the David J. Kauffman Post #41 Jewish War Veterans of the USA Memorial Foundation to help fund the Town of Brighton's Veterans Memorial Project. This grant is contingent on the project being completed. If the project does not come to completion, the full amount of \$25,000 would be returned to the foundation. With this I am recommending that the Town, acting as trustee of the project funds, assure that at all times a balance of \$25,000 remains in the trust fund designated by the Town for such project donations and expenses until the completion of the project or the return of such funds if necessary.

I would be happy to respond to any questions members of the Town Board may have.

Copies to: S. Frankel and W. Moehle

At a Town Board Meeting of the Town of Brighton, Monroe county, New York, held at the Brighton Town Hall, 2300 E wood Avenue, in said Town of Brighton on the 9<sup>th</sup> day of March, 2011.

**PRESENT :**

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

**RESOLVED,** that a memorandum dated March 2, 2011 from Suzanne Zaso, Acting Director of Finance, concerning the approval of service award points for 2010 for the West Brighton Fire Protection District Service Award Program, be received and filed, together with an attachment thereto; and be it further

**RESOLVED,** that the Town Board hereby approves of the listing of Service Award Program Points during calendar year 2010 by participating firefighters of the West Brighton Fire Department, Inc. as attached to the above-referenced memorandum.

Dated: March 9, 2011

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 9<sup>th</sup> day of March, 2011.

**PRESENT:**

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

**RESOLVED**, that correspondence dated February 23, 2011 from Robert J. Cantwell at EME Associates concerning an Amended Incentive Zoning Application for Winfield Park, be received and filed, together with the Amended Incentive Zoning Application attached thereto; and be it further

**RESOLVED**, that the Town Board is hereby authorized to refer the Amended Application to the Public Works and Public Safety Committees for the preparation of an advisory report to the Town Board.

Dated: March 9, 2011

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 9<sup>th</sup> day of March, 2011.

**PRESENT:**

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

**RESOLVED**, that correspondence dated February 28, 2011 from Timothy E. Reef, P.E., **Commissioner** of Public Works, concerning the award of the bid for the 2011 sidewalk replacement program in the Sidewalk District, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Town Board hereby awards the bid for the 2011 sidewalk replacement program in the Brighton Sidewalk District to **Emerald Services of WNY, Inc.** for the unit prices bid and for a total cost not to exceed \$224,800 during 2011; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver change orders to the above-referenced contract, not increasing the contract sum by more than \$22,480 in the aggregate, without further Town Board action.

Dated: March 9, 2011

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 9<sup>th</sup> day of March, 2011.

**PRESENT:**

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

**RESOLVED**, that correspondence dated February 28, 2011 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning a contract for Emerald Ash Borer mitigation, 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 Tree Doctor, Clarence, New York, for Emerald Ash Borer mitigation for ash trees in Town Highway rights of way, at a unit price of \$4.75 per diameter inch per tree, not to exceed \$27,008.00 in the aggregate during 2011, which agreement shall be in form and substance as may be approved by the Attorney to the Town; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver change orders to such contract, which do not increase the contract price by more than \$2,700.80 in the aggregate, without further Town Board approval.

Dated: March 9, 2011

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 9<sup>th</sup> day of March, 2011.

**PRESENT :**

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

**WHEREAS**, the Town previously solicited a Request for Qualifications for professional design and construction administrative services for the proposed Brighton Veterans' Memorial project, and based on the responses, the Veteran's Memorial committee recommended that Bergmann Associates be retained to provide such services, given their extensive portfolio and project knowledge; **it is therefore**

**RESOLVED**, that correspondence dated February 14, 2011 from Michael E. Guyon, P.E., Town Engineer, concerning a request for qualifications for professional design and construction administration services for the Brighton Veteran's Memorial project, be received and filed; and **be it further**

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Bergman Associates to provide design and construction services for the Brighton Veteran's Memorial, consisting of Phase 1 of the overall project as more fully described in the aforementioned correspondence, at a cost not to exceed \$10,000, which agreement shall be in form and substance as may be approved by the Attorney to the Town.

Dated: March 9, 2011

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



# Town of Brighton

MONROE COUNTY, NEW YORK  
**DEPARTMENT OF PUBLIC WORKS**  
 2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618  
 PHONE: (585) 784-5260 FAX: (585) 784-5368

March 2, 2011

Supervisor **Sandra** Frankel and  
 the Honorable Town Board  
 Brighton Town Hall  
 2300 Elmwood Avenue  
 Rochester, New York 14618

re: Proposed Empire State College Regional Center  
**Coordinated** SEQR Request for Lead Agency

Dear **Supervisor Frankel** and Town Council Members:

The State University **Construction** Fund (SDCF) is proposing the above facility **as** described in the **attached** correspondence. **Pursuant** to the request made in said documents it is recommended **that** your Honorable Body:

- 1) receive and file this *letter* dated **February** 10, 2011 from Margaret C. McSorley of **the** SUCF;
- 2) **consent** of the SUCF to declare itself to be the lead agency in the environmental review of this matter with the intention for a coordinated review to be **undertaken, and;**
- 3) **authorize** the **Commissioner** of Public **Works** to prepare and submit comments to the SUCF regarding **this** matter.

**As** always, your consideration of matters such as **this** is **greatly appreciated**.

Very **truly yours**,

Timothy E. Keef, P.E.  
**Commissioner** of Public Works

TEK/wp

attachments

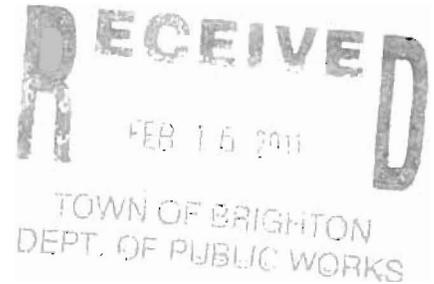
cc: R, Boehner  
 M. Guyon  
 M.Hussar  
 W. Moehle



## STATE UNIVERSITY CONSTRUCTION FUND

State University Plaza. 353 Broadway  
Albany, New York 12246  
www.sucf.suny.edu

February 10, 2011



Mr. Tim Kaef, Commissioner of Public Works  
Town of Brighton Planning Department  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, NY 14618

Subject: SUCF Project No. 40028  
Empire State College Regional Center, Rochester  
State University of New York Empire State College

Dear Mr. Keef:

The State University Construction Fund proposes to construct the subject project. Details of the proposed action are contained in the enclosed Short Environmental Assessment Form for Unlisted Actlons. This project was originally reviewed in 2009 for a different location. Negotiations for that property's lease agreement fell through and the current new location has been chosen.

Under provisions of the New York State Environmental Quality Review Act (SEQRA), State University Construction Fund desires to conduct a coordinated SEQR review among involved agencies with the Construction Fund being the lead agency.

Within thirty (30) days of the date of this letter, we request your concurrence and/or comments as follows:

- (1) Agreement for State University Construction Fund to be designated as lead agency.
- (2) Any SEaR concerns which may result from this proposed **project**.

Attached please find a distribution list of involved agencies and interested parties. If you have any questions regarding this project, please contact me.

Very truly yours,

Margaret C. McSorley

Enclosures



**TOWN OF BRIGHTON**  
MONROE COUNTY, NEW YORK

March 9, 2011

Margaret C. McSorley (Via e-mail)  
State University **Construction** Fund  
State University Plaza  
353 Broadway  
Albany, New York 12246

RE: SUCF Project No. 40028  
Empire State College Regional Center, **Rochester**  
State University of New York Empire State College  
S. Clinton Avenue, Town of Brighton, Monroe County

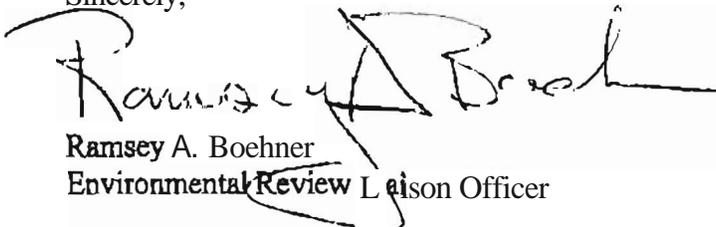
Dear Ms. McSorley:

Thank you for your letter to Tim Keef, dated February 10, 2011 regarding lead **agency** designation for the above referenced project. *It* is requested that the time frame to respond to your letter be extended to March 25, 2011,

It would be greatly **appreciated**, if you could email me ([ramsey.boehner@townofbright.org](mailto:ramsey.boehner@townofbright.org)) your agreement **with** this request.

If you have any questions regarding this matter, please feel free to call me **at** 585-784-5229.

Sincerely,



Ramsey A. Boehner  
Environmental Review Liaison Officer

cc Tim Keef, Commissioner of Public Works  
Brighton Town Board





## STATE UNIVERSITY CONSTRUCTION FUND

State University Plaza, 353 Broadway  
Albany, NY 12246

March 9, 2011

Re: SUCF Project 40028  
Empire ~~State~~ College Regional  
Center, Rochester  
S. Clinton Avenue, Town of  
Brighton

Mr, Ramsey A. Boehner  
Environmental Review ~~Lialson~~ Officer  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, NY 14618

Dear Mr. Boehner:

The State University ~~Construction~~ Fund hereby agrees to  
March 25, 2011 as the deadline for the Town of Brighton to  
respond to our request for lead agency designation on the  
referenced ~~project~~.

Sincerely,



Margaret C. McSorley

C: C. Marcella

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 9<sup>th</sup> day of March, 2011.

**PRESENT:**

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

**RESOLVED**, that correspondence dated March 3, 2011 from Jerry LaVigne, Director of Parks and Recreation, concerning mowing and landscape agreements for 2011, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby awards bids for mowing and landscaping services, and the Supervisor is hereby authorized to execute and deliver agreements by and between the Town and Woodgate Landscaping and by and between the Town and Rochester Plow, respectively, for mowing and landscaping services, which agreements shall be consistent with the **terms** set forth in the above correspondence and in form and substance as may be approved by the Attorney for the Town.

Dated: March 9, 2011

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  
9<sup>th</sup> day of March, 2011.

**PRESENT:**

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

**RESOLVED**, that correspondence dated February 28, 2011 from Timothy E. Keef, P.E., **Commissioner** of Public **Works**, concerning the renewal of a contract for the provision of lubricants for Town vehicles and equipment with Deckman Oil, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Town Board hereby approves the renewal of the existing agreement by and between the Town and Deckman Oil for the provision of lubricants for Town vehicles and equipment for a period of one year through March 1, 2012, at the rates set forth in the attachment to the above-referenced correspondence.

Dated: March 9, 2011

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 9<sup>th</sup> day of March, 2011.

**PRESENT:**

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

**RESOLVED**, that correspondence dated March 1, 2011 from Michael E. Guyon, P.E., Town Engineer, concerning a the **Westfall** Road sidewalk project Community Development Block Grant, be received and filed; and be **it** further

**RESOLVED**, that the Town Board hereby accepts a \$45,000.00 Community Development Block Grant for the installation of 4000 square feet of sidewalks along the south side of **Westfall** Road across the frontage of 1435 Westfall Road; and be **it** further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Monroe County in connection with such grant funding, which agreement shall be in form and substance as **may** be approved by the Attorney to the Town.

Dated: March 9, 2011

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 9<sup>th</sup> day of March, 2011.

**PRESENT:**

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

RESOLVED, that Thomas A. Fink, Esq., acting as the Town's attorney in real property tax certiorari litigation entitled eGS Growth, LtC v. Elaine Ainsworth, Assessor for the Town of Brighton and Town of Brighton, involving the property known as the Legacy at Clover Blossom, is hereby authorized to execute and deliver a Settlement Agreement, settling such litigation under which the assessed valuation for tax map 122.16-1-2.11 will be reduced for the taxable status date for the tax year 2007, and refunds of Town, County and school taxes shall be made for such year, which Settlement Agreement shall be in form and substance as approved by the Town's attorney in such matter, Thomas A. Fink, Esq.

Dated: March 9, 2011

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  
9<sup>th</sup> day of March, 2011.

PRESENT:

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

**RESOLVED**, that the Town Board hereby authorizes a wage increase of two percent (2%) for all full-time and part-time permanent unrepresented employees, effective retroactively as of January I, 2011.

Dated: March 9, 2011

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

## MEMORANDUM

FROM: Sandra L Frankel, Supervisor  
 TO: Brighton Town Board  
 DATE: March 9, 2011  
 RE: Town Board Committee Assignments

Effective immediately, the composition of Brighton Town Board Committees **follows:**

	Public Works (rwC)	Public safety (PSC)	Finance and <del>Administrative</del> Services (FASt)	Community Service (CSC)
<b>Chairperson</b>	Jim Vogel	Ray <b>Tierney</b>	Sheila Gaddis	louise Novros
Member	Louise Novros	Jim Vogel	Ray <b>Tierney</b>	Sheila Gaddis
Alternate	Sheila Gaddis	louise Novros	Jim Vogel	Ray Tiemey

- Town Board Committees are established and appointed by the Town Supervisor.
- The New York State Open Meetings law applies to Town Board Committee meetings
- Town Board Committees are advisory to the Town Board. Voting members of each committee are the Chairperson and Member.
- If one of the two Committee members cannot attend a meeting of the Committee, then the Alternate **shall** attend and may vote at that particular meeting.
- If both members of a Committee are unable to attend a meeting of the Committee, then the meeting shall be rescheduled.
- Staff liaisons to the Town Board Committees:
  - PWC Tim Keef, Commissioner of Public Works or his designee
  - PSC Christopher Roth, Fire Marshall or his designee
  - FASC Suzanne Iaso, Acting Finance Director or her designee
  - ESC Jerry laVigne, Parks and Recreation **Director** or his designee
- Each Town Board Committee **will** set **its** meeting schedule, and the staff liaison will ensure that public notice is provided. If meetings are rescheduled, **the** staff liaison will ensure that public notice of the change is provided.
- All Town Board members will receive a copy of all committee agendas at the time the agenda is distributed to the committee members.

