

MINUTES OF TOWN BOARD MEETING
OF THE TOWN OF BRIGHTON, COUNTY OF
MONROE, NEW YORK HELD AT THE
BRIGHTON TOWN HALL, 2300 ELMWOOD
AVENUE, ROCHESTER, NEW YORK
May 11, 2011

PRESENT:

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

William Moehle, Attorney for the Town

Susan Kramarsky, Town Clerk

MEETING CALLED TO ORDER: 7:10PM

RECOGNITIONS/PRESENTATIONS:

- Better Hearing and Speech Month – Proclamation Presentation – Nancy Huffman & Thomas Gibbons, Rochester Hearing & Speech Center accepting.
- Emergency Medical Services Week May 15-21, 2011
Proclamation Presentation - Michael E. Pollock, Public Information Officer, Brighton Volunteer Ambulance accepting

APPROVAL OF AGENDA:

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

April 27, 2011 Town Board Meeting

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to approve and file the aforementioned minutes

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Amendment to the May 9, 1997 Incentive Zoning Resolution for Cambridge Place Office Park to permit parking areas at 1890 Winton Road South (see Resolution #7 and Planning Board Recommendation letter dated April 21, 2011).

(complete transcript under separate cover)

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 as well as to receive and file Brijen Gupta comments concerning consideration of LEED standards and energy efficient lighting options when planning board reviews construction plan.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Expenditure in the amount of \$13,200 for the HVAC improvements within IT Room/Maintenance Office (see Resolution #6 and letter dated April 26, 2011 from Michael E. Guyon, P.E. Town Engineer).

(complete transcript under separate cover)

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. 2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

BIDS:

MATTER RE: Authorize approval for solicitation of proposals to provide consulting services for the Corwin Road Bridge Rehabilitation project (see Resolution #1 and letter dated April 29, 2011 from Timothy Keef, P.E. commissioner of Public Works).

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. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Brighton Memorial Library Board Members and Friends of the Brighton Memorial Library and Associate Board members dated May 2, 2011 to Supervisor and Town Board re: their position on the proposed move of the Friends of Brighton Memorial Library storage room.

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

FROM Anh Trieu, Leasing Coordinator, Clearwire US LLC., dated April 26, 2011 to Supervisor Re: Merger of Clear Wireless LLC and Clearwire US LLC.

FROM Rochester Gas & Electric dated May 9, 2011 to Supervisor Re: RG&E Refrigerator and Freezer Recycling Program.

FROM NY State Dept. of Transportation to Town of Brighton Re: designation of Restricted Highway for interchange I590 at Winton Road during reconstruction through November 20, 2012. Restricted Highway as defined by NY State Highway law: "The regulation of all movement of vehicles, persons or animals during reconstruction of State highways by means of any or all of the following; establishing maximum and lower minimum speed limits, weights and dimensions of vehicles, parking, standing and backing up of vehicles, etc."

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services--Councilmember Louise Novros report on Clean Sweep. Next meeting May 19, 2011

Finance and Administrative Services--May 3, 2011; Next meeting May 18, 2011

Public Safety Services--Next meeting May 17, 2011

Public Works Services—May 2, 2011; Next meeting June 6, 2011

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval to hire Mr. Mark Acton as Maintenance Auto Mechanic, with a 52-week probationary period effective May 16, 2011, pending subsequent Civil Service approval (see Resolution #2 and letter dated April 29, 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. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval for change order in an amount not to exceed \$1,530 to current agreement with Environmental Design and Research P.C. for Lynchwoods Master Planning project (see Resolution #3 and letter dated April 28, 2011 from Jerry LaVigne, Director of Parks and Recreation).

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. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval to extend current temporary reorganization of Finance staff, with out-of-title assignments, until the newly appointed Budget Officer begins in this position (see Resolution #4 and Memorandum dated May 2, 2011 from Suzanne Zaso, Director of Finance).

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file proposed Point of Distribution Plan for the Town of Brighton and authorize approval for Supervisor to endorse same (see Resolution #8 and letter dated May 6, 2011 from Timothy Keef, P.E. Commissioner of Public Works). Motion by Councilmember Ray Tierney seconded by Councilmember Louise Novros, withdrawn

MATTER sent to Public Safety Committee
MATTER HELD

MATTERS OF THE SUPERVISOR:

MATTER RE: Receive and file Memorandum dated April 27, 2011 from Sandra Frankel Re: Appointment of Suzanne Zaso as Director of Finance effective April 27, 2011 (see Resolution #4.27.11-19 and referenced Memorandum).

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the aforementioned memorandum be received and filed

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: March 2011 Expense & Revenue Reports and April 2011 Expense & Revenue Reports

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE TOWN CLERK:

MATTER RE: Confirm membership of Mr. Harish Thaya, 1085 Crittenden Road, Rochester, NY with the West Brighton Fire Department (see Resolution #5).

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. 8 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

EXECUTIVE SESSION:

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to go into executive session at 9:10PM to discuss matters of real estate and tax certiorari litigation

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Reconsideration of tax certiorari litigation of Clover Blossom Villas to amend minutes of April 27, 2011.

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. 9 attached

UPON ROLL CALL VOTE THE FOLLOWING VOTE WAS RECORDED

Councilmember Sheila Gaddis	Abstain (recused from discussion and vote)
Councilmember Louise Novros	no
Councilmember Ray Tierney	aye
Councilmember James Vogel	aye
Supervisor Sandra Frankel	aye

MOTION CARRIED

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to come out of executive session at 9:35PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to adjourn at 10:00 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 11th of May, 2011 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

EXHIBIT 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 11th day of May, 2011.

PRESENT:

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

WHEREAS, on May 9, 1997 the Town Board approved a conditional rezoning of property located on the side of South Winton Road, known as Cambridge Office Park, one of the conditions of which approval was that all parking located at 1980 South Winton Road South, be located west of any new building constructed on such site; and

WHEREAS, Gallina Development has submitted an application for relief from such 1997 approval to permit it to allow a portion of the parking lot to be located between two new buildings to be constructed on such site, rather than to the west of those buildings; and

WHEREAS, based on a Planning Board advisory report dated April 21, 2011, previously received and filed and the review of the Town Board Public Works Committee, the Town Board set a public hearing to consider such application for relief, which public hearing was duly called and held on May 11, 2011; and

WHEREAS, based on the testimony at such public hearing, and the materials previously submitted to the Town Board and materials submitted at the public hearing, the Town Board now desires to grant the relief requested; it is therefore

RESOLVED, that the Town Board hereby approves an application of Gallina Development for relief from the May 9, 1997 Town Board conditional zoning approval for the Cambridge Place development, to allow parking areas at 1890 Winton Road

South (Cambridge Place Lot 5) to be located between the two proposed buildings to be constructed on such site, with all other terms of such conditional rezoning resolution dated May 9, 1997 to remain in full force and effect, and subject to the condition that the Planning Board give consideration to energy efficient lighting and LEED qualification in its site plan review of the project.

Dated: May 11, 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 11th day of May, 2011.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

WHEREAS, under the provisions of Section 6-d of the General Municipal Law, expenditures from the Town's Building Repair Reserve Account can only be made following a public hearing, which was duly called and held by the Town Board on May 11, 2011; and

WHEREAS, based on the testimony received at such hearing and the materials submitted in support of such request, the Town Board hereby determines that it is necessary and appropriate to expend funds from the Building Repair Reserve Fund, for the replacement of the unit ventilator serving the planned maintenance office on the lower level of Town Hall, together with related controls; it is therefore

RESOLVED, that the Town Board hereby approves a budget transfer for the expenditure of \$13,200 from the Building Repair Reserve Account A.889.REPAR, for the replacement of the unit ventilator serving the planned maintenance office on the lower level of Town Hall, to account A.SSVCS.1620 2.63 (Shared Services -Building Improvements), with any unused monies to be returned to the Building Repair Reserve following the conclusion of the project.

Dated: May 11, 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 11th day of May, 2011.

PRESENT:

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

RESOLVED, that correspondence dated April 29, 2011 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning request for proposals for consulting services for the rehabilitation of the Corwin Road bridge, be received and filed; and be it further

RESOLVED, that the Department of Public Works is hereby authorized to solicit requests for proposals to provide consulting services in connection with the planned rehabilitation of the Corwin Road bridge, 80% of the cost of which services will be reimbursed to the Town under a Genesee Transportation Council grant.

Dated: May 11, 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 11th day of May, 2011.

PRESENT:

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

RESOLVED, that correspondence dated April 29, 2011 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning hiring an Auto Maintenance Mechanic in the Highway Department, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves hiring Mark Acton, to the position of Auto Maintenance Mechanic in the Highway Department, on a probationary basis with a 52 week probationary period at a starting salary of \$27.38, effective as of May 16, 2011.

Dated: May 11, 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 11th day of May, 2011.

PRESENT:

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

RESOLVED, that correspondence dated April 28, 2011 from Jerry LaVigne, Director of Parks and Recreation, concerning a change order for consulting services in connection with the Lynch Woods Park Master Plan, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves a change order to the contract by and between the Town and Environmental Design and Research, LLC, for consulting services in connection with the Lynch Woods Master Plan, which will increase the cost of such project by \$1,530, because three public meetings were held above the number contemplated by the original contract.

Dated: May 11, 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	_____

EXHIBIT 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 11th day of May, 2011.

PRESENT:

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

WHEREAS, the Town Board previously approved an extension of temporary staffing changes in the Finance Department until such time as a new Director of Finance was hired, at which time, the Town Board anticipated that Suzanne Zaso would return to the position of Deputy Finance Director, but instead, the Town Board has approved a reorganization of the Table of Organization in the Finance Department, under which Suzanne Zaso has become Director of Finance and a new Budget Officer will be hired; and

WHEREAS, it was the intent of the Town Board that the temporary staffing changes would continue until both the Director of Finance and Deputy Director of Finance positions had been filled, but now it is the intention of the Town Board to include a Director of Finance and a Budget Director in the Finance Department and to continue the temporary staffing changes until both of such positions have been filled; it is therefore

RESOLVED, that a memorandum dated May 2, 2011, from Suzanne Zaso, Director of Finance, concerning an extension of the temporary staffing changes in the Finance Department, be received and filed; and be it further

RESOLVED, that the Town Board hereby extends the temporary staffing changes in the Finance Department until the effective date for the state of employment of a new Town Budget Officer.

Dated: May 11, 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	_____

EXHIBIT 8

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 11th day of May, 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 confirms the appointment of Harish Thaya, 1085 Crittenden Road, as an active member of the West Brighton Fire Department, Inc.

Dated: May 11, 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 11th day of May, 2011.

PRESENT:

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

RESOLVED, that the Town Board hereby approves the settlement of real property tax certiorari litigation known as Clover Blossom Villas, LLC v. Town of Brighton, under which the Plaintiff agrees to dismiss its claim for tax year 2007 and the Town agrees to reduce the assessed value of the property at issue for tax year 2008 from \$2,900,000 to \$2,600,000; and be it further

RESOLVED, that the Supervisor and/or the Town's attorney in the matter, Thomas Fink, Esq., is hereby authorized to execute and deliver such releases, stipulations and other documents reasonably necessary in the opinion of the Attorney to the Town, to carry out the terms of the above settlement.

Dated: May 11, 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	Abstain