

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 25, 2011

**PRESENT:**

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

William Moehle, Attorney for the Town

JP O'Brien, Deputy Town Clerk

**MEETING CALLED TO ORDER at 7:05PM:**

**RECOGNITIONS/PRESENTATIONS:**

May - Asian Pacific American Month – Proclamation Presentation Dr. Jayanti Venkataraman and Dr. Jose Maliekal accepting

May 30, 2011 - Memorial Day Proclamation Presentation

**OPEN FORUM:**

Unidentified speaker  
David Schnyderman  
Mordechai Rennert

**APPROVAL OF AGENDA:**

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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

May 11, 2011 Town Board Meeting

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**BIDS:**

**MATTER RE:** Authorize approval to amend existing contract with ME Engineering to include an additional amount of \$8,900 for preparation of plans and specifications to install HVAC improvements to Information Technology (IT) Room, Vault and Building & Planning Storage space in the Town Hall and;

Authorize solicitation of bids for the installation of HVAC improvements in same (see Resolution #1 and letter dated May 17, 2011 from Michael Guyon, Town Engineer).

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. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize solicitation of bids for Consulting Services to develop the Pedestrian and Bicycle Master Plan for the Town (see Resolution #2 and letter dated May 17, 2011 from Michael Guyon, Town Engineer).

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** Christopher Roth, Town of Brighton Fire Marshal dated May 13, 2011 Re: Addendum #1 to extend due date until Friday, June 17, 2011 for request for proposals to procure Fire and Medical Emergency services for the West Brighton Fire Protection District.

**FROM** Kathy Gingello, Monroe County Community Development Manager dated May 12, 2011 to members of the Monroe County Community Development Steering Committee Re: DRAFT of the 2011 Annual Action Plan for Housing and Community Development in Suburban Monroe County (Draft Plan available for viewing in the Dept. of Public Works, Brighton Town Hall).

**FROM** Cheryl M. Rozzi, Clerk of the Monroe County Legislature, dated May 12, 2011 to Monroe County Towns and Villages Re: the Monroe County 2012-2017 Capital Improvement Plan (Plan available for viewing in the Dept. of Public Works, Brighton Town Hall)

**FROM** Michael Guyon Town Engineer dated May 17, 2011 to Supervisor and Town Council Members Re: Town of Brighton DRAFT Storm water Management Compliance Program Annual Report for 2010/2011 will be available for public viewing and comments on May 25, 2011 through June 30, 2011 on the Town website, in the Town Library and the Department of Public Works.

**FROM** Robert Bondi, President NYMIR Board of Governors dated May 10, 2010 to Supervisor Re: Continuation of the NYMIR Subscriber/Member Capital Distribution program.

**FROM** Scott M. Adair, Monroe County Dept. of Finance Chief Financial Officer to Supervisor Re: Town's share of first quarter 2011 sales tax receipts.

**FROM** Brad Gill, Executive Director Independent Oil & Gas Assoc. of NY to Supervisor dated April 25, 2011 re: hydraulic fracturing and horizontal drilling in NY State.

**FROM** Eric J. Thompson, Project Engineer, NY State Dept. of Transportation to Supervisor dated May 17, 2011 Re: Notification of Spring/Summer 2011 work start up in preparation for the I-590/Winton Road interchange improvements to commence spring 2012.

**FROM** Chris L. Mueller, Dir. Government Relations, Time Warner Cable to Suzanne Zaso, with c.c. to Supervisor dated May 18, 2011 Re: Subscriber data for the Town and listing of new programming offered for the year ending 2010.

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 Committee – Next meeting June 16<sup>th</sup>, 2011 9:00AM  
 Finance and Administrative Services - Next meeting June 1<sup>st</sup>, 2011 9:00 am  
 Public Safety Services - Next meeting June 14<sup>th</sup>, 2011 8:00AM  
 Public Works Services - Next meeting June 6<sup>th</sup>, 2011 9:00 am

**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. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Receive and file proposed Point of Distribution Plan for Town naming Monroe Community College and Brighton Central School District as Dispensing Locations and authorize approval for Supervisor to endorse said plan (see Resolution #3, letter dated May 6, 2011 from Timothy Keef, Commissioner of Public Works and letter dated February 29, 2011 from Dr. Anne Kress, President, Monroe Community College).

MATTER HELD

**MATTER RE:** Authorize correspondence to Monroe County Department of Planning Re: Continuing Town participation in the Monroe County Consolidated Plan Consortium commencing October 1, 2011 through September 30, 2014 (see Resolution #4, letter dated May 17, 2011 from Timothy Keef, P.E. Commission of Public Works and notification communication from Kathi Gingello, Community Development Manager Monroe County Dept. of Planning & Development dated May 11, 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. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval to accept retirement of William D. Spillane effective June 3, 2011 after a 27-year career with the Town of Brighton Sewer Department (see Resolution #5 and letter dated May 16, 2011 from William D. Spillane).

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 to re-appoint Dennis Adams as Chair to the Brighton Conservation Board effective June 30, 2011 through June 30, 2013 (see Resolution #6).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval to declare a certain Town Highway Dept. vehicle with equipment as surplus, along with its disposal through on-line or municipal auction services (see Resolution #7 and letter dated May 11, 2011 from Timothy Anderson, Deputy Highway Superintendent).

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 approval to accept the Erie Canalway National Heritage Corridor Event Sponsorship Grant in the amount of \$500 (see Resolution #8 and letter dated May 16, 2011 from Rebecca Cotter, Assistant Director of Recreation & Parks).

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. 8 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval to adopt the PERMA recommended Worker's Compensation Transitional Duty Program for the Town along with direction to the Town Director of Personnel to create any associated documents for same (see Resolution #9 , letter dated May 13, 2011 from Gary Brandt, Director of Personnel and proposed recommended PERMA plan).

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. 9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE TOWN CLERK:**

**MOTION TO GO INTO EXECUTIVE SESSION:**

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to go into executive session to discuss matters of real estate, employment of particular people, and litigation at 8:15 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MOTION TO COME OUT OF EXECUTIVE SESSION:**

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to come out of executive session at 9:50PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED:**

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to adjourn at 9:50PM.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**CERTIFICATION:**

I, JP O'Brien, 3102 Elmwood Avenue, 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 25<sup>th</sup> of May, 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 25th 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 May 17, 2011 from Michael E. Guyon, Town Engineer, concerning a proposed contract amendment to the contract with M/E Engineering in connection with an evaluation of the HVAC system in the Information Technology Room, Vault and Building and Planning Storage Area, and authorization to solicit bids for the installation of the HVAC upgrades, 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 M/E Engineering for the preparation of plans and specifications to install HVAC improvements to serve the IT Room, Vault and Building and Planning Storage space; and be it further

**RESOLVED**, that the Town Engineer or his designee is hereby authorized to solicit bids for the installation of HVAC improvements in the same area.

Dated: May 25, 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 25th 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 May 17, 2011 from Michael E. Guyon, Town Engineer, concerning a request for professional services in connection with the development of the Town's Pedestrian and Bicycle Master Plan, be received and filed; and be it further

**RESOLVED**, that the Town Engineer or designee is hereby authorized to solicit a request for proposal seeking consultants to develop the Town's Pedestrian and Bicycle Master Plan.

Dated: May 25, 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 25th 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 May 17, 2011 from Timothy E. Keef, P.E., Commissioner of Public Works, together with correspondence dated May 11, 2011 from Kathi Gingello, Monroe County Department of Planning and Development, Community Development Manager, both concerning continued membership in Monroe County's Consolidated Plan Consortium/CDBG, be received and filed; and be it further

**RESOLVED**, that the Commissioner of Public Works is hereby authorized to communicate in writing with Monroe County, confirming that the Town of Brighton intends to continue as a member in the Consolidated Plan Consortium for CDBG grants for the three-year period from October 1, 2011 through September 30, 2014.

Dated: May 25, 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	_____



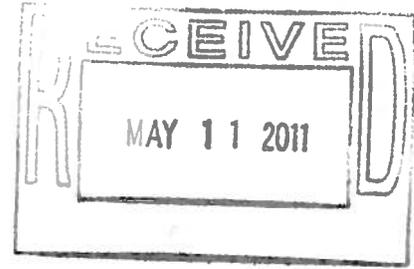
# Department of Planning and Development

Monroe County, New York

**Maggie Brooks**  
*County Executive*

**Judy A. Seil**  
*Director*

May 11, 2011



Hon. Sandra L. Frankel, Supervisor  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, NY 14618

Re: Continued Membership in Monroe County's Consolidated Plan Consortium for the Three-year Period of October 1, 2011 through September 30, 2014

Dear Supervisor Frankel:

Every three years Monroe County must complete the Urban County Qualification process for continued participation in the federal Community Development Block Grant (CDBG) and HOME Investment Partnerships Program. Part of this process is renewal of the Cooperation Agreement that exists between Monroe County and your municipality, which includes membership in the Monroe County Consolidated Plan Consortium. Monroe County is required by the U.S. Department of Housing and Urban Development (HUD) to notify you of your option for membership in the Consortium for the next three-year period, and we are required to request your written response by **June 3, 2011**.

The Cooperation Agreement that was executed in 2005 contains the following automatic renewal provision:

16. a) This Agreement will automatically be renewed for participation in successive three (3) year qualification periods, unless the County or the Municipality provides written notice it elects not to participate in a new qualification period. A copy of the notice must be sent to the HUD Field Office.
- b) By the date specified in HUD's Urban County Qualification Notices and Consortia Designation Notices, the County will notify the Municipality in writing of its right not to participate. A copy of the County's notification to the Municipality must be sent to the HUD Field Office by the date specified in the Urban County Qualification Notice and the Consortia Designation Notices.
- c) The County and the Municipality are required and agree to adopt any amendments to this Agreement incorporating changes necessary to meet the requirements for cooperation agreements set forth in an Urban Qualification Notice or the Consortia Qualification Notice applicable for a subsequent three-year urban county qualification period or consortia qualification period, and to submit such amendment to HUD as provided in the Urban County Qualification Notice or Consortia Qualification Notice; failure to adopt such amendments will void the automatic renewal of such qualification period or of the consortium agreement.

This letter satisfies the County's requirement to provide you notice of your municipality's right not to participate.

Hon. Sandra L. Frankel, Supervisor  
May 11, 2011  
Page 2

Since there have been no changes in the requirements for cooperation agreements as set forth in an Urban Qualification Notice or the Consortia Qualification Notice applicable for the upcoming three-year period, no amendments to the Cooperation Agreement are necessary at this time.

**If you wish to remain in the Consortium**, no action is required on your part; the Cooperation Agreement will be automatically renewed for the three-year period from October 1, 2011 to September 30, 2014.

Continued participation in the Consortium will maintain the benefits offered to your community through the CDBG and HOME programs. These programs have been designed to carry out neighborhood improvements such as sidewalks, water and sewer lines, ADA improvements to public facilities, community services, economic development activities that create jobs, housing rehabilitation and homeownership activities. Pursuant to HUD regulations, the projects must principally benefit low to moderate-income persons, the elderly and persons with special needs who live in the towns and villages that participate in the Monroe County Consolidated Plan Consortium. Your participation in the HOME Program is contingent on your membership in Monroe County's Consolidated Plan Consortium for the CDBG Program.

As you are aware, continued participation in the Consortium precludes you from applying for grants under the HUD-Administered Small Cities or State CDBG Programs and requires you to participate in a HOME Program only through the County.

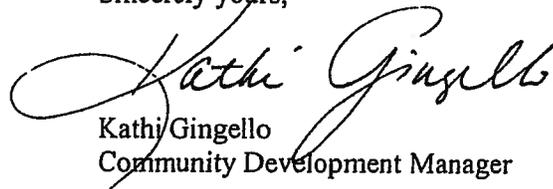
**If you elect not to participate in the Consortium** for the above period, please send a written notification with a clerk certified copy of your board's resolution authorizing this action to William T. O'Connell, CPD Director, U.S. Department of Housing and Urban Development, 465 Main Street, Buffalo, NY 14203 and a copy to me at the address below **by June 3, 2011**.

Should you withdraw from the Consortium; residents of your municipality will not be eligible for program benefits, including grants for housing rehabilitation, first-time homebuyer assistance and housing counseling, after September 30, 2011.

Thank you for your participation in and support of Monroe County's Community Development Programs. I look forward to working with your community in the future so that we may continue to provide vital improvements and services for low to moderate-income families, seniors and disabled residents of Monroe County.

If you have questions in regard to this process, please feel free to contact me at 753-2005.

Sincerely yours,



Kathi Gingello  
Community Development Manager

xc: J. Seil  
J. Rizzo  
A. Vilardo

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of May, 2011.

**PRESENT :**

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

**RESOLVED**, that correspondence dated May 16, 2011 from William D. Spillane, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby accepts the retirement of William D. Spillane from the Town of Brighton Sewer Department, effective June 3, 2011, with regret.

Dated: May 25, 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 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 25th 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 reappoints Dennis Adams as Chair to the Brighton Conservation Board effective June 30, 2011 through June 30, 2013.

Dated: May 25, 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 25th 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 May 11, 2011 from Timothy J. Anderson, Deputy Highway Superintendent, concerning the disposal of certain equipment and material, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby declares a 2005 Chevrolet Pickup truck #7 with plow, VIN #1GCHK29U55E289112 be declared surplus; and be it further

**RESOLVED**, that the vehicle be disposed of at auction through Roy Tietsworth through either an on-line auction or municipal auction currently scheduled for October 2011.

Dated: May 25, 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 25th 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 May 16, 2011 from Rebecca J. Cotter, Assistant Director, Town of Brighton, Recreation and Parks Department, concerning the Erie Canalway National Heritage Corridor Event Sponsorship Grant, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby accepts the \$500 Erie Canalway National Heritage Corridor Event Sponsorship Grant, to be matched by \$500 from the Town.

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 25th day of May, 2011.

**PRESENT:**

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

**RESOLVED**, that a memorandum dated May 13, 2011 from Gary Brandt, Personnel Director, concerning approval of the Town of Brighton Transitional Duty Program, together with a copy of the proposed Transitional Duty Program attached thereto, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the Transitional Duty Program, prepared by the Public Employer Risk Management Association, Inc., for the return of injured Town employees to work.

Dated: May 25, 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	_____