

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
June 8, 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: 7:10 PM

RECOGNITIONS/PRESENTATIONS:

Brighton Police Officer Michael Romach
Prevention and Wellness Month Proclamation

OPEN FORUM:

Judy Schwartz
Christopher Werner

APPROVAL OF AGENDA:

Motion by Councilmember Ray Tierney seconded by Councilmember Louise Novros to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Terrence J. Rice, Monroe County Director of Transportation dated May 27, 2011 to Supervisor Frankel regarding revisions to the 2011 Monroe County Highway Maintenance Program.

FROM County Executive Maggie Brooks dated May 16, 2011 to Supervisor regarding approval of the Town of Brighton's Lead Agency request for the Winfield Park project under New York's State Environmental Quality Review Act (SEQRA).

FROM County Executive Maggie Brooks dated May 10, 2011 to Supervisor regarding approval of the Town of Brighton's Lead Agency request for the Empire State College project under New York's State Environmental Quality Review Act (SEQRA).

FROM Valarie Avalone Co-Chair Monroe Community College's Strategic Planning Team to Supervisor dated May 25, 2011 thanking Supervisor Frankel for meeting with her to discuss the preparation of developing MCC's 2012-2016 Strategic Plan from a Town perspective.

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

FROM Robert Groves, Director United States Department of Commerce U.S. Census Bureau to Supervisor Frankel dated May 26, 2011 Re: On-line data retrieval tool for Town of Brighton's demographic census profile data.

FROM Brian Custer, President, Wright Risk Management Co. dated May 27, 2011 to Supervisor Re: NY Municipal Insurance Reciprocal Organization's recent vote to apply to the NY State Insurance Department to seek rate decreases in Municipal Risk Management insurance premiums to be effective January 1, 2011 and thereafter.

FROM Larry S. Eckhaus, Sr. Attorney, NY State Department of Environmental Conservation dated May 31, 2011 to Secretary, NY State Public Service Commission with cc to Supervisor Frankel Re: Notice of filing of proposed Environmental Management and Construction plan for the Lockport-Mortimer reconstruction of transmission line.

FROM State of NY office of Real Property Tax Services dated June 2, 2011 to Supervisor providing notice of tentative state equalization rate for the 2011 Assessment Roll.

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel that the aforementioned communications be received and filed

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services - Councilmember Louise Novros reported on recycling statistics. Next meeting June 16, 2011

Finance and Administrative Services - Councilmember Ray Tierney reported on meeting of June 1, 2011. Next meeting June 15, 2011

Public Safety Services – Next meeting June 14, 2011

Public Works Services – Councilmember James Vogel reported on June 6, 2011 meeting. Next meeting June 27, 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. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval for Supervisor to execute contract with Young Explosives Corp. for the July 4th, 2011 Fireworks display for the Town. (see Resolution #1, letter dated May 27, 2011 from Jerry LaVigne, Director of Parks & Recreation and copy of proposed contract).

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

MATTER RE: Authorize approval to request Lead Agency status for the Town of Brighton Planning Board for the purpose of compliance with the State Environmental Quality Review (SEQRA) for the Daystar for Medically Fragile Infants project (see Resolution #2, letter dated May 20, 2011 from Ramsey A. Bohner, Environmental Review Liaison Officer and Part I of the Full Environmental Assessment Form).

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. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval to accept grant award from the NY State Occupational & Health Hazard Abatement Board in the amount of \$8,141 for the period August 1, 2011 through July 31, 2012 to be used for employee safety training purposes and;

Authorize approval for Supervisor to execute agreement with Reditus Safety Solutions, LLC to provide said training (see Resolution #3, letter dated May 31, 2011 from Timothy Keef P.E., Commissioner of Public Works and letter dated May 23, 2011 from Katherine Schrier, Chair, Hazard Abatement Board NY State Occupation Safety and Health Hazard Abatement Board).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize re-appointment of Sara Rubin as a member of the Town Conservation Citizen Board, effective July 1, 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. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval to change existing Department of Public Works Table of Organization to add one Engineering Assistant and one Jr. Engineer position and;

MATTER RE: Approve appointment of Chad Roscoe to the Jr. Engineer position effective June 20, 2011 along with the authorization to advertise for the position of Engineering Assistant (see Resolution #4 and letter dated May 31, 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. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize bid award to Stantec with approval for Supervisor to execute agreement to provide environmental review services for the Winfield Park project (see Resolution #5 and letter dated May 31, 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. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set Public Hearing date of July 13, 2011 for proposed amendment to terms of fire protection services contract between the Town Board of Brighton, as Commissioners of the West Brighton Fire Protection District, and the West Brighton Fire Department (see Resolution #7).

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

MATTER RE: Authorize approval to amend letter of engagement agreement between the Town and Davidson Fink, LLP to expand the service requirements to include legal services provided by Thomas A. Fink at a rate of \$220/hour (see Resolution #9).

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval for Supervisor to execute Property Maintenance Agreement between the Town and 2875 Monroe Avenue LLC (see Resolution #10 and copy of proposed agreement).

Motion by Councilmember James Vogel by 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 THE FOLLOWING VOTE WAS RECORDED

Councilmember Sheila Gaddis aye
 Councilmember Louise Novros no
 Councilmember Ray Tierney no
 Councilmember James Vogel aye
 Supervisor Sandra Frankel aye

MOTION CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Authorize Supervisor to compose a letter to State Representatives, on behalf of the Town Board Re: Our strong opposition to hydraulic fracturing for the recovery of natural gas until Federal EPA studies are completed and new regulations have been adopted in New York State that will protect our waters, land and people from the dangerous consequences of hydraulic fracturing (see Resolution #8).

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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to send letter to New York State Legislators expressing support for legislation granting equal marriage rights under the law in New York State, and urging the Legislature to pass such legislation (see Resolution #11)

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. 12 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION:

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to go into executive session at 9:10 PM to discuss matters of litigation and the employment of a particular person

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize appointment of James Gerek to the Brighton Conservation Board

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to appoint James Gerek to the Brighton Conservation Board

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize appointment of Michael Zobel to the Brighton Parks & Recreation Advisory Board

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis to appoint Michael Zobel to the Brighton Parks & Recreation Advisory Board

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to adjourn at 10:05 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 8th of June 2011 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

EXHIBIT 1

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

June 8, 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>84,614.13</u>
D - HIGHWAY		<u>23,295.36</u>
H - CAPITAL		<u>149,112.38</u>
L - LIBRARY		<u>28.00</u>
SA - AMBULANCE DIST		<u>1,802.50</u>
SB - BUSINESS IMPROVM		<u>390.00</u>
SD - DRAINAGE DIST		<u>1,306.25</u>
SF - FIRE DIST		<u>1,636.25</u>
SK - SIDEWALK DIST		<u>2,252.50</u>
SL - LIGHTING DIST		<u>4,947.50</u>
SM - SNOW REMOVAL DST		<u>2,571.25</u>
SN-NEIGHBORHOOD DIST.		<u>431.25</u>
SP-PARKS DISTRICT		<u>161.25</u>
SR-REFUSE DISTRICT		<u>10,305.00</u>
SS - SEWER DIST		<u>31,278.79</u>
SW - WATER DIST		<u>1,337.50</u>
TA - AGENCY TRUST		<u>3,605.52</u>
TOTAL	\$	<u>319,075.43</u>

UPON ROLL CALL MOTION CARRIED _____

APPROVED BY: _____
SUPERVISOR

COUNCIL MEMBER

COUNCIL MEMBER

TO THE SUPERVISOR:

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

DATE

TOWN CLERK

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 8th day of June, 2011.

PRESENT:

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

RESOLVED, that correspondence dated May 27, 2011 from Jerry LaVigne, Director of Parks and Recreation, concerning a contract with Young Explosives for the 2011 July 4th fireworks display, be received and filed, together with proposed Fireworks Exhibition Agreement attached thereto; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver the Fireworks Exhibition Agreement by and between the Town and Young Explosives Corporation for the July 4, 2011 Town of Brighton fireworks display.

Dated: June 8, 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 8th day of June, 2011.

PRESENT:

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

RESOLVED, that correspondence dated May 20, 2011 from Ramsey Boehner, Environmental Review Liaison Officer, concerning the establishment of Lead Agency status under SEQRA for the Daystar for Medically Fragile Infants, Inc. daycare facility proposed on Lac De Ville Blvd., Tax Parcel #136.16-01-98, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Town Board hereby concurs in the designation of the Town Planning Board as Lead Agency in the environmental review under SEQRA for the proposed Daystar for Medically Fragile Infants, Inc. daycare project, to be located on Lac De Ville Blvd.; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an Agreement on Lead Agency Selection under SEQRA for the proposed Daystar for Medically Fragile Infants, Inc. project, to be located on Lac De Ville Blvd., in the form attached to the above correspondence, on behalf of the Town Board.

Dated: June 8, 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 8th day of June, 2011.

PRESENT:

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

RESOLVED, that correspondence dated May 31, 2011 from Timothy E. Keef, P.E., Commissioner of Public Works, and correspondence dated May 23, 2001 from Katherine Schrier, Chair, Hazard Abatement Board, New York State Occupational Safety and Health, both concerning a Safety Training Grant Award for the Department of Public Works and Highway Department Operations Center, be received and filed; and be it further

RESOLVED, that the Town Board hereby accepts a Safety Training Grant in the amount of \$8,141 from the NYS Occupational Safety and Health Hazard Abatement Board, to be used for safety training for Town personnel in the Highway and Public Works Department Operations Center; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Reditus Safety Solutions, LLC to provide safety training to Town Highway and Department of Public Works personnel at a cost not to exceed \$8,141, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: June 8, 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 8th day of June, 2011.

PRESENT:

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

RESOLVED, that Sara Rubin is hereby reappointed to the Town Conservation Board, effective for a term July 1, 2011 through June 30, 2013.

Dated: June 8, 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 8th day of June, 2011.

PRESENT:

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

RESOLVED, that correspondence dated May 31, 2011 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning a proposed amendment to the Table of Organization for the Department of Public Works, be received and filed; and be it further

RESOLVED, that based on the recommendation of the Commissioner of Public Works, the Town Board hereby authorizes an amendment to the Table of Organization in the Department of Public Works to create the positions of Junior Engineer and Engineering Assistant in the Department of Public Works, effective immediately; and be it further

RESOLVED, that the Town Board hereby appoints Chad Roscoe to the full time 35 hours per week position of Junior Engineer, effective June 20, 2011 at Group 6, step 5 on the Town's salary schedule for a salary of \$54,199.60 per year, on a probationary basis with a probationary period of six (6) months; and be it further

RESOLVED, that the Commissioner of Public Works is hereby authorized to advertise for the position of Engineering Assistant.

Dated: June 8, 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 8th day of June, 2011.

PRESENT:

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

RESOLVED, that correspondence dated May 31, 2011 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning SEQRA consulting services for the proposed Winfield Park project, be received and filed, together with attachments thereto; and be it further

RESOLVED, that based on the recommendation of the Commissioner of Public Works, the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Stantec Consulting Services, Inc., under which Stantec will provide consulting services to the Town in connection with the review of the proposed Winfield Park project under the State Environmental Quality Review Act, at the hourly rates attached to the above correspondence, with the cost thereof to be reimbursed by the project developer, and which agreement shall be in form and substance as approved by the Attorney to the Town.

Dated: June 8, 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 8th day of June, 2011.

PRESENT:

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

WHEREAS, the Town Board previously held public hearings, on October 13 and October 27, 2010, pursuant to Town Law Section 184, to consider a contract for fire protection services by and between the West Brighton Fire Protection District and the West Brighton Fire Department, Inc. during 2011, and

WHEREAS, the parties now desire to amend the approved terms of such contract, to reduce the contract sum payable to reflect the added expense to the Fire Protection District of additional part time paid fire personnel, required to continue to provide services within the District; and

WHEREAS, the Town Board, as Commissioners of the West Brighton Fire Protection District, now desire to set a public hearing pursuant to Section 184(2) of the Town Law, to consider an amendment to the contract approved for 2011 between the West Brighton Fire Department, Inc. and the West Brighton Fire Protection District; it is therefore

RESOLVED, that the Town Board hereby sets a public hearing, to be held July 13, 2011 at 7:30 p.m., at Brighton Town Hall, 2300 Elmwood Avenue, in the Town of Brighton, to consider an amendment to the previously approved terms of a contract for fire protection services by and between the West Brighton Fire Department, Inc. and the West Brighton Fire Protection District, at which time all persons having an interest in such matter shall have an opportunity to be heard therein; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish and post a legal notice of such hearing, pursuant to Town Law Section 184.

Dated: June 8, 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 8th day of June, 2011.

PRESENT:

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

WHEREAS, the Town of Brighton has previously entered into an agreement with Davidson Fink LLP, for legal services in connection with tax certiorari litigation; and

WHEREAS, the Town Board desires to amend such agreement, to modify the rate to be paid for services rendered thereunder, and to expand the scope of services to include legal services in connection with payments in lieu of taxes on the Legacy at Clover Blossom properties; it is therefore

RESOLVED, that the Town Board hereby approves an amendment to the engagement letter for legal services by and between the Town and Davidson Fink, LLP, to increase the rate payable for services to Thomas A. Fink to \$220 per hour, and to expand the scope of services thereunder to include legal services in connection with a dispute concerning payments in lieu of taxes at the Legacy at Clover Blossom properties.

Dated: June 8, 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 8th day of June, 2011.

PRESENT:

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

WHEREAS, in connection with the approval by the Town Board of the incentive zoning application for the operation of a car wash, to be located at 2875 Monroe Avenue, the Town Board imposed certain conditions on the developer of the project, including the a condition requiring that a permit for maintenance work be sought from the State Department of Transportation, for lawn mowing, debris removal and other maintenance work in and about the Monroe Avenue right of way in the area of the Monroe Avenue/I-590 interchange; and

WHEREAS, the Town and 2875 Monroe Avenue, LLC, the developer of the car wash project have negotiated the terms of an agreement under which such maintenance work will be done by or on behalf of the developer, at the developer's expense, to enhance the appearance of Monroe Avenue in the vicinity of the I-590 interchange, in satisfaction of that condition of the incentive zoning approval for the car wash; it is therefore

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and 2875 Monroe Avenue, LLC for mowing, debris removal and other maintenance work to be performed by or at the expense of 2875 Monroe Avenue LLC, in satisfaction of a condition of its incentive zoning approval, which agreement shall be in the form attached hereto.

Dated: June 8, 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 8th day of June, 2011.

PRESENT:

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

WHEREAS, the process known as hydraulic fracturing, also known as hydrofracking, which involves the injection into the earth of water mixed with various combinations of often toxic chemicals, in order to force natural gas from certain rock formations, has caused significant environmental issues in other areas where it has been used to extract natural gas from the ground, including but not limited to potential damage to natural watersheds; and

WHEREAS, the Town Board of the Town of Brighton is aware that the State of New York legislature is considering legislation to establish a one year moratorium on the use of hydraulic fracturing in the State, to attempt to ensure that it not be allowed in New York unless it can be done in a manner that does not put the environment and people's health and safety at serious risk; and

WHEREAS, the New York Assembly has adopted legislation to establish a one year moratorium on hydraulic fracturing , but the State Senate must now act on the legislation and the Governor must sign it in order for it to become effective; and

WHEREAS, the Supervisor and Town Board support state legislation that would establish a one-year moratorium on hydraulic fracturing and will send correspondence to local, state, and federal elected officials, the Governor and Attorney General of New York, and other state and federal officials as may be appropriate, to publicly declare their concern about the current process of hydraulic fracturing; and

WHEREAS, the Supervisor and Town Board urge that hydraulic fracturing not be permitted in New York State until regulations are adopted by the State of New York regulating the use of hydraulic fracturing in the State and until the Environmental Protection Agency study of hydraulic fracturing is completed and it is determined that hydraulic fracturing can be done in a manner that does not involve significant environmental and/or health risks; and

WHEREAS, the Supervisor and Town Board oppose the disposal of waste water and other materials from hydraulic fracturing sites within New York and from locations outside of New York State, until such time as research studies demonstrate that such disposal will not pose health and/or environmental hazards and impose additional costs to communities; it is therefore

RESOLVED, that the Town Board of the Town of Brighton hereby declares that it supports legislation to establish a one year moratorium on the use of hydraulic fracturing in New York State, as recently passed the New York Assembly, and further directs that correspondence be sent to local, state, and federal elected officials, Governor Cuomo, Attorney General Schneiderman and such other state and federal officials as may be appropriate, with a copy of this resolution, communicating the position of the Supervisor and Town Board of Brighton in support of such legislation and that hydraulic fracturing not be permitted in New York until state and federal regulations governing the use of hydraulic fracturing are adopted to avoid the risk to the environment, health and safety, and to mitigate financial burdens on local infrastructure and waste water treatment systems caused by hydraulic fracturing.

Dated: June 8, 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 8th day of June, 2011.

PRESENT:

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

WHEREAS, marriage equality for gay and lesbian couples and families is a significant civil right that will grant equal rights and civil law protections of marriage to gays and lesbians, who have been prevented from entering into marriage in New York, thereby being denied full equality with heterosexual men and women; and

WHEREAS, Governor Cuomo has indicated his strong support for legislation granting marriage equality to gay and lesbian couples, recognizing that many rights and privileges, granted by law to married couples, are not available to gay and lesbian couples if they are unable to marry in New York; and

WHEREAS, marriage equality legislation would not require any religious organization to perform marriage ceremonies for gay and lesbian couples, but would allow such couples to be married in New York, by religious organizations that do recognize marriage rights for gay and lesbian couples, or in civil ceremonies, thereby granting full civil rights now available only to heterosexual married couples; and

WHEREAS, the Town Board of the Town of Brighton has a history of respecting the rights of its employees and residents, and by supporting legislation granting equal marriage rights in New York, the Town Board again takes a strong stand in support of civil rights for all of its residents; it is therefore

RESOLVED, that the Town Board of the Town of Brighton hereby expresses its strong support for state legislation to grant equal marriage rights to gay and lesbian couples in New York State, and

urges its elected state officials to sponsor and vote in favor of such legislation when it is introduced in the New York State Legislature; and be it further

RESOLVED, that the Supervisor is hereby authorized to send a letter to New York Assembly Member Morelle, Senator Robach, Governor Cuomo, Attorney General Schneiderman, and such other officials as she may deem appropriate, expressing the support of the Town Board of the Town of Brighton, Monroe County, New York, for legislation that would grant equal marriage rights under the law in New York, and urging the State Legislature to pass such legislation and thereafter urging the Governor to immediately sign and implement the same.

Dated: June 8, 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	_____