

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  
 September 14, 2011

**PRESENT:**

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

William Moehle, Attorney for the Town

Susan Kramarsky, Town Clerk

**MEETING CALLED TO ORDER: 7:10 PM****RECOGNITIONS/PRESENTATIONS:**

Proclamation Presentation:	September is National Recovery Month
Award Presentation:	State of NY 5-Year Re-accreditation of the Brighton Police Department
Promotion Ceremony:	Brighton Police Officer Walter W. Bruzda to rank of Sergeant.
	Brighton Police Officer David S. Swancott to rank of Sergeant.
Retirement of	Brian Darrow

**OPEN FORUM:**

Councilperson James R. Vogel Re: Veterans Memorial project update

Bel Air Neighborhood Association regarding Town Property Code compliance.

Deborah Hall  
 Betty Schaffer  
 Mary Stuckey  
 Bernice Berlios  
 Deborah Bin  
 Linda Deitz  
 Jason Zaeglin  
 Mary Bruscowicz  
 Bruce Conrad Rhinegold  
 Lila Bluestone  
 Mark Wilson  
 Jackie Stutsman  
 Justin Arcangele  
 Brijen Gupta  
 Mark Kokanovich  
 Mary Ann Schlizter  
 Mordechai Rennert  
 Paul Holahan  
 Judy Schwartz

**APPROVAL OF AGENDA:**

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to approve the agenda with the addition of communications from Mary Stuckey, Betty Schaeffer, Bernice Berlios, Deborah Hall, Jason Zoghlin, and Mark Kokavonich

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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

August 24, 2011 Town Board Meeting

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to approve and file aforementioned minutes

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**PUBLIC HEARINGS:**

**MATTER RE:** Appropriation of \$75,000 from the Repair Reserve Fund to Shared Services-Building Improvements account to fund purchase and installation of HVAC improvements to the Town Hall's Information Technology Room, Vault and Building and Planning Room (see Resolution #10)

(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. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Amended Incentive Zoning application by Wegman Companies, Inc. and Environmental Review for proposed assisted living facility to be located on Westfall Road (see letter dated September 12, 2011 from Richard D. Morris, Brighton resident, regarding concern of increased surface water drainage impact to the proposed Park Site and surrounding land)

(Complete transcript under separate cover)

**MATTER RE:** Proposed Local Law 2011- Monroe Avenue-Irving Road Area Parking Restrictions (see Resolution #9 and comments from concerning same from Joan Weetman, Orchard Drive, an unnamed resident and Nancy Germond both Sunset Drive residents and Tim McCormack and Melissa & Steve Kieffer of Orchard Drive).

(Complete transcript under separate cover)

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. 2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Frances Pickens, Secretary Adopt a Pet-Lollypop Farm received August 25, 2011 thanking Brighton officials who attended the Tops Market Charity event held on August 18, 2011.

**FROM** Chris Mueller – Director, Government Relations, Time Warner Cable dated September 1, 2011 to Supervisor Re: Listing of various channels to be rebranded and those with contracts that are soon to expire that may or may not be renewed.

**FROM** Karen Berger, Chairperson of the Town of Brighton Sustainability Oversight Committee dated August 25, 2011 to Supervisor Re: Resignation from Committee.

**FROM** Members of the Town Sustainability Oversight Committee dated August 25, 2011 to Supervisor Re: Positive benefits to town government, residents and the natural environment that would result from creating refuse districts that cover the entire Town of Brighton.

**FROM** Members of the Town Parks & Recreation Citizen Board dated September 12, 2011 to Supervisor and Town Board Members Re: discussions currently taking place between Parks & Rec. Citizen Board and the Town Sustainability Oversight Committee regarding ways in which to work together to improve current recycling efforts within the Town.

**FROM** Renee Casler, Planner for the Monroe County Department of Planning and Development Re: Site Plan Review for Country Club Maintenance located at 353 Kilbourn Road.

**FROM** Maggie Brooks, Monroe County Executive dated August 24, 2011 to Supervisor Re: Award to the Town in the amount of \$41,750 for the Winton Road South Sidewalk project through the Community Development Block Grant Program.

**FROM** Members of the Town Sustainability Oversight Committee to Supervisor dated August 25, 2011 expressing their support for the planned barn renovation that will serve as a permanent location for a year-round Brighton Farmer's Market.

**FROM** Paul A. Johnson, Monroe County Department of Planning and Development dated August 5, 2011 to Supervisor Re: Copy of the adopted 2012-2017 County Capital Improvement Program.

**FROM** Robert A. Traver, P.E. Acting Regional Director State of NY Dept. of Transportation to Assemblyman Joseph Morelle, with a c.c. to the Town of Brighton dated August 17, 2011 regarding their investigation of Route 15 between Crittenden and East River Road, relative to pedestrian accommodations.

**FROM** Thomas Hope of Carverdale Drive to Supervisor dated August 31, 2011 Re: Signage at the Historic Buckland House.

**FROM** Michael Guyon, P.E. Town Engineer dated September 8, 2011 to John DiMarco re: Letter of Agreement for in-kind services being provided by the DiMarco Group Inc. to the Town for the Veterans Memorial project.

**FROM** Joshua Shail, Electric Design Engineer, RG&E to Supervisor dated September 8, 2011 Re: Customer letter being sent to residents along Cloverland Drive informing them of upcoming maintenance/construction work that will involve tree trimming.

**FROM** Bobbie Kalsbeck, City of Rochester resident to Supervisor dated September 12, 2011 commending the efforts by the Brighton Fire and Police Departments as they assisted at a recent crash site on Browncroft Blvd. at the 590S exit.

**FROM** Neighborhoods regarding code enforcement and vacant properties Deborah Hall, Mary Stuckey, Betty Schaeffer, Bernice Berlios, and Jason Zoghlin

**FROM** Mark Kokanovich, September 14, 2011, bond issue for construction of Brighton Veterans Memorial

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 Sept 22, 2011

Finance and Administrative Services - Report on September 7, 2011. Next meeting September 21, 2011

Public Safety Services - Report on September 13, 2011. Next meeting October 11, 2011

Public Works Services - Report on September 12, 2011. Next meeting October 3, 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 the payment of claims as set forth in Exhibit No. 3.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approve promotion of Brighton Police Officers Walter W. Bruzda and David S. Swancott to rank of Sergeant effective September 17, 2011 (see Resolution #1 and letters dated August 29, 2011 from Police Chief Mark Henderson).

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 budget appropriation of \$1,975 into the Parks & Recreation maintenance account to cover associated repair costs for wooden guardrail and chain link fence at Buckland Park, for damages resulted from recent automobile accident. (see Resolution #2 and letter dated August 29, 2011 from Jerry LaVigne, Director of Parks and Recreation).

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Bid Award to Building Controls & Services, Inc. in an amount not to exceed \$49,540 to provide materials and installation for HVAC improvements for Town I.T. Room, Vault and Building & Planning Rooms (see Resolution #3 and letter dated August 12, 2011 from Michael Guyon, P.E. 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. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval of revised and Final Scoping Outline Draft that will be used in the preparation of Draft Environmental Impact Statement for the proposed Winfield Park project (see Resolution #4 and Final Scoping Outline).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute Monroe County Civil Service Section 211 Waiver Application concerning a specific Employee (see Resolution #5, Memorandum from Gary Brandt, Director of Personnel and copy of application).

ITEM MOVED to EXECUTIVE SESSION

**MATTER RE:** Authorize budget appropriation in the amount of \$37,600 to cover costs associated with the purchase of Police Departmental replacement hardware and software. Total expense supported by Seized/ Forfeiture Asset funds (see Resolution #6 and letter dated September 1, 2011 from Mark Henderson, Chief of Police).

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 8 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval for Supervisor to execute agreement with Mr. Richard Cortina to provide Computer Data Base Consulting Services along with approval of budget transfer of \$6,000 to cover associated costs related to same (see Resolution #7, letter dated September 2, 2011 from Timothy Keef, P.E. Commissioner of Public Works and bid result memorandum).

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

**MATTER RE:** Authorize approval to record budget transfers to reflect the particular needs within various departments based on 2011 actual operating expenditures verses the adopted budget (see Resolution #8 memorandum dated September 7, 2011 from Suzanne Zaso, Director of Finance and accounting detail sheet).

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval to adopt Bond Resolution as amended that will support the purchase of one ambulance, upgrade to Towns telephone system, software purchase for Public Works, Highway and Sewer (see Bond Resolution and memorandum dated September 7, 2011 from Suzanne Zaso, Director of Finance).

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel and amended that the Town Board adopt as amended the resolution as prepared by the Bond counsel as set forth in Exhibit No. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval for Supervisor to execute application with Moody's Investors Service for local government credit rating services (see Resolution #15 copy of Agreement and letter dated September 14, 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. 12 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set 1<sup>st</sup> and 2<sup>nd</sup> Public Hearing for October 12, 2011 and October 26, 2011 respectively to consider adoption of Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvement Districts within the Town of Brighton (see Resolution #12 and Special District Listings)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set 1<sup>st</sup> and 2<sup>nd</sup> Public Hearing for October 12, 2011 and October 26, 2011 respectively to review Supervisor's 2012 Preliminary Operating & Capital Improvement Budgets for the Town of Brighton (see Resolution #11).

Motion by Councilmember Sheila Gaddis 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. 14 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set 1<sup>st</sup> and 2<sup>nd</sup> Public Hearing for October 12, 2011 and October 26, 2011 to consider agreements between the Town of Brighton and West Brighton Fire Department and the Town of Brighton and the City of Rochester for the fire protection services within the West Brighton Fire Protection District for 2012 (see Resolution #17).

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. 15 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Receive and file proposal dated September 6, 2011 from the West Brighton Fire Department for Fire Protection & Medical First Responder Services to the West Brighton Fire District (see Resolution #13 and copy of proposal).

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. 16 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement with Vicart Entertainment Co. for their use of the external areas of the property located at 1435 Westfall Road for photographic, filming, videotaping, and/or motion picture use purposes (see Resolution #16 and copy of agreement).

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. 17 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval for Supervisor to declare September 14, 2011 – September 28, 2011 as the Special Events period for 2011 in conjunction with the Brighton Chamber of Commerce and Brighton Central School's Homecoming celebration, pursuant to article VII of Chapter 207 of the Brighton Town Code (see Resolution #14).

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel that the Town Board adopt the resolution as amended and prepared by the Attorney for the Town as set forth in Exhibit No. 18 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE SUPERVISOR:**

**MATTER RE:** The U.S. Conference of Mayors letter to congress requesting a timely extension of the Federal Surface Transportation Law.

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel receive and file aforementioned letter

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE BOARD:**

**MATTER RE:** Discussion by Councilmember Ray Tierney re Legacy at Clover Blossom. Town Board Attorney to meet with Counsel to revoke rezoning September 15, 2011 Matter moved to executive session.

**EXECUTIVE SESSION:**

Motion by Councilmember Ray Tierney seconded by Councilmember Sheila Gaddis to go into executive session at 11:55PM to discuss the employment of a particular person and litigation regarding the Legacy at Clover Blossom

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute Monroe County Civil Service Section 211 Waiver Application concerning a specific Employee (see Resolution #5, Memorandum from Gary Brandt, Director of Personnel and copy of application)

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 19 attached.

UPON ROLL CALL VOTE the following vote was recorded:

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

MOTION CARRIED

Councilmember Sheila Gaddis excused at 12:30 AM

**MATTER RE:** Unpaid PILOT payments of the owners, CGS Growth, LLC and Clover Blossom Villas, LLC, for the parcels of real property with improvements comprising the Legacy at Clover Blossom.

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel that the Town Board receive and file copies of related resolutions and correspondence as set forth in Exhibit No. 20

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to come out of Executive session at 1:45 AM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED:**

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel at 1:45 AM

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 14 September 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 14th day of September, 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 September 14, 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 purchase and installation of heating, ventilation and air-conditioning units 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 \$75,000 from the Building Repair Reserve Account A.889.REPAR, for purchase and installation of heating, ventilation and air-conditioning units on the lower level of Town Hall, to account A.SSVCS.1620.263 (Shared Services -Building Improvements), with any unused monies to be returned to the Building Repair Reserve following the conclusion of the project.

Dated: September 14, 2011

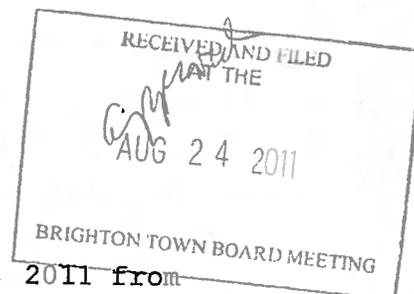
Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

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  
24th day of August, 2011.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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



**RESOLVED**, that a memorandum dated August 16, 2011 from  
Suzanne Zaso, Director of Finance, concerning the Appropriation  
of Repair Reserve Funds for HVAC units in the lower level of Town  
Hall, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby sets a public hearing  
to be held at 7:30 p.m., September 14, 2011, at Brighton Town  
Hall, 2300 Elmwood Avenue, in such Town, to consider the  
appropriation of \$75,000 from the Repair Reserve Fund, account  
A.889.REPAR to account A.SSVCS.1620.263 (Shared Services -  
Building Improvements) to fund the costs associated with the  
purchase and installation of heating, ventilation and air-  
conditioning units in the lower level of Town Hall, at which time  
all persons having an interest in such matter will have an  
opportunity to be heard therein; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to publish  
and post notice of such public hearing as required by law.

Dated: August 24, 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 ZAS, DIRECTOR OF FINANCE  
2300 ELMWOOD AVENUE SUITE 110  
ROCHESTER, NEW YORK 14618  
Phone (585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board  
Attn: Finance and Administrative Services Committee  
From: Suzanne Zaso, Director of Finance *WJ*  
Date: August 16, 2011  
Subject: Appropriation of Repair Reserve Funds for HVAC Units  
Lower Level of Town Hall

I recommend that Your Honorable Body authorize the appropriation of \$75,000 from the Repair Reserve Fund (A.889.REPAR) to account A.SSVCS.1620.263 (Shared Services – Building Improvements) to fund the costs associated with the purchase and installation of HVAC units in the lower level of Town Hall

This matter has been discussed with the Finance and Administrative Services Committee in the past and some funding (\$13,200) was already appropriated from the reserve for the HVAC unit in the new Shared Services area two months ago. This current request is for the IT, Cable, vault, and Building and Planning storage rooms.

General Municipal Law section 6-d requires that a public hearing be set to appropriate repair reserve funds. Therefore, it is requested that the Town Board set a public hearing at their next meeting of September 14, 2011, to consider the appropriation of \$75,000 from the Town's Building Repair Reserve Fund for HVAC units and installation in the lower level of Town Hall.

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

Copy to: S. Frankel, K. Hall, and W. Moehle

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  
14<sup>th</sup> day of September, 2011.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**WHEREAS**, the Town Board duly scheduled a Public Hearing to be held on the 14th day of September, 2011, at 7:30 p.m., prevailing time, to consider the adoption of a proposed Local Law of 2011 entitled "Monroe Avenue-Irving Road Area Parking Restrictions Local Law" for the Town of Brighton, Monroe County, New York; and

**WHEREAS**, such public hearing was duly called and held and all persons having an interest in the matter having had an opportunity to be heard; and

**WHEREAS**, based on the testimony and the materials received at the public hearing, the Town Board deems it necessary and advisable to adopt the proposed Local Law.

**NOW, THEREFORE**, on motion of Councilperson

\_\_\_\_\_, seconded by Councilperson

**BE IT RESOLVED**, that the Town Board of the Town of Brighton, pursuant to the provisions of Article 3 of the Municipal Home Rule Law of the State of New York, hereby enacts the Local Law of 2011 entitled "Monroe Avenue-Irving Road Area Parking Restrictions Local Law" as attached hereto as Exhibit "A", for the Town of Brighton, Monroe County, New York; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to file such Local Law with the Department of State, as required by law.

Dated: September 14, 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 14th day of September, 2011.

**PRESENT:**

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

**RESOLVED**, that two items of correspondence, both dated August 29, 2011 from Mark T. Henderson, Chief of Police, and both concerning the appointment of Sergeants within the Brighton Police Department, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the promotion of Brighton Police Officer David Swancott to the rank of Sergeant, effective September 17, 2011, for a probationary period of 26 weeks, at an annual salary of \$87,583; and be it further

**RESOLVED**, that the Town Board hereby approves the promotion of Brighton Police Officer Walter Bruzda to the rank of Sergeant, effective September 17, 2011, for a probationary period of 26 weeks, at an annual salary of \$87,583.

Dated: September 14, 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 14th day of September, 2011.

**PRESENT:**

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

**RESOLVED**, that correspondence dated August 29, 2011 from Jerry LaVigne, Director of Parks and Recreation, concerning the repair of the wooden guardrail and chain link fence at Buckland Park and a related budget amendment, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes a budget appropriation in the amount of \$1,975.00 from account A.REC.7115.2680 (Parks and Recreation - Insurance Recovery) to account A.REC.7115.441 (Parks and Recreation - Maintenance Repair) to cover the cost of the repair of a wooden guardrail and chain link fence at Buckland Park, which was damaged in an automobile accident, and for which the Town received an insurance recovery.

Dated: September 14, 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 14th day of September, 2011.

**PRESENT:**

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

**WHEREAS**, the Town Board previously authorized an expenditure from the Replacement Reserve Fund for the cost of certain HVAC improvements in Town Hall, subject to permissive referendum under law; and

**WHEREAS**, the time period for submitting petitions seeking a referendum on such action having passed without resolutions being submitted, it is therefore

**RESOLVED**, that correspondence dated August 12, 2011 from Michael E. Guyon, P.E., concerning HVAC improvements, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby awards the bid for HVAC improvements in the information technology and cable rooms, vault room and planning and building room to Building Controls & Services, Inc. in the aggregate amount of \$49,540.

Dated: September 14, 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 14th day of September, 2011.

**PRESENT:**

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

**WHEREAS**, Brighton Business Park, LLC, the developer of the proposed Winfield Park Project, previously submitted a proposed Draft Scoping Outline for the environmental review of the project under the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Town Board conducted a public hearing concerning such Draft Scoping Outline on August 10, 2011, which public hearing was continued through August 24, 2011, and written communications were also accepted by the Town through such date, both with the consent of the developer; and

**WHEREAS**, in response to the comments received, the Draft Scoping Outline has been revised and a Final Scoping Outline prepared and submitted, and the Town Board now finds such Final Scoping Outline to be sufficient for the preparation of the Draft Environmental Impact Statement for the project under SEQRA; it is therefore

**RESOLVED**, that the Final Scoping Outline for the proposed Winfield Park Project, dated September 14, 2011, 2011, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the Final Scoping

Outline for the environmental review under SEQRA of the proposed Winfield Park Project.

Dated: September 14, 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 14th day of September, 2011.

**PRESENT:**

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

**RESOLVED**, that correspondence dated September 1, 2011 from Mark T. Henderson, Chief of Police, concerning a budget amendment to the Police Department Operating Budget for the purchase of computer hardware and software, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the budget amendment set forth in the above-referenced correspondence for the purchase of computer hardware and related software, which will be fully supported by funds in the Seized Property Account of the Police Department.

Dated: September 14, 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

**POLICE DEPARTMENT**  
2300 Elmwood Avenue  
Rochester, New York 14618-2196



**Mark T. Henderson**  
Chief of Police

Emergency 911  
Administrative (585) 784-5150  
Fax: (585) 784-5151

September 1, 2011

Honorable Town Board  
Finance and Administrative Services Committee  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

Dear Board Members:

I hereby request that an amendment be approved to the 2011 Police Department operating budget to provide for sufficient appropriations for the purchase of computer hardware and software.

The proposed purchase will be to replace current computer equipment that includes replacing seven desktop computers, three laptop computers and nine printers that are assigned throughout the department. The computer hardware is no longer under warranty and in some cases are seven to ten years old. The proposal also includes the purchase of computer software licenses for Microsoft Office and Adobe Photoshop. The purchase of these software licenses will allow for the police department to have a standardized version of Microsoft Office that is compatible with the new Windows 7 operating platform.

The purchase proposal also includes funding for the purchase of three Apple iPads that will be assigned to assist investigative personnel.

I propose that the "Proceeds of Forfeited Property" be used to fund this request. I request that appropriations in account A.POLICE.3125.2.13 (Computer Equipment) be increased by \$21,600.00 and that appropriations in A.POLICE.3125.4.15 (Computer Software) be increased by \$16,000.00. The total expenditure \$37,600.00 will be fully supported with the use of Forfeited Property account A.899.JSTCE. I have consulted with the United States Attorney's Office and they concur that the use of seized forfeiture asset funds for this purpose is appropriate.

Mrs. Susan Wentworth, Town Information Technology specialist, was consulted regarding the police department's computer replacement needs and does concur with this proposal.

Respectfully,

A handwritten signature in black ink that reads "Mark T. Henderson".

Mark T. Henderson  
Chief of Police

Cc: Mrs. Susan Wentworth

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 14th day of September, 2011.

**PRESENT:**

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

**RESOLVED**, that correspondence dated September 2, 2011 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning computer data base consulting services, be received and filed, together with a memorandum dated August 24, 2011 from Susan Wentworth, Coordinator of Data Processing, concerning FoxPro 2.6 Programming Support Request for Proposal; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute and deliver an agreement by and between the Town and Richard Cortina for consulting services related to the support of the FoxPro database software, at a maximum expense of \$6,000, which agreement shall be in form and substance as may be approved by the Attorney to the Town; and be it further

**RESOLVED**, that in connection with such consulting services, the Town Board hereby approves a budget transfer in the amount of \$6,000 from account A.DPW.1490.110 (Public Works - Wages) to account A.DPW.1490.449 (Public Works - Other Contracted Services).

Dated: September 14, 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) 784-5250 FAX: (585) 784-5368

September 2, 2011

The Honorable Finance and Administrative Services Committee  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

re: Computer Data Base Consulting Services  
Recommendation of Contract Award

Dear Councilperson Gaddis and Committee Members:

As previously authorized, an RFP was issued for the above services. Based upon research conducted by staff, four firms and/or individuals were identified as having experience with the FoxPro data base and contacted regarding the submission of proposals. Two of the four declined to respond (Dataware Technology Group and Brite Computers). The remaining two (Myrick Consulting and Richard Cortina) provided proposals for the services outlined in the RFP. Attached is a summary of these two proposals.

Past discussions have been based upon an anticipated maximum of 80 hours (at \$75.00/hour, total maximum anticipated of \$6,000.00) of assistance with programming needs. Myrick Consulting (\$75.00/hour) has indicated in their proposal that they anticipate 16 hours of system orientation (approximately \$1,200.00), leaving 64 hours remaining for actual programming efforts. Richard Cortina (\$95.00/hour) has indicated no orientation time required, thereby 63+ hours of programming at his proposed rate. Based upon this comparative analysis, the support hours are virtually equal. However, Myrick's proposal notes DPW/IT staff involvement associated with each identified Myrick involvement, thereby an additional staff cost associated with their proposal. Mr. Cortina is also locally available, while Myrick would provide remote support from Hawaii.

In consideration of the attached and the above, I respectfully believe that it is in the best interest of the Town to retain the services of Mr. Cortina for our support needs and recommend the same. I also recommend at this time to transfer funds in the amount of \$6,000.00 from the A.DPW 1490 1.10 account (wages) to the A.DPW 1490 4.49 account (other contracted services) for these needs. As always, thank you for your consideration. I will be in attendance at your regularly scheduled September 7, 2011 meeting in the event that you have any questions regarding this matter.

Sincerely,

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

TEK/wpd

cc: M. Guyon  
S. Zaso  
A. Banker  
S. Wentworth  
M. Hussar

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 14th day of September, 2011.

**PRESENT:**

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

**RESOLVED**, that a memorandum dated September 7, 2011 from Suzanne Zaso, Director of Finance, concerning budget transfers to reflect the particular needs within various departments based on 2011 actual operating expenditures verses the adopted 2011 Town Operating Budget, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Town Board hereby approves the budget transfers listed in the attachment to the above-referenced memorandum, to reflect departmental particular needs resulting from actual operations versus the adopted 2011 Town Budget.

Dated: September 14, 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, Director of Finance  
2300 ELMWOOD AVENUE  
ROCHESTER, NEW YORK 14618  
(585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board  
From: Suzanne Zaso, Director of Finance *mg*  
Date: September 7, 2011  
Subject: Budget Transfers, 2011 Town Operating Budget

Based on a review of year-to-date expenditures, we are seeking Town Board authorization to record budget transfers to reflect the particular needs within various departments based on 2011 actual operating expenditures versus the adopted budget.

Attached to this memo is a listing of the budget transfers we are recommending at this time. I would be pleased to respond to any questions that members of the Town Board may have regarding these transfers.

Attachment

Copy to: S. Frankel, W. Moehle

# ATTACHMENT -- Budget Transfers (FASC 9/7/11)

From		To Account		Transfer Amount
Department	Sub-Department	Dept. Code - Expense Code	Dept. Code - Expense Code	
Cable Commission	Cable Television	A.CABLE.8060.4.44 Contract Personnel Service	A.CABLE.8060.4.22 Telephone Service Charges	\$1,440
Public Works	Townwide Street Lighting	A.DPW.5182.4.21 Gas & Electric Service Charges	A.DPW.5182.4.41 Maintenance/Repair Service	\$1,650
Public Works	Sidewalk Snow Removal	A.DPW.5415.4.65 Vehicle Maintenance/Repair	A.DPW.5415.1.30 Overtime Wages	\$775
Highway	Employee Benefits	A.HWY.9000.8.10 NYS Retirement System Contr.	A.HWY.9000.4.39 Insurance Program Admin	\$1,000
Highway	Highway Administration	D.HWY.5140.2.14 Audio/Visual Equipment	D.HWY.5140.4.39 Insurance Program Admin	\$1,000
Recreation	Meridian Centre Park	A.REC.7125.4.43 Landscaping Services	A.REC.7123.4.43 Landscaping Services	\$750
Police	Police	A.POLCE.3120.8.10 NYS Retirement System Contr.	A.POLCE.3120.4.61 Gasoline	\$17,000
Undistributed Exp.	Employee Benefits	A.UNDST.9000.1.40 Other Wages	A.DPW.3410.4.61 Gasoline	\$1,200
Undistributed Exp.	Employee Benefits	A.UNDST.9000.1.40 Other Wages	A.POLCE.3510.4.61 Gasoline	\$2,100
Undistributed Exp.	Employee Benefits	A.UNDST.9000.1.40 Other Wages	A.REC.7120.4.61 Gasoline	\$1,900
Undistributed Exp.	Employee Benefits	A.UNDST.9000.1.40 Other Wages	A.REC.7120.4.62 Diesel Fuel	\$100
Cable Commission	Cable Television	A.CABLE.8060.4.44 Contract Personnel Service	A.CABLE.8060.4.22 Telephone Service Charges	\$1,440
Public Works	Townwide Street Lighting	A.DPW.5182.4.21 Gas & Electric Service Charges	A.DPW.5182.4.41 Maintenance/Repair Service	\$1,650
Public Works	Sidewalk Snow Removal	A.DPW.5415.4.65 Vehicle Maintenance/Repair	A.DPW.5415.1.30 Overtime Wages	\$775
Highway	Employee Benefits	A.HWY.9000.8.10 NYS Retirement System Contr.	A.HWY.9000.4.39 Insurance Program Admin	\$1,000
Highway	Highway Administration	D.HWY.5140.2.14 Audio/Visual Equipment	D.HWY.5140.4.39 Insurance Program Admin	\$1,000
Recreation	Meridian Centre Park	A.REC.7125.4.43 Landscaping Services	A.REC.7123.4.43 Landscaping Services	\$750
Police	Police	A.POLCE.3120.8.10 NYS Retirement System Contr.	A.POLCE.3120.4.61 Gasoline	\$17,000
Undistributed Exp.	Employee Benefits	A.UNDST.9000.1.40 Other Wages	A.DPW.3410.4.61 Gasoline	\$1,200
Undistributed Exp.	Employee Benefits	A.UNDST.9000.1.40 Other Wages	A.POLCE.3510.4.61 Gasoline	\$2,100
Undistributed Exp.	Employee Benefits	A.UNDST.9000.1.40 Other Wages	A.REC.7120.4.61 Gasoline	\$1,900
Undistributed Exp.	Employee Benefits	A.UNDST.9000.1.40 Other Wages	A.REC.7120.4.62 Diesel Fuel	\$100



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

MEMORANDUM

To: The Honorable Town Board  
Attn.: Finance and Administrative Services Committee  
From: Suzanne Zaso, Director of Finance  
Date: September 7, 2011  
Subject: Bond Resolution for 2011 Ambulance, Phone System,  
Highway/Sewer and DPW Software, and Veteran's Memorial

I recommend that Your Honorable Body adopt the enclosed Bond Resolution that provides financing for up to \$484,500 for a period of up to five years for the following projects:

- Replacement of one ambulance - \$100,000 with balance of \$57,650 from current appropriations and fund balance
- Upgrade of the Town's telephone system – up to \$82,500
- Software for Building, Planning, and Zoning (Municipity) – up to \$77,000
- Software for Highway and Sewer (Pub Works) – up to \$30,000 with additional amount up to \$11,750 from current appropriations
- Phase I of design and construction of a Veteran's Memorial – up to \$195,000 with balance of \$115,000 from grants, donated funds, and in-kind services

I would be pleased to respond to questions that members of the Town Board may have regarding this matter.

Copy to: S. Frankel and W. Moehle

1 At a regular meeting of the Town Board of  
2 the Town of Brighton, Monroe County, New  
3 York, duly held at the Town Hall located at  
4 2300 Elmwood Avenue, Brighton, New  
5 York 14445 on the 14<sup>th</sup> day of September,  
6 2011 at 7:30 p.m.

PRESENT: \_\_\_\_\_ 7  
\_\_\_\_\_ 8  
\_\_\_\_\_ 9  
\_\_\_\_\_ 10  
\_\_\_\_\_ 11

ABSENT: \_\_\_\_\_ 12

The following resolution was offered by Tierney, 13  
who moved its adoption, seconded by Vogel, 14 to-wit:

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF  
BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"),  
AUTHORIZING THE ISSUANCE OF UP TO \$289,500 IN SERIAL BONDS  
OF THE TOWN TO FINANCE VARIOUS PUBLIC IMPROVEMENTS**

WHEREAS, the Town Board (the "Board") of the Town of Brighton, Monroe County, New York (the "Town") proposes to authorize the issuance of \$289,500 in serial bonds of the Town to finance various public improvements and purposes, as described herein; and

WHEREAS, each of such public improvements and purposes constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

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

SECTION 1. The Town is hereby authorized to issue \$100,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of purchasing one Road Rescue ambulance to serve the Town of Brighton Ambulance District, including equipment or furnishings used in connection with such vehicle, at an estimated

maximum cost of \$157,650. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$157,650, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$100,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 1 of this resolution and (ii) the payment of up to \$57,650 of such maximum estimated cost in current funds of the Town. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is ten (10) years, pursuant to subdivision 27-a of paragraph a. of Section 11.00 of the Law.

SECTION 2. The Town is hereby authorized to issue \$82,500 principal amount of serial bonds pursuant to the provisions of the Law to finance the purchase and installation of a Mitel 50000 communications platform to be integrated with the Town's current telephone system, at an estimated maximum cost of \$82,500. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$82,500, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of up to \$82,500 in serial bonds of the Town, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 2 of this resolution. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is ten (10) years, pursuant to subdivision 25 of paragraph a. of Section 11.00 of the Law.

SECTION 3. The Town is hereby authorized to issue \$77,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the purchase and installation of municipal building, planning and zoning software for use by the Town, at an estimated maximum cost of \$77,000. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$77,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of up to \$77,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 3 of this resolution. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is five (5) years, pursuant to subdivision 32 of paragraph a. of Section 11.00 of the Law.

SECTION 4. The Town is hereby authorized to issue \$30,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the purchase and installation of public works software that integrates service requests, work orders, payroll, project tracking, asset management and mapping for the highway and sewer departments, at an estimated maximum cost of \$41,750. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$41,750, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$30,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 4 of this resolution and (ii) the payment of up to \$11,750 of such maximum estimated cost in current funds of the Town. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is five (5) years, pursuant to subdivision 32 of paragraph a. of Section 11.00 of the Law.

SECTION 5. The final maturity of the bonds herein authorized to be issued shall not be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Sections 1 through 4 of this resolution.

SECTION 6. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to subsections d.5. and d.9. of Section 107.00 of the Law.

SECTION 7. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Sections 1 through 4 of this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2. Further, the Town is hereby authorized to apply for and/or accept any funds or grant moneys from the State of New York and/or the United States of America in connection with all or any part of said purposes and to apply the same toward the payment of the cost thereof, including the reimbursement to the Town of any expense or cost and the payment of all or any part of the indebtedness incurred pursuant to this resolution.

SECTION 8. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 9. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, as the chief fiscal officer of the Town (the "Town Supervisor").

SECTION 10. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the

bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Board.

SECTION 13. The Town Supervisor is hereby authorized and directed to cause a copy of this resolution to be published in full in the official newspaper of the Town for such purpose, together with a notice of the Town Supervisor in substantially the form provided in Section 81.00 of the Law.

SECTION 14. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

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

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

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

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

SECTION 15. To the extent that any of the authorizations set forth in this resolution are inconsistent with the current capital budget of the Town, such capital budget is hereby amended.

Duly put to vote as follows:

---

Sandra L. Frankel, Supervisor

---

Sheila A. Gaddis, Councilmember

---

Louise Novros, Councilmember

---

Raymond J. Tierney, III,  
Councilmember

---

James R. Vogel, Councilmember

Members of the Town Board of  
Town of Brighton, Monroe County,  
New York

Dated: September 14, 2011

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 14th day of September, 2011.

**PRESENT:**

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

**RESOLVED**, that correspondence dated September 14, 2011 from Suzanne Zaso, Director of Finance, concerning an agreement by and between the Town and Moody's Investors Service for local government credit rating services, be received and filed, together with a copy of the proposed application; and be it

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver the application and fee schedule for local Government Issuers, by and between the Town and Moody's Investors Services for local government credit rating services for the Town, which agreement shall be in form and substance as may be approved by the Attorney for the Town, and in connection therewith, to make payment to Moody's for such services pursuant to the schedule of fees therein.

Dated: September 14, 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, DIRECTOR OF FINANCE  
2300 ELMWOOD AVENUE  
ROCHESTER, NEW YORK 14618  
Phone (585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board  
From: Suzanne Zaso, Director of Finance  
Date: September 14, 2011  
Subject: Moody's Bond Rating Fees

A handwritten signature in blue ink, appearing to be "S. Zaso", is written over the "From:" line of the memorandum.

As part of the process involved with the previously approved refunding of the 1999 serial bonds that were issued for the construction of an addition to and reconstruction of a portion of the Brighton Town Hall for library facilities, our credit rating service, Moody's Investors Services, needed to update the Town's credit rating. To do so, Moody's is required to have the issuing entity sign an application and fee schedule.

Based on the refunding amount of \$635,000, the Town is obligated to pay Moody's \$5,500 per the fee schedule attached. I would like to point out that the Town's credit rating has been upgraded from AA3 to AA2. This will have a favorable impact on this refunding and future borrowings of the Town in the form of lower interest rates.

I recommend that Your Honorable Body authorize the Supervisor to execute the attached Moody's Application & Fee Schedule for Local Government Issuers.

I would be pleased to respond to questions that members of the Town Board may have regarding this matter.

Copy to: S. Frankel and W. Moehle

**Moody's Investors Service**  
7 WTC at 250 Greenwich Street  
New York, NY 10007  
Phone: 212-553-4055  
Fax: 212-298-6761  
[PFGRatingApplications@moodys.com](mailto:PFGRatingApplications@moodys.com)

**MOODY'S APPLICATION & FEE SCHEDULE FOR  
LOCAL GOVERNMENT ISSUERS**

Town of Brighton

---

ISSUING AUTHORITY NAME

Town of Brighton

---

BORROWING ENTITY'S NAME

The undersigned hereby applies for a Moody's rating, as described in this Application. A credit rating is Moody's current opinion regarding the relative future creditworthiness of a credit commitment, a debt or debt-like security, or an issuer of such obligations. Moody's credit ratings do not address any other risk, including but not limited to: liquidity risk, market value risk, or price volatility.

The undersigned agrees to furnish to Moody's and/or where the undersigned is not the Issuer, will procure that the Issuer furnishes Moody's with pertinent financial reports and other information and data required by Moody's, in its sole discretion, in order that Moody's may appraise the Issuer or the specific issue. The undersigned also agrees on an ongoing basis to provide or procure the provision of updated information, including periodic financial reports, and copies of compliance certificates, amendments or waivers, and any other pertinent information which may be necessary for the purposes of monitoring the rating. The undersigned agrees and acknowledges that it is solely responsible and liable for the quality of the information provided, Moody's will rely on such information in its analysis and Moody's owes no obligation to the undersigned or the Issuer to verify, audit or validate independently any such information. The undersigned warrants that it has undertaken all reasonable due diligence in respect of such information and all information supplied is true, accurate, and complete and not misleading in all respects. It is understood that Moody's may aggregate and/or transform any information provided by or on behalf of the Issuer so that it is not capable of association with any individual issuer, and publish, distribute or use such aggregated or transformed data in connection with its products and services. The terms of this Application supersede any other terms and conditions relating to the information, including terms and conditions of any website or electronic data room in which any of the information is posted, which terms and conditions will not apply to Moody's.

The parties hereto agree that in connection with any amendment, modification, supplement, restatement or waiver of any provision of this Application, at any time, no consent or agreement to any such amendment, modification, supplement, restatement or waiver shall be deemed effective and binding upon the other party if such consent or agreement is provided by means of an electronic click-through or any other electronic form of acceptance, and the undersigned agrees that neither Moody's nor any affiliate, employee or agent of Moody's shall be bound by or subject to any terms or conditions of use (hereinafter "Website Terms") for access to a web site containing information with respect to the issuer or securities to which this Application relates, including, without limitation, any website established by a third party engaged by or acting on behalf of the undersigned or the Issuer, even if Moody's or any affiliate, employee or agent of Moody's clicks-through or has clicked-through such Website Terms by electronic means at any time before or after the date hereof. The parties agree that no amendment, modification, supplement, restatement or waiver of the preceding sentence shall in any event be effective without the written consent of both parties, provided that such consent shall be effective only if evidenced by a writing signed by hand by an authorized representative of the Global Commercial Group of Moody's or a corporate officer or the holder of a power of attorney of Moody's and an authorized representative of the undersigned.

This Fee Schedule sets out Moody's fees for the period 1/1/2011 to 12/31/2011. Moody's reserves the right to revise this Fee Schedule from time to time. If Moody's does not revise this Fee Schedule, the current Fee Schedule will also apply in subsequent periods. Please request a current Fee Schedule at the time of your rating assignment.

**MOODY'S APPLICATION & FEE SCHEDULE FOR  
LOCAL GOVERNMENT ISSUERS**

The undersigned agrees to pay or where the undersigned is not the Issuer will ensure that the Issuer will pay and, if the Issuer does not pay, will itself pay fees in accordance with the attached Fee Schedule. Moody's reserves the right to revise this Application and Fee Schedule.

This Application will renew annually on the anniversary of the date executed unless Moody's or the undersigned provides thirty (30) days prior written notice. Any termination of this Application shall not restrict Moody's from maintaining, revising or withdrawing any rating on the undersigned or any third party.

This Application can be terminated at any time by Moody's or upon at least 3 months written notice by the undersigned. In the event of termination by the undersigned 3 months or more prior to the end of the then current annual billing period or in the event of termination by Moody's, the undersigned will pay Moody's all fees due in respect of the then current annual billing period. In the event of termination by the undersigned less than 3 months prior to the end of the then current annual billing period, the undersigned will pay Moody's all fees due in respect of the then current annual billing period, plus a pro rata portion of the fees in respect of the next annual billing period representing the proportion of the notice period that falls within the next annual billing period.

It is understood that Moody's rating, if assigned, will be subject to revision or withdrawal by Moody's at any time, without notice, in the sole discretion of Moody's. It is further understood that Moody's is an independent rating agency and is therefore free to determine, apply and amend from time to time its methodologies in its sole discretion in accordance with applicable law. Moody's reserves the right to issue or maintain a rating with respect to the issuer or any securities of the issuer at any time without the consent of the undersigned or any other person whether or not this Application is in effect.

The undersigned agrees that any rating requested and assigned shall only be used for its intended purpose. For the avoidance of doubt and as an example, an issuer that requests and is assigned an Issuer rating shall not represent such rating as the rating which would be applicable to any of its securities.

Moody's is not providing and shall not provide any financial, legal, tax, advisory, consultative or business services to the undersigned or the Issuer, or advice on structuring transactions or drafting or negotiating transaction documentation. The Issuer and/or the undersigned should take their own legal, tax, financial and other advice when structuring, negotiating and documenting transactions. A rating opinion or discussions with Moody's analysts shall not be deemed as rendering advice on business operations. Any rating must be construed solely as a statement of opinion and not a statement of fact, an offer, invitation, inducement or recommendation to purchase, sell or hold any securities or otherwise act in relation to the issuer or any other entity or otherwise in connection with any associated transaction or any other matter. Moody's is not party to any transaction documents and therefore is not bound by any rating agency confirmation or affirmation clauses (commonly known as RACs) in such documentation. Moody's is not obliged to give any such confirmation or affirmation and retains sole discretion whether to do so.

Moody's does not guarantee the correctness of any information, rating or communication relating to the undersigned or the Issuer. Notwithstanding anything to the contrary contained herein, Moody's shall not be liable in contract, tort, statutory duty or otherwise to the Issuer or the undersigned or any other third party for any loss, injury or cost caused to the Issuer or the undersigned or any other third party, in whole or in part, including by any negligence (but excluding fraud, dishonesty and/or willful misconduct or any other type of liability that by law cannot be excluded) on the part of, or any contingency within or beyond the control of, Moody's or any of its directors, officers, employees, agents or affiliates, including any losses arising from or in connection with the procuring, compilation, analysis, interpretation, communication, dissemination, or delivery of any information or rating relating to the undersigned or the Issuer, the withdrawal of any such rating and any associated disclosure, the inability to issue or monitor a rating due to legislative, judicial or administrative decisions, any change in Moody's methodologies, any unauthorized publication, unauthorized use or any misuse, or any reliance otherwise acknowledged as inappropriate.

It is understood that Moody's may use third party contractors or agents bound by confidentiality obligations to assist in the ratings process and its related business and research activities. In this Application, Moody's refers to the Moody's entity specified above and all its relevant group companies, unless otherwise specified. Moody's may assign this Application to any other Moody's group company and Moody's group companies are entitled to the benefit of the protective provisions in this Application.

This Fee Schedule sets out Moody's fees for the period 1/1/2011 to 12/31/2011. Moody's reserves the right to revise this Fee Schedule from time to time. If Moody's does not revise this Fee Schedule, the current Fee Schedule will also apply in subsequent periods. Please request a current Fee Schedule at the time of your rating assignment.

**MOODY'S APPLICATION & FEE SCHEDULE FOR  
LOCAL GOVERNMENT ISSUERS**

Except where prohibited by law, the undersigned warrants that neither it nor the Issuer is owned or controlled, directly or indirectly, by any person or government from countries that are subject to economic, trade, or transactional sanctions imposed by the United States Government, including but not limited to Burma, Cuba, Iran, North Korea, Syria, or Sudan and that neither it nor the Issuer or any of their owners, directors, officers, employees, or group companies appears on any lists of known or suspected terrorists, terrorist organizations or other prohibited persons made publicly available or published by any agency of the government of the United States or any other jurisdiction in which the undersigned or the Issuer or any of their group companies are doing business, including but not limited to the List of Specially Designated Nationals and Blocked Persons ("SDNs") maintained by the Office of Foreign Assets Control ("OFAC") of the U.S. Department of the Treasury. The undersigned agrees that it will notify Moody's if these circumstances change.

For information on how we process and protect personal data, please see our Privacy Policy available at [moodys.com](http://moodys.com).

This Application represents the whole and only agreement in relation to the subject matter of this Application and supersedes any previous agreement between Moody's and the undersigned in relation to that subject matter. Accordingly, all other terms, conditions, representations, warranties and other statements which would otherwise be implied (by law or otherwise) shall not form part of this Application.

Moody's does not consent to or authorize the use of its rating(s) in any registration statement, offering circular, or prospectus ("Offering Documents"), notwithstanding any past communications or dealings of the parties or anything herein to the contrary. The preceding sentence does not prohibit the disclosure of, or reference to, a Moody's rating in an Offering Document except in circumstances where such disclosure of, or reference to, a Moody's rating in an Offering Document would require a consent or authorization from Moody's to be given and/or filed under any applicable laws, regulations, directives or rules (including, if applicable, the U.S. securities laws or the rules of any securities market or securities exchange). For the avoidance of doubt, if as a result thereof Moody's consent would be required to be filed with the United States Securities and Exchange Commission, the following actions may not be taken by the undersigned or by any other offering participant without the prior written authorization of Moody's, which authorization may be withheld or withdrawn in the sole discretion of Moody's: quoting, summarizing, incorporating by reference, linking by hyperlink or otherwise disclosing or using in any Offering Document, or in any other way referencing, disclosing or disseminating in any other written communication (including a written communication as defined in Rule 405 promulgated under the Securities Act of 1933, as amended) any of the following: (i) the fact that the undersigned has applied to Moody's for a rating, (ii) the fact that Moody's has reviewed information provided by the undersigned in connection with the assignment of a rating, (iii) the fact that Moody's has assigned a rating and/or (iv) the rating, if any, assigned by Moody's.

The undersigned agrees to keep the provisions of this Application and Fee Schedule confidential and not to disclose such provisions to any person except (i) affiliates, officers, directors, employees, representatives and advisors, and (ii) as required by applicable law, rule or regulation, or at the request of any governmental agency or authority having jurisdiction. The undersigned will cause its affiliates, officers, directors, employees, representatives and advisors to comply with the foregoing.

See Appendix B attached hereto for additional legal terms applicable to any private rating issued by Moody's hereunder, i.e., any rating not disclosed by Moody's to the general public at the time of issuance to the applicant, including any indicative rating.

This Application and any contractual or non-contractual obligations arising from or connected to it shall be governed by and construed in accordance with the laws of the State of New York in the United States of America and subject to the exclusive jurisdiction of the courts of the State of New York in the United States of America.

This Fee Schedule sets out Moody's fees for the period 1/1/2011 to 12/31/2011. Moody's reserves the right to revise this Fee Schedule from time to time. If Moody's does not revise this Fee Schedule, the current Fee Schedule will also apply in subsequent periods. Please request a current Fee Schedule at the time of your rating assignment.

MOODY'S APPLICATION & FEE SCHEDULE FOR LOCAL GOVERNMENT ISSUERS

(Please Print or Type)

APPLICANT: Town of Brighton

BY: Sandra L. Frankel TITLE: Supervisor

MAILING ADDRESS: 2300 Elmwood Ave

CITY: Rochester STATE: NY ZIP CODE: 14618

TELEPHONE NUMBER: 585-784-5250 FAX NUMBER: 585-784-5396 EMAIL: sandra.frankel@townofbri  
.or

AUTHORIZED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Signature

**SIGN  
HERE**

Payment of fees is due on receipt of an invoice.

Please do not return this Application or Fee Schedule to any member of the analytic team involved in the rating process (including managers). Please return this application to the Moody's Relationship Management Team.

If you have any questions, please contact the Moody's Relationship Management Team at (212) 553-4055.

This Fee Schedule sets out Moody's fees for the period 1/1/2011 to 12/31/2011. Moody's reserves the right to revise this Fee Schedule from time to time. If Moody's does not revise this Fee Schedule, the current Fee Schedule will also apply in subsequent periods. Please request a current Fee Schedule at the time of your rating assignment.

**Moody's Public Finance Group  
2011 Rating Fee Schedule  
Local Governments**

Moody's Code of Professional Conduct states we "will not have Analysts who are directly involved in the rating process initiate, or participate in, discussions regarding fees or payments with any entity they rate." Therefore, please do not return this rating application or fee schedule to any member of the analytic team involved in the rating process (including managers), or include the analytic team (including managers) in any fee-related correspondence. Moody's maintains a separate, dedicated group not involved in the rating process for handling Applications, Fee Schedules and fee and payment discussions. If you have any questions regarding this Application or Fee Schedule, please contact the Moody's Relationship Management Team.

Moody's rating fees are shown in the schedule below.

<b>Issue Size</b>	<b>General Obligation Bonds</b>	<b>Revenue, Lease, Special Tax &amp; State Revolving Fund Bonds</b>	<b>Short Term Notes</b>
Less than \$1 mil.**	\$5,500	\$9,000	\$3,000
\$1 mil to \$4.9 mil.	\$8,000	\$9,000	\$5,500
\$5 mil. to \$9.9 mil.	\$11,000	\$13,000	\$6,500
\$10 mil. to \$19.9 mil.	\$15,000	\$16,000	\$8,500
\$20 mil. to \$24.9 mil.	\$15,000	\$20,000	\$10,000
\$25 mil. to \$34.9 mil.	\$20,000	\$20,000	\$12,500
\$35 mil. to \$39.9 mil.	\$20,000	\$25,000	\$12,500
\$40 mil. to \$49.9 mil.	\$20,000	\$25,000	\$15,000
\$50 mil. to \$74.9 mil.	\$25,000	\$32,000	\$17,500
\$75 mil. to \$89.9 mil.	\$35,000	\$38,500	\$20,000
\$90 mil. to \$99.9 mil.	\$35,000	\$47,500	\$20,000
\$100 mil. to \$149.9 mil.	\$55,000	\$65,000	\$30,000
\$150 mil. to \$199.9 mil.	\$75,000	\$80,000	\$40,000
\$200 mil. to \$299.9 mil.	\$95,000	\$100,000	\$60,000
\$300 mil. to \$499.9 mil.	\$95,000	\$120,000	\$75,000
\$500 mil. to \$999.9 mil.	\$100,000	\$135,000	\$80,000
\$1 bil. and over	Case by case	Case by case	Case by case

This Fee Schedule sets out Moody's fees for the period 1/1/2011 to 12/31/2011. Moody's reserves the right to revise this Fee Schedule from time to time. If Moody's does not revise this Fee Schedule, the current Fee Schedule will also apply in subsequent periods. Please request a current Fee Schedule at the time of your rating assignment.

**Moody's Public Finance Group  
2011 Rating Fee Schedule  
Local Governments**

**Bond Anticipation Notes:**

<b>Issue Size</b>	<b>Standard Fee</b>
<b>Less than \$2,000,000</b>	<b>\$2,000</b>
<b>\$2,000,000 - \$2,999,999</b>	<b>\$2,300</b>
<b>\$3,000,000 - \$4,999,999</b>	<b>\$2,600</b>
<b>\$5,000,000 - \$9,999,999</b>	<b>\$3,500</b>
<b>\$10,000,000 - \$14,999,999</b>	<b>\$4,600</b>
<b>\$15,000,000 - \$19,999,999</b>	<b>\$6,100</b>
<b>\$20,000,000 - \$24,999,999</b>	<b>\$7,600</b>
<b>\$25,000,000 - \$34,999,999</b>	<b>\$8,700</b>
<b>\$35,000,000 - \$49,999,999</b>	<b>\$9,900</b>
<b>\$50,000,000 - \$74,999,999</b>	<b>\$13,900</b>
<b>\$75,000,000 - \$84,999,999</b>	<b>\$17,400</b>
<b>\$85,000,000 - \$99,999,999</b>	<b>\$20,300</b>
<b>\$100,000,000 and over</b>	<b>2.20 Basis Pts. to a max of \$75,200</b>

**Commercial Paper**

The initial and annual fee for program sizes less than \$100m is \$15,500 and \$18,000 if greater than \$100m. Annual fees will be discounted for multiple programs.

**Variable Rate Issues**

Initial and annual fees for Variable Rate issues are as follows:

Initially: Additional \$6,000 added to the long term fees.

Annual Fees - based on principal amount (Excludes self-liquidity):

Less than \$5m	\$3,000
\$5m - \$9.9m	\$5,000
\$10m and over	\$7,000
Self Liquidity	\$12,000

Annual Fees are non-refundable.

**Amendments to existing variable rate transactions**

\$1,100	Applies to extension of credit or liquidity enhancement
\$1,100 - \$2,750	Applies to affirmation of rating.
\$6,000	Applies to substitution of credit or liquidity enhancement with no provision changes. Where there are multiple deals with identical documents, the fee for the first deal is \$6,000 and each additional deal is \$3,000.

This Fee Schedule sets out Moody's fees for the period 1/1/2011 to 12/31/2011. Moody's reserves the right to revise this Fee Schedule from time to time. If Moody's does not revise this Fee Schedule, the current Fee Schedule will also apply in subsequent periods. Please request a current Fee Schedule at the time of your rating assignment.

**Moody's Public Finance Group  
2011 Rating Fee Schedule  
Local Governments**

\$7,500	Applies to substitution of credit or liquidity enhancement with provision changes (amending auto terminations, amending indentures, changing any other document other than the LOC/SBPA). Where there are multiple deals with identical documents, the fee for the first deal is \$7,500 and each additional deal is \$3,750.
80% of new issuance fee	Applies to restructuring of security and complex substitutions, i.e., when the replacement credit or liquidity enhancement is a different type of enhancement vehicle.

**Bank Bonds**

A \$5,000 fee will be charged for Bank Bond Ratings assigned in conjunction with the rating of the initial bonds.

**Termination of Rating Process**

Applicable when substantial analytical research is provided, but the rating process is terminated. The fee is 70% of what the fee would have been if the rating process had not been terminated. This fee is payable at the time of the termination of the rating process. However, if the issue is reactivated and a rating is assigned within six months of the termination of the rating process, this fee will be credited against the applicable rating fee. Any excess over the actual charges for the definitive rating is non-refundable.

**Postponed/Canceled Sales**

The fee for an issue that has been assigned a rating and is subsequently canceled or postponed will be 70% of that which would have been applicable had the issue sold. The fee is payable at the time of cancellation or postponement. If the issue sells within six months, the balance of the original fee will be invoiced. Any excess over the actual charges for the definitive rating is non-refundable.

**Indicative Rating Service**

The fee for an issue that has been assigned a preliminary rating indicator will be 70% of the standard fee. If an application for a public underlying and/or insured rating is received within six months of the assignment of the indicative rating, the indicative rating fee will be credited against the charges outlined on the current fee schedule. Moody's reserves the right to publish its ratings upon any public disclosure of the ratings. Any excess of the indicative rating fee over the actual charges for the subsequently assigned definitive rating is non-refundable.

**Preferred Pricing**

Preferred Pricing is applied only in circumstances where Moody's has rated an issue during the prior 12 months and there are no outstanding unpaid rating fees. Moody's normal BAN rating fees are discounted for preferred pricing clients. Contact the Moody's Relationship Management Team to verify eligibility. Preferred Pricing clients issuing bonds in the amount of \$500,000 or less would be charged \$2,000.

**Complex Financings**

Moody's may charge an additional fee of up to \$100,000 for certain types of complex financings. Please contact the Moody's Relationship Management Team to discuss whether such complex deal-fees apply to a planned financing.

**Rapid Turnaround**

A fee of up to \$7,500 may be charged at Moody's sole discretion if there is a request for expedient delivery of a rating.

Pooled financings, letters of credit and structured issues are not included in any of the above rates.

Moody's reserves the right to change rating fees without prior notification.

All inquiries may be directed to the Moody's Relationship Management Team at (212) 553-4055.

This Fee Schedule sets out Moody's fees for the period 1/1/2011 to 12/31/2011. Moody's reserves the right to revise this Fee Schedule from time to time. If Moody's does not revise this Fee Schedule, the current Fee Schedule will also apply in subsequent periods. Please request a current Fee Schedule at the time of your rating assignment.

**Appendix A****Web Posting / Linking Terms and Conditions**

To the extent Moody's publishes written research or press releases specifically regarding the Issuer, as a direct result of this Application ("Issuer Research"), and Issuer desires to link to or post same on its website, the following terms will apply.

The undersigned is hereby granted a royalty-free, non-sublicensable (except as to the Issuer, if the undersigned is not the Issuer), revocable license to post Issuer Research on the Issuer's website (or to post a link to the page on Moody's website where such Issuer Research appears), subject in all cases to the following restrictions. Where the undersigned is not the Issuer, the undersigned agrees that it shall procure that the Issuer complies with all the conditions pertaining to posting or linking to Issuer Research as set forth herein. All Issuer Research and all trademarks and logos contained therein are the intellectual property of Moody's or its affiliates, and all rights not expressly granted herein are reserved.

In no event shall the Issuer Research include any pre-sale reports (prior to initial sale of the relevant security), non-public, or unmonitored ratings. Only the most recent Issuer Research may be posted, in the exact form and format provided by Moody's without any alterations or editing whatsoever (including all disclaimers, logos, and proprietary rights notices thereon). All outdated Issuer Research must be promptly deleted and updated Issuer Research posted promptly after it is published by Moody's. Any links to or posting of Issuer Research shall be indicated by Moody's corporate name only in plain text font, and may not display Moody's logo under any circumstances. Issuer Research or links to Issuer Research may only be displayed on the investor relations portion of the relevant website (or an analogous area where general corporate information is displayed) and not on any portion of the site (or in any hard copy form) for the purpose of marketing, promotion or advertising. Issuer Research may not be posted, linked to, displayed, or otherwise used in connection with a prospectus, "road show" deck, or any other document related to the offering of securities.

The undersigned, on behalf of itself and the Issuer, agrees and acknowledges that it is solely responsible for compliance with all laws, rules, and regulations including but not limited to applicable securities laws, in connection with the posting or linking to the Issuer Research. The undersigned (on behalf of itself and Issuer, if different entities) hereby agrees to indemnify and hold Moody's, its affiliates, and all of their respective employees, officers, directors, representatives, agents, successors, and assigns, harmless against any and all losses, claims, damages, costs or injury (including without limitation attorneys' fees), of whatever nature (whether foreseeable or not) and however caused, in whole or in part caused by, resulting from or relating to, posting or linking to the Issuer Research.

This license shall terminate as of the date that the undersigned and/or this Issuer are no longer active Moody's clients; or upon advance written notice from Moody's at any time. Upon termination, all posting and linking to Issuer Research permitted hereunder must cease immediately.

This Fee Schedule sets out Moody's fees for the period 1/1/2011 to 12/31/2011. Moody's reserves the right to revise this Fee Schedule from time to time. If Moody's does not revise this Fee Schedule, the current Fee Schedule will also apply in subsequent periods. Please request a current Fee Schedule at the time of your rating assignment.

## **Appendix B**

### **Additional Terms and Conditions Applicable to Private Ratings**

As used herein, the term "private rating" shall mean any rating issued by Moody's hereunder that is not disclosed by Moody's to the general public at the time of issuance to the Applicant, including any indicative rating.

Notwithstanding anything to the contrary contained in this Application and Fee Schedule, the following terms and conditions shall apply to all private ratings and shall survive termination of this Application .

#### **Confidentiality**

The Applicant shall treat as confidential all information received or obtained as a result of entering into or performing this Application which relates to the provisions of this Application, the negotiations relating to this Application or Moody's; provided, however, that the Applicant may disclose such confidential information (i) to those of its directors, officers, employees and financial and legal advisors, in their capacity as such and to whom Moody's owes no duty or responsibility, with a need to know, and (A ) who enter into a non-disclosure agreement with Moody's in the form provided by Moody's (a "NDA") prior to such disclosure, or (B) with respect to whom Moody's consents to such disclosure and who agree to be bound by the confidentiality obligations and limitation of liability provisions of this Application provided, that any breach of such obligations by such persons will be deemed the Applicant's breach of the corresponding provision(s) of this Application ; or (ii) if and to the extent required by the law, rule or regulation of any relevant jurisdiction or as required by a regulatory or governmental body to which it is subject.

#### **Confidentiality of Rating**

The Applicant shall treat the private rating as confidential and may only disclose it to a third party with the prior written consent of Moody's and provided that the third party enters into a NDA with Moody's; provided, however, that the Applicant may disclose the Rating in the circumstances set out in proviso to the preceding paragraph.

#### **Indemnity**

The Applicant agrees to indemnify and hold harmless Moody's for its own account and as trustee for its connected persons (each, an "indemnified party") from and against any losses, claims, demands, damages, costs, charges, expenses or liabilities (or actions, proceedings or investigations in respect thereof) (including, without limitation, attorneys' fees) of whatever nature (whether foreseeable or not) and however caused which the indemnified party may suffer or incur or which may be made against the indemnified party relating to or arising directly or indirectly out of any Indemnifiable Matter. The term "Indemnifiable Matter" shall mean (i) this Application and the attached Fee Schedule, (ii) the delivery to the Applicant of, or reliance by the Applicant or by any third party on, the private rating, (iii) any breach of this Application by the Applicant, including resulting from or relating to the use by Moody's of or reliance by Moody's on the information provided to Moody's by or behalf of the Applicant hereunder, (iv) any disclosure of confidential information or the Rating, or (v) any actions taken or omitted to be taken by Moody's as contemplated by this Agreement. The Applicant will reimburse the indemnified parties for all costs and expenses (including professional and legal fees) which are incurred by the indemnified parties in connection with investigating, preparing or defending any such action or claim, whether or not in connection with pending or threatened litigation or arbitration, in which any indemnified party is a party or otherwise involved, and whether or not resulting in liability on the part of any indemnified party. The terms of this indemnity shall not apply to the extent that any such claim arises by reason of any fraud, dishonesty or willful misconduct on the part of Moody's other than to the extent such claim derives from any unauthorized publication, unauthorized use or misuse of the rating or from any reliance otherwise acknowledged as inappropriate. As used herein, the term "connected persons" means any affiliate of Moody's including any holding company or subsidiary of Moody's, the subsidiaries and subsidiary undertakings of such a holding company or subsidiary and the respective directors, officers, employees and agents of each of them. This indemnity shall supersede and replace the indemnification provision on page 3 of this Application with respect to private ratings only.

#### **17g-5**

Notwithstanding anything to the contrary herein, if the private rating relates to a structured finance instrument, the Applicant acknowledges and agrees that Moody's shall not issue or publish the private rating if Moody's, in its sole discretion, determines that US Securities and Exchange Commission Rule 17g-5 under the Securities Exchange Act of 1934 would apply to such private rating.

This Fee Schedule sets out Moody's fees for the period 1/1/2011 to 12/31/2011. Moody's reserves the right to revise this Fee Schedule from time to time. If Moody's does not revise this Fee Schedule, the current Fee Schedule will also apply in subsequent periods. Please request a current Fee Schedule at the time of your rating assignment.

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 14th day of September, 2011.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

On motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_, it  
is

**ORDERED**, that pursuant to Section 239 of Town Law of the State of New York, public hearings will be held by the Town Board of the Town of Brighton on the 12th day of October, 2011 and the 26th day of October, 2011 at 7:30 o'clock P.M., prevailing time, at the Town Hall, 2300 Elmwood Avenue, in said Town, to consider the adoption of Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvements Districts and for Special Improvements for the Town of Brighton for those Districts listed on Schedule "A" attached hereto and made a part hereof and to hear all persons interested therein and to take such action as may be proper, and it is further

**ORDERED**, that Notice of the times and places of such hearings describing the Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvements Districts and for Special Improvements for the Town of Brighton be published and posted by the Town

Clerk pursuant to Law, in addition to the notice previously given by mail by the Town Clerk as part of the Town's newsletter.

Dated: September 14, 2011

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

SPECIAL DISTRICT LISTING (as of 9/14/2011)

<u>#</u>	<u>#</u>	<u>LIGHTING DISTRICT</u>	<u>YEAR</u>
5201	BR301	Bel Air Lighting	
5202	BR302	Council Rock Lighting	
5203	BR303	Council Rock Est Lighting	
5204	BR304	East Ave Lighting	
5205	BR305	Houston Barnard Lighting	
5206	BR306	Ferndale Manor Lighting	
5207	BR307	Home Acres Lighting	
5208	BR308	Malvern Lighting	
5209	BR309	Meadowbrook Lighting	
5213	BR310	Penfield Landing Lighting	
5210	BR311	Roselawn Lighting	
5211	BR312	Struckmar Lighting	
5212	BR313	Sunnymeade Add lighting	
5214	BR315	Victory lane Lighting	
5215	BR316	Clover Elmwood Lighting	
5216	BR317	Elmwood Manor Lighting	
5218	BR319	Dunn & Paul Lighting	
5217	BR320	E. Henrietta Rd Lighting (MCC)	
5219	BR321	Metro Industrial Lighting	
5220	BR322	Meridian centre Lighting	
5221	BR323	Elmwood terrace Lighting	
5223	BR324	Deerfield lighting	
5222	BR325	Lac-de-Ville/Keating Lght	
5224	BR326	Penfield Rd Lighting #2	
5225	BR327	Mercy Park Lighting District	

<u>#</u>	<u>#</u>	<u>SIDEWALK SNOW REMOVAL</u>	<u>YEAR</u>
5421	BR501	Bel Air Snow Removal	
5423	BR502	Homeacres Snow Removal	
5426	BR503	Struckmar Snow Removal	
5427	BR504	Rowlands Snow Removal	
5425	BR505	Roselawn Snow removal	
5424	BR506	Meadowbrook Snow Rml	
5428	BR507	N Roselawn Snow Rmvl	
5422	BR508	Fairhaven Snow Removal	
5429	BR509	Brookside Snow Removal	
5430	BR510	Council Rock Snow Removal	
5431	BR511	Pelham Rd. Snow Removal	
5432	BR512	Grosvenor Snow Removal	
5433	BR513	Ambassador Snow Removal	2011
5434	BR514	Sandringham Snow Removal	2011

<u>#</u>	<u>#</u>	<u>CONSOLIDATED SIDEWALKS</u>	<u>YEAR</u>
5411	BR550A	Sidewalk Dist-4' Phase II - UN	
5411	BR550B	Sidewalk Dist-4' Phase II - FE	
5411	BR551A	Sidewalk Dist-5' Phase II - UN	
5411	BR551B	Sidewalk Dist-5' Phase II - FE	
5412	BR578	Mercy Park Sidewalk District	

<u>#</u>	<u>#</u>	<u>PARK MAINTENANCE</u>	<u>YEAR</u>
7201	BR601	Kirk Astor Park District	
<u>#</u>	<u>#</u>	<u>REFUSE</u>	<u>YEAR</u>
8200	BR647	Schoolhouse	
8198	BR648	Thornwood	
8197	BR649	Council Rock	
8179	BR650	Ashley Drive	
8180	BR651	Britany-Markay	
8181	BR652	Bronsonwood	
8182	BR653	Coventry Green	
8183	BR654	Evans Farm	
8184	BR655	Fairways	
8185	BR656	Forest Hills	
8186	BR657	Frankland	
8187	BR658	Gailhaven Rd	
8188	BR659	Howland	
8189	BR661	Meadow View	
8191	BR662	Parkwood Ave	
8192	BR663	Pelham Road	
8193	BR664	Rawlingswood	
8194	BR665	Village lane	
8195	BR666	Westerloe Ave	
8196	BR667	Wyatt Drive	
8199	BR668	Greenaway	2009
8202	BR669	Maywood	2009
8203	BR670	Modelane	2009
8204	BR671	Pickford	2009
8205	BR672	Shalimar	2009
8206	BR673	Willowbend	2009
8201	BR674	Link-Burkedale	2009
8207	BR675	Brighton Meadows	2010
8161	BR681	Bel Air	
8162	BR682	Home Acres	
8164	BR683	Struckmar	
8163	BR684	Roselawn	
8166	BR685	Hemingway	
8165	BR686	Dunrovin	
8167	BR687	Ledgerock	
8168	BR688	Rockhill	
8169	BR689	Fairhaven Rd	
8170	BR690	Mandy-Woodgate	
8173	BR691	Kirk-Astor	
8171	BR692	East Avenue	
8172	BR693	Houston-Barnard	
8174	BR694	Dfar View Hills	
8175	BR695	Monroe Meadows	
8176	BR696	Rowlands	
8177	BR697	Spier Ave	
8178	BR698	S. landing Rod	
8190	BR699	Meadowbrook	

<u>#</u>	<u>#</u>	<u>DRAINAGE</u>	<u>YEAR</u>
8541	BR704	Heatherstone Drainage	
8540	BR706	Brighton Meadows Drain	
8542	BR708	Meridian Centre Drainage	
8543	BR709	Deerfield Woods Drainage	
8544	BR710	Lac-de-ville/Sr. Keating Drainage	
8545	BR711	Barclay Drainage	
8546	BR712	Mercy Park Drainage	

<u>#</u>	<u>#</u>	<u>CONSOLIDATED SEWER</u>	<u>YEAR</u>
8120	BR7424A	Consolidated Sewer Dist	
8120	BR742B	Consolidated Sewer Dist	
8120	BR743A	Consolidated Sewer Dist	
8120	BR743B	Consolidated Sewer Dist	
8120	BR744A	Consolidated Sewer Dist	
8120	BR744B	Consolidated Sewer Dist	
8125	BR745A	Sewer Dist 87A	
8125	BR745B	Sewer Dist 87A	
8130	BR746A	Consolidated Sewer Dist - Ext #67	
8130	BR746B	Consolidated Sewer Dist - Ext #68	
8130	BR747	Consolidated Sewer Dist - Ext #69	
8135	BR748A	Western Dr Area Sewer District	
8135	BR748B	Western Dr Area Sewer District	
8135	BR749	Western Dr Area Sewer District	

<u>#</u>	<u>#</u>	<u>BUSINESS IMPROVEMENT</u>	<u>YEAR</u>
BID01	BR801	Monroe Ave Bid #1	

<u>#</u>	<u>#</u>	<u>NEIGHBORHOOD IMPROVEMENT</u>	<u>YEAR</u>
NIDHA	BR802	Homeacres Neighborhood Dist.	

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 14th day of September, 2011.

**PRESENT:**

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

On motion of Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_, it is

**ORDERED**, that pursuant to Section 108 of the Town Law of the State of New York, public hearings will be held by the Town Board of the Town of Brighton on the 12th day of October, 2011 and the 26th day of October, 2011 at 7:30 o'clock P.M., prevailing time, at the Town Hall, 2300 Elmwood Avenue, in said Town, to consider the adoption of the Preliminary Budget for the Town of Brighton for the Year 2012 and the Capital Improvements Program for 2012 for the Town of Brighton and to hear all persons interested therein and to take such action as may be proper, and it is further

**ORDERED**, that Notice of the times and places of such hearings describing the Preliminary Budget for the Town of Brighton for the Year 2012 and the Capital Improvements Program for 2012 for the Town of Brighton be published and posted by the Town Clerk as required by the Town Law of the State of New York.

Dated: September 14, 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 14<sup>th</sup> day of September, 2011.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

On motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_,  
it is

**ORDERED**, that Public Hearings be held by the Town Board of the Town of Brighton at meetings commencing at 7:30 o'clock P.M., prevailing time, on the 12th day of October, 2011 and the 26th day of October, 2011 at the Town Hall, 2300 Elmwood Avenue, in said Town, to consider proposed Contracts prepared by the West Brighton Fire Department, the City of Rochester Fire Department, the Henrietta Fire Department and the Brighton Fire Department for fire protection and medical emergency services within the West Brighton Fire Protection District during 2012; and be it further

**ORDERED**, that the notice of the times and places of such hearings be published and posted by the Town Clerk pursuant to Law.

Dated: September 14, 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 14th day of September, 2011.

**PRESENT:**

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

**WHEREAS**, the Town of Brighton previously issued a Request for Proposals to the West Brighton Fire Department to provide fire, rescue and emergency services within the West Brighton Fire Protection District; and

**WHEREAS**, the West Brighton Fire Department did submit a response to such Request for Proposal; it is therefore

**RESOLVED**, that the Town Board hereby receives and files a Proposal for Fire Protection & Medical First Responder Services for West Brighton Fire District, from the West Brighton Fire Department, dated September 6, 2011.

Dated: September 14, 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	_____



## WEST BRIGHTON FIRE DEPARTMENT, INC.

MONROE COUNTY, NEW YORK  
2695 WEST HENRIETTA ROAD, ROCHESTER, NEW YORK 14623  
(716) 424-1414

September 6, 2011

Brighton Town Board  
2300 Elmwood Avenue  
Rochester, NY 14618

RE: Study of the Fire and Emergency Medical Services within the Town of Brighton.

Dear Board Members:

The MMA Consulting Group has made recommendations for alternate service delivery options based on information provided to them at the time the study was conducted. This letter is in response to and limited to recommendations regarding the West Brighton Fire Department. A summary of the issues precipitating this opinion are outlined in the *Service Delivery Organizations* section of the study, pages 61 – 65 with reasons for their conclusion bulleted on page 64.

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The West Brighton Volunteer Fire Department, established in 1926, has been the sole provider of Fire and Rescue Emergency Response for our community. The WBFD is the only First Response organization located within our community. The citizens of our community are the driving force of the WBFD and volunteer their time to the effort of preserving life and property within it. The effort of our community's citizens, for the past 85 years, has consistently proved our resolve for self preservation. Throughout our history we have seen many peaks and valleys in the economy and membership. Economic status is directly proportional to and reflected in a volunteer fire department's recruitment and retention status. Over the past 85 years, we have seen far worse times than we currently are experiencing and we have always rebounded. Many of today's volunteers are having to work two jobs to make ends meet, effectively reducing their ability to respond as frequently as they once did prior to the economic downturn.

The West Brighton Fire Department provided 24/7 coverage for Fire and Rescue services to the West Brighton Fire Protection District for 74 years, from 1926 to 2000 entirely with volunteers. The status of our local economy began changing in 2000, the pinch began taking its toll on our volunteer's availability. In 2000, in an effort to maintain response times, WBFD hired part time career firefighters to work two 8.0 hour shifts, Monday through Friday, from 8:00am to 5:00pm, to supplement volunteer availability during these hours. In 2006, we extended the shifts to

8:00pm then went 24/7 in September 2011. We also entered into a contract with the City of Rochester to respond with us to structure fires. The addition of paid staff was not entirely a result of volunteer availability. We recognized the benefits of having responders that can exit the firehouse within 60 seconds to respond to 911 calls and primarily EMS calls, which are a significant portion of our call volume. Response time on these call must be as short as possible as BVA cannot respond to a significant portion of our district as quickly as we can.

Nationwide, volunteer departments have lost an average of 8% of their firefighters. Prior to 2006, it was standard practice to send all apparatus and firefighters to the incident scene. Our SOPs (Standard Operating Procedures) still reflect this practice. Although we may have lost volunteers, the important distinction is we still have a sufficient response and reserve compliment that meets the needs of our district, we just achieve the objective more efficiently than past practice. The days of sending the entire fire house to every incident scene have been replaced with an appropriate, measured response that fits the needs of the incident. The MMA Consultant Group considers this to be a degradation of response capability. However, if the study group has issue with sending one truck to an incident scene, as Wbfd is criticized for, then how is the situation improved when all RFP candidates propose staffing only one truck to replace us? Additionally, Wbfd regularly has a reserve compliment at the station to respond to a second call. None of the RFP candidates have a reserve compliment at the station, they will have to dispatch from another station outside the district or call for mutual aid. Either way, the response time will be considerably longer than what we are already capable of achieving with volunteers.

The West Brighton Fire Department is our communities best option to service ourselves. It is every communities right and responsibility to provide services for the preservation of life and property of its citizens. Wbfd has successfully performed these services since 1926. MMA Consulting Group, a Massachusetts based firm, is suggesting we give up our independence for a state of dependence on a neighboring community to take care of us. As a citizen, a property owner and volunteer fireman in the West Brighton community, this condition is not an acceptable solution. It is far better to be in a position to help our neighbors and neighboring communities than it is to be in need of it. We need to support and strengthen our organization, not replace it with an unsustainable solution that will ultimately require far more resources than each candidate's initial proposal, resulting in an additional tax burden for our residents.

We typically respond to approximately 700 calls per year. If Wbfd is dissolved, the replacement will be absorbing these calls into their current district call volume and they most certainly will be responding to calls in their district from West Brighton's station. Since each candidate is staffing only one truck, all assets in our district will go with them on the first call. If a second call comes in, the response will have to come from outside the district and given their call volume, how long will it take to get a response? This is not a step forward for our community, it is a step backwards for us and our neighboring communities. We are talking about eliminating the resources of an entire fire department of 51 fire and rescue responders, 3 engines, 1 heavy rescue truck, 1 light rescue truck, a shuttle van and replacing it with 2 to 4 firemen on one engine who will have to request mutual aid on a regular basis to assist with call volume.

Currently, Wbfd has 35 volunteer firemen and 16 career firemen who provide 24/7 first response services to the West Brighton Fire Protection District. The distribution of Wbfd's manpower qualifications appears to be in need of clarification.

Firefighters:	51 (35 volunteers and 16 career)
Certified Interior Firefighters:	35 (19 volunteers and 16 career)

Exterior Firefighters:	16 (volunteers, including Safety Officer and Fire Police)
Certified EMTs:	24 (8 volunteers and 16 career)
Certified Engine Drivers:	32 (16 volunteers and 16 career)
Certified Heavy Rescue Drivers:	40 (24 volunteers and 16 career)
Officer/Command experience:	28 (15 volunteers and 13 career)
Certified fire Instructors:	6 (various disciplines)

The MMA Consulting Group claimed: *In January 2010, the department responded to 52 alarms, 26 of which were EMS calls. 23 of the 26 calls resulted in no volunteer response to the incident, however some responded to the station.*

The audit for this time period is in agreement only with the number of EMS calls, which amounted to 26. Volunteers responded on the truck, with the paid staff, to 20 of these calls, volunteers were the only responders on the scene to 1 of the calls and career staff responded to 5 calls with no volunteers on the truck. This is common for basic EMS calls. The primary response apparatus must leave the station in a minute or less for EMS calls. Typically, basic EMS calls do not require more than two responders at the scene. Career staff and any volunteers on the premises at the time of the call will respond immediately on Engine 503 (E503). Within a minute or two after E503s departure, the volunteers arrive at the station.

It is not our policy for volunteers to respond directly to an incident scene. Additionally, it is not our policy to send all assets to an incident scene that does not require them. A significant portion of our calls are EMS related. E503 will always be the first responding vehicle. Depending on the known details of the call, it could be the only responding apparatus to the scene. It is the primary apparatus for career staff and volunteers present in the station at the time of the call. If the call is an injury related to an MVA, we will send out E503 and our heavy rescue truck 508 (R508), which will transport volunteer staff arriving a minute or two after E503 is on route. Volunteers arriving after R508's departure communicate with whomever arrives on the scene first, an officer or E503 driver, to inquire if additional manpower is needed. If not, the crew at the station is on standby in the event a second call comes in, which happens frequently. Essentially, the initial size-up of the assets required to respond begins with the details dispatched to our voice and digital pagers. An MVA incident involving multiple vehicles will bring upwards of 16 volunteers to the incident scene and as many on standby at the station. It's more about asset management than it is about maintaining service award credit as proposed by the MMA Consulting Group.

There is always a degree of risk involved for emergency response vehicles and it's crew, on route and on scene. Vehicle congestion at an incident scene introduces additional hazards to the responders, which increases the risk of injury. It is perfectly sensible and cost effective to make every attempt to determine the appropriate response as quickly as possible and ideally just prior to deploying the response. Sometimes the on-scene size-up details are not coming in fast enough to predetermine the appropriate measured response. In this case, all assets are dispatched to the incident scene.

The MMA study claims the WBFD does not have a sufficient number of volunteers to ensure a strong initial response to a major incident or capacity for a sustained response. However, we have not had a major incident to respond to from which a performance assessment has been made to qualify this statement. Regardless, this statement is true for most fire departments in the United States. A major incident will by definition require more assets than any one fire house can possibly hope to burden its taxpayers with. One station simply cannot sustain a major incident without assistance from neighboring departments. It simply is not cost effective to purchase and maintain apparatus for "the big one". This is what mutual aid is for.

Emergency Responders lend assistance across jurisdictional boundaries in the event an incident requires more resources than locally available. WBFD has utilized mutual aid and we have reciprocated.

We currently have 35 volunteers, all of whom readily respond in the time of need. The types of incidents in our district that require a significant manpower response are MVAs with multiple cars and injuries. We can have anywhere from 10 to 16 firefighters on the scene and another 10 to 19 at the station on standby to assist with the incident or respond to another call. At least once every month, we are responding with 10 – 14 volunteers on scene and another 8 – 12 on reserve at the station. In a time of need the career staff are significantly out numbered, mutual aid is not necessary and the incident is closed swiftly and professionally. We do have a Safety officer and Fire Police who respond as necessary. The remaining 50 to 60 calls throughout the month are less demanding of resources at the scene, which effectively reduces our volunteer response. This should not be confused with our ability or capability to respond.

Between January 2010 and February 2011, our career staff worked 8AM – 8PM Monday thru Friday, which supplemented 24/7 volunteer coverage. Our average response time during this period was 0:05:46 Monday through Friday and 0:07:52 on the weekends. Since February 2011, our career staff scheduling went to 24/5 Monday through Friday, our response times averaged 0:05:04, a 42 second improvement. During this same time period, our weekend average response time remained fairly consistent at 0:07:48. On August 27, 2011 we began 24/7 coverage of two career firefighters to supplement 24/7 volunteer coverage. We anticipate our average response time to be 5 minutes or less from this day forward.

Operationally, the WBFD's response times are excellent and our response capability matches the needs of the incident scene. Our leadership and membership would benefit considerably with additional support from the community and we are poised for a membership drive. Our greatest need is a District Administrator, whose objective is to oversee both the fire and EMS policies, procedures, and safety programs, function as an independent and objective body that reviews, approves, and evaluates compliance, safety, ethical issues and concerns within the West Brighton Fire department. Overall statutory authority and responsibility for compliance with laws, regulations and standards remain with the fire chief. The District administrator will ensure faithful creation and implementation of the compliance and safety programs. The District administrator will report to the fire chief as well as the town appointed liaison. Additionally, the District administrator will serve as the safety officer as needed at an incident scene. Funding for this newly created position will be supported through WBFD's current operating budget. The job description is on route to the Brighton Town Board for approval. Once approved, this position can be expected to be filled within 30 days.

We look forward to your support,

Membership of the West Brighton Fire Department

## **District Administrator/Compliance Officer**

### **Position Description**

The District Administrator will oversee the West Brighton Fire Department and manage the part time staff. The position is appointed by the Town of Brighton and will serve in the position until a successor is appointed and trained.

The Administrator will be an independent and objective body that oversees Fire and EMS policies and procedures as well as compliance, safety, and ethical issues. The District administrator will be responsible to create and ensure faithful implementation of such policies, procedures, compliance and safety programs. During operational events, The District Administrator will serve as the safety officer. No other on-scene operational authority is implied, unless directed by the Fire Chief. The District administrator will report to the Fire Chief as well as the Town Appointed Liaison.

### **General Purpose**

The position shall provide guidance for the Fire Chief, BOD, and the Town Board on matters relating to compliance and safety. The District Administrator is authorized to implement all necessary actions to ensure achievement of the objectives.

Duties and responsibilities include but are not limited to:

- Under the auspices of the Fire Chief, the District Administrator shall serve as the Health and Safety Officer (HSO), in accordance with NFPA 1500 and NFPA 1521.
- Review existing program(s). Evaluate, develop and ensure effective implementation of Health and Safety programs.
- Review existing conditions. Evaluate, develop, and ensure effective implementation of a comprehensive compliance program for the West Brighton Fire Department. This shall include compliance with: NIOSH, PESH, OSHA, NYS DOH, NFPA, both local and state laws, and any other regulatory or recommended standards.
- Identify operational obstacles that hinder compliance and work with department heads to implement solutions.

- Ensure appropriate operating policies, standards, internal controls, and code of conduct policies are adopted, published, and practiced.
- Provide education and training about legislation and regulations that affect fire operations.
- Supervise all Incident Safety Officers
- Act in the capacity of an absent Incident Safety Officer (ISO)
- Ensure an effective system for staff members to raise questions, obtain advice, and reports misconduct regarding compliance and health and safety without fear of retaliation, and with appropriate follow up.
- Review, evaluate and implement policies to control worker's compensation costs. Determine areas for increased workplace safety, including evaluating hazardous conditions, implementing education, engineering controls, administrative controls, and/or personal protective equipment.
- Perform other related duties as directed by the Fire Chief, BOD, and Town Board

### **Qualification Requirements**

- Education and Experience:
  - High school diploma
  - Four (4) years management experience in a combined fire agency
  - Fluent in the English language
  - Possess and maintain a valid NYS EMT certification within 12 months of appointment
  - Possess and maintain a valid American Heart Association Health Care provider CPR within 3 months of appointment
  - Possess and maintain a valid NYS drivers license, and meet insurability requirements of the department
  - Firefighter I or equivalent
  - Fire Officer I or equivalent
  - Incident Safety Officer
- Necessary knowledge, skills, and abilities:
  - Knowledge of fire fighting, rescue techniques, and emergency medical techniques
  - Comprehensive knowledge of NYS Consolidated laws, as they pertain to the Fire Department
  - Comprehensive knowledge of OSHA, PESH, and NFPA
  - Must be proficient in computer programs, including word processing, spread sheets, and databases

- **Other Skills and Abilities:**

- **Strong interpersonal and communication skills**
- **Clear, concise and persuasive writing and presentation skills. Must be able to present information to appropriate levels of staff members at all levels of the organization**
- **Strong attention to detail**
- **Ability to work effectively and congenially with staff members at diverse levels**
- **Capable of motivating personal**
- **Decisive and exercise good judgment under pressure**

**Implementation timeline**

**One month after approval**

**Budget changes for the West Brighton Fire Protection District**

Account Name	2010 budget	2011 budget	↕	proposed change
<b>West Brighton Fire Department Summary</b>				
Insurance program costs	52,000	52,000		0
Legal and auditing	17,500	17,500		0
Medical management	10,000	15,000	↑	5,000
General administration	28,000	25,000	↓	3,000
Good will	1,500	1,500		0
Facility Maintenance	44,500	46,000	↑	1,500
Facility Equipment	25,000	15,000	↓	10,000
Utilities - Telephone	11,100	11,100		0
Utilities - RG&E	36,000	37,000	↑	1,000
Utilities - Water	400	400		0
Refuse collection	2,000	2,000		0
Fire Equipment Maintenance	10,000	5,000	↓	5,000
Fire Equipment	45,000	30,000	↓	15,000
Training	12,000	8,000	↓	5,000
Fuel	15,000	17,000	↑	2,000
Uniforms	5,000	12,000	↑	7,000
Vehicle Maintenance	10,000	30,000		0
Totals	<b>325,000</b>	<b>324,500</b>	↓	500

**Fire Protection District Summary**

PT Firefighter Wages	127,075	350,000	↑	222,925
District Administrator	4,205	65,000	↑	60,795
Town Liaison	0	2,000	↑	2,000
Wage Increases	0	0		0
Hrs for Military Leaves	0	0		0
General Liability Ins	9,770	9,770		0
RFD contract	148,125	0	↓	148,125
SAP Administration	4,200	4,200		0
Administrative Charges	6,545	0	↓	6,545
Fund Balance Deficit	75,000	0	↓	75,000
Misc Exp Fire tax Disbursement	12,500	0	↓	12,500

Principal on BAN (Fire truck)	0	0		0
Interest on BAN (fire truck)	0	0		0
Retirement system contributions	22,760	28,220	↑	2,460
SAP contributions	250,000	75,000	↓	175,000
Employer FICA Contributions	10,045	11,045		1,000
Workers Compensation Benefits	3,355	4,000		645
Employee Assistance Program	220	250		30
<b>Totals</b>	<b>673,800</b>	<b>549,485</b>	<b>↓</b>	<b>124,315</b>

**District revenues**

Payments in lieu of taxes	11,855	11,855		0
MCC Mitigation Payment	28,000	28,000		0
Intrest Earnings	3,500	3,500		0
NYS 2% Fund	12,500	12,500		0
	55,855	55,855		0
WBFD summary	325,000	324,500	↓	500
WBPFDD summary	673,800	549,485	↓	124,315
	998,800	873,985	↓	124,815

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 14th day of September, 2011.

**PRESENT:**

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

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Vicart Entertainment Co., for the use by Vicart of the external areas of the property located at 1435 Westfall Road to permit Vicart to film a motion picture, which agreement shall be in form and substance as may be approved by the Attorney to the Town.

Dated: September 14, 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 14th day of September, 2011.

**PRESENT:**

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

**WHEREAS,** the Town's Special Events Local Law authorizes the Town Board to set a period, not to exceed fourteen days in duration each year, as a Special Events period under Chapter 207 of the Town Code, during which time, various activities that would otherwise be prohibited in certain zoning districts are permitted, in order to allow businesses to engage in publicity and other activities; and

**WHEREAS,** the Town Board desires to set such dates in conjunction with the Brighton Chamber of Commerce and Brighton Central School District Homecoming celebration, which is being held September 23, 2011; it is therefore

**RESOLVED,** that the Town Board hereby designates September 14, 2011 through September 28, 2011 as the Special Events period for 2011, pursuant to Article VII of Chapter 207 of the Brighton Town Code, during which time the activities set forth in Section 207-37 of the Town Code will be permitted in the zoning districts described in Section 207-36 of the Town Code, without further reviews, approvals or permits, subject to the provisions of such Special Events Law.

Dated: September 14, 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 14th day of September, 2011.

**PRESENT:**

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

**RESOLVED**, that a memorandum dated September 6, 2011 from Gary Brandt, Director of Personnel, concerning an Application for Pension Waiver under Section 211 of the NYS Retirement and Social Security Law, be received and filed, together with a copy of such Section 211 Application for Pension Waiver, attached thereto; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver the Waiver Application under Section 211 of the NYS Retirement and Social Security Law, with respect to the employment of Gary Brandt, as the Town's Human Resources Director.

Dated: September 14, 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

TO: Suzanne Zaso, Director of Finance, FASC Staff Director  
FROM: Gary Brandt, Director of Personnel  
DATE: September 6, 2011  
RE: Authorize the Supervisor to Sign Section 211 Waiver Application

Section 212 of the NYS Retirement Law places a cap on the earnings of retirees at \$30,000 per year unless the NYS Civil Service Commission approves a Section 211 Waiver request. Once again, my annual wages will exceed the cap for FY 2011.

The Supervisor has previously authorized and the NYS Civil Service Commission has approved Section 211 Waivers for me in FY 2007, 2008, 2009, 2010 and through 08/31/2011. This Section 211 Waiver request will cover the period of 09/01/2011 to 12/31/2011. This will be that last Section 211 Waiver application that I will be required to file.

A new provision in the Section 211 Waiver request (Note 3, Section A) on Page 3 of the attached application now asks "*Appointing Authorities comprised of boards or commissions must attach a current resolution which certifies the information requested in Note 3*".

Therefore I am seeking the approval of FASC and the Town Board to authorize the Supervisor to sign and submit to the NYS Civil Service Commission the Section 211 Waiver request for the period of 09/01/2011 to 12/31/2011.

xc: Supervisor Frankel ✓



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 27th day of April, 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 the Attorney to the Town to send correspondence, in the form presented to the Town Board, to CGS Growth, LLC and Clover Blossom Villas, LLC, the owners of the parcels of real property with improvements comprising the Legacy at Clover Blossom, demanding payment of unpaid PILOT payments.

Dated: April 27, 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	_____