

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
December 28, 2011

PRESENT:

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

William Moehle, Attorney for the Town

Susan Kramarsky, Town Clerk

EXECUTIVE SESSION 6:15 PM

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney to go into executive session to discuss the appointment of particular people and tax certiorari litigation concerning the Country Club of Rochester and the Legacy at Clover Blossom

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to come out of executive session at 7:10 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING CALLED TO ORDER: 7:15 PM

RECOGNITIONS/PRESENTATIONS:

Recognition of the outstanding service of outgoing Supervisor Sandra Frankel, Town Councilpersons Ray Tierney and Shelia Gaddis and Town Clerk Susan Kramarsky.

Greetings to Magistra Andreas Arbesser, Mayor of Marktgemeinde, Langenzersdorg, Austria, from the Town of Brighton – Peter J. Grassl accepting.

OPEN FORUM:

Jim Hooper
Mordechai Rennert

APPROVAL OF AGENDA:

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to approve the agenda with the addition of communication from Jim Hooper

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

December 14, 2011

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to approve and file minutes from December 14, 2011 Town Board Meeting.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Proposed Local Law # 3 of 2011 Town of Brighton "Hydraulic Fracturing and Related Activities Moratorium" for 12-month moratorium on approvals for Hydrofracking and associated activity within the Town (see Resolution #11 , copy of Local Law and letter dated December 27, 2011 from the Town Sustainability Oversight Committee in support of new law)(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. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Proposed Brighton Reserve Sidewalk Snow Removal District

(Complete transcript under separate cover)

MATTER HELD OPEN

MATTER RE: Proposed Brighton Reserve Park District

(Complete transcript under separate cover)

MATTER HELD OPEN

MATTER RE: Proposed Brighton Reserve Storm Drainage District

(Complete transcript under separate cover)

MATTER HELD OPEN

MATTER RE: Proposed Brighton Reserve Sidewalk Maintenance

(Complete transcript under separate cover)

MATTER HELD OPEN

MATTER RE: Proposed Extension #93 to the Brighton Consolidated Sewer District

(Complete transcript under separate cover)

MATTER HELD OPEN

MATTER RE: Proposed Extension #2011-01 to the Brighton Water District

(Complete transcript under separate cover)

MATTER HELD OPEN

MATTER RE: Proposed Brighton Reserve Lighting District

(Complete transcript under separate cover)

MATTER HELD OPEN

COMMUNICATIONS:

FROM Jim Hooper regarding the West Brighton Fire Department

FROM NY State Dept. of Environmental Conservation to Town Clerk, dated December 2011 regarding site fact sheet for cleanup action completed at State Superfund Site, Carriage Cleaners within the Town of Brighton.

FROM State University Construction Fund dated December 12, 2011 responding to letter written by Timothy Keef, P.E. Commissioner of Public Works dated November 1, 2011 regarding Environmental Review of proposed State University Empire State College.

FROM State University Construction Fund dated December 19, 2011 to Monroe County Executive Maggie Brooks with c.c. to Supervisor responding to letter dated November 3, 2011 from Brooks on behalf of the Monroe County Department of Transportation on the construction of the proposed State University empire State College.

FROM The Rochester Cycling Alliance to Supervisor dated December 14, 2011 re: the key outcomes and achievements of the Town Gown Luncheon and Symposium

FROM New York State Scholastic Rowing Association press release recognizing Brighton Rowing Club's Varsity Girls and Boys teams for earning Scholar/Athlete Team status

FROM Robert Haefner to Supervisor dated December 14, 2011 regarding his support of the West Brighton Fire Department and Supervisor's response to Mr. Haefner dated December 20, 2011.

FROM W. George Zimmer, Acting Secretary, Brighton Fire District to Town Clerk Re: 2011 Election of Richard J. Garrett, Jr. as the Brighton Fire Commissioner for five (5) year term.

FROM Monroe County Executive Maggie Brooks dated December 16, 2011 Re: 2012 Monroe County Budget Summary Statement.

FROM Cesar A. Perales, NY Secretary of State to Supervisor dated December 15, 2011 re: Approval of the amendment to the City of Rochester local Waterfront Revitalization Program.

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to receive and file the aforementioned communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services – Next meeting, January 19, 2012
 Finance and Administrative Services – Next meeting, January 4, 2012
 Public Safety Services - January 10, 2012
 Public Works Services - January 9, 2012

OLD BUSINESS:

MATTER RE: Approval to amend permanent employment status of Evert Garcia from part-time Engineering Assistant to full-time Engineering Assistant effective immediately (see Resolution #16)

Motion by Councilmember Sheila Gaddis Seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to amend permanent employment status of Eric Mineker from part-time Engineering Assistant to full-time Engineering Assistant effective immediately (see Resolution #17)

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. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize amendment of effective date from January 1, 2012 to January 2, 2012 the appointment of Sandra L. Frankel to a non-compensated position entitled Inter-Municipal Cooperation Official, which includes but is not limited to liaison to risk management operations, through May 1, 2013. (see Resolution #36).

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

UPON ROLL CALL VOTE

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

MOTION CARRIED

NEW BUSINESS:

MATTER RE: Reading and approval of claims

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Supervisor read and approve the claims as set forth in Exhibit No. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize appointments of Councilmember Louise Novros and Town Attorney and Supervisor Elect, William W. Moehle as Marriage Officers within the Town of Brighton commencing January 1, 2012 through December 31, 2013 (see Resolution #1).

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. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file final structural engineering evaluation report from Herrick-Saylor Engineers, P.C. Inc. for proposed Barn usage for year-round Town of Brighton Market (see Resolution #2 and copy of report).

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 budget transfer in the amount of \$15,500 to cover costs associated with the procurement of retrofit snow plowing equipment and services for a Town Truck with authorization to award bid to Viking Cives for these services and equipment. (see Resolution #3 and letter dated December 19, 2011 from Timothy E. Keef, P.E. Commissioner of Public Works)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval of Traffic Control Devices/Signs Ordinances for various East River Corridor roads transferred from NY State jurisdiction to Monroe County jurisdiction (see Resolution #4, letter dated December 16, 2011).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Leightronic Inc. for provision of PEG Stream internet video streaming and PEG Central video-on-demand hosting services for 2012 (see Resolution #5 and letter dated December 8, 2011 from Douglas Clapp, Director of Communications).

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. 10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute renewal agreements for Town Court Interpreters and stenographers for the year 2012 (see Resolution #6 and letter dated December 15, 2011 from Dianne Burdett, Administrative Court Clerk).

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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file with regret, letter of intent to retire effective January 21, 2012 from Police Investigator J. Andrew Minchak after 25 years of service with the Brighton Police Department (see Resolution #7, letter dated December 16, 2011 from Mark Henderson, Chief of Police and letter dated December 15, 2011 from Investigator J. Andrew Minchak).

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 12 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with the Animal Hospital of Pittsford for the provision of boarding and veterinary services for the year 2012 (see Resolution #8, letter dated December 15, 2011 from Police Chief Mark Henderson and copy of Agreement).

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. 13 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval to terminate contract with current Employee Paid Long Term Disability Insurance provider American General and enter into new Agreement with CIGNA as new provider for same (see Resolution #10, memorandum dated December 19, 2011 from Gary Brandt and rate 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. 14 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval for Supervisor to execute agreement with AVS to provide RPS V4 consulting and updating services for the RPS V4 software for the Town Assessor's office for the year 2012 (see Resolution #12, memorandum dated December 12, 2011 from Elaine Ainsworth, Assessor and copy of agreement).

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. 15 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute renewal agreement with PERMA (Public Employers Risk Management Association of Albany) for Employee Workers Compensation insurance for the year 2012 (see Resolution #13 and memorandum dated December 20, 2012 from Gary Brandt, Director of Personnel).

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. 16 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute renewal agreement with Brighton Volunteer Ambulance in an amount not to exceed \$156,500 for the year 2012 (see Resolution #15 and Memorandum dated December 19, 2011 from Suzanne Zaso, Director of Finance.)

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. 17 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval of budget appropriation in the amount of \$7,650 from Ambulance Special District fund balance to Ambulance expenditure account (see Resolution #14 and memorandum dated December 19, 2011 from Suzanne Zaso, Director of Finance).

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. 18 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file letter dated December 20, 2011 from Ron Little, Sr. V.P. of Finance and Agency Advancement, Heritage Christian Home to Tim Keef, confirming payment in lieu of taxes agreement with the Town for \$250 per unit/bed for total of \$1,500/per year (see Resolution #21 and copy of letter).

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. 19 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize appointment of Dr. Ruth Scott to the Library Board of Trustees for a 5-year term effective immediately through December 31, 2016 (see Resolution #20).

Motion by Councilmember Ray Tierney 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. 20 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize appointment of Candice C Baker Leit as a member of the Zoning Board of Appeals for a 5-year term effective immediately through December 31, 2016 (see Resolution #23).

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. 21 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize the Town Board of Brighton, acting as Commissioners of the West Brighton Fire Protection District, to authorize Town staff to negotiate contracts for

fire and emergency medical services between the West Brighton Fire Protection District and the City of Rochester Fire Department and West Brighton Fire Department, Inc., respectively, to be followed by public hearings to consider such contracts as required by law. (see Resolution #19).

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. 22 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute Purchase Agreement between the Town and the Wegman Company, Inc. for the acquisition of approximately 73.5 acres of donated land of property located on Westfall Road (see Resolution #24).

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. 23 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Expense and Revenues for period ending November 30, 2011

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel to receive and file aforementioned reports

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Town support of "Move to Amend" the Constitution of the United States to recognize that Corporations are not endowed with the same Constitutional Rights related to the fourteenth Amendment as people, and therefore the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech (see Resolution #19).

Motion by Councilmember Louise Novros seconded by Councilmember Ray Tierney that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 24 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE TOWN CLERK:

MATTER RE: Concur with the appointment and approve proposed annual salary of Margaret Lull to the position of Deputy Receiver of Taxes for the Town of Brighton effective December 29, 2011(see Resolution #25 and letter dated December 21, 2011 from Susan Kramarsky, Town Clerk).

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. 25 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember Sheila Gaddis seconded by Councilmember Ray Tierney at 12:38 AM December 29, 2011 to adjourn.

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 28TH OF December 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 28th day of December, 2011.

PRESENT:

JAMES R. VOGEL
Acting Supervisor

RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

WHEREAS, the Town Board duly scheduled a Public Hearing to be held on the 28th day of December 2011 at 7:30 p.m., to consider the adoption of a proposed Local Law of 2011 entitled "Hydraulic Fracturing and Related Activities Moratorium 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, the adoption of a moratorium is a Type II action under the State Environmental Quality Review Act; and

WHEREAS, based on the testimony and 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 adopts the Local Law of 2011 entitled "Hydraulic Fracturing and Related Activities Moratorium Local Law" as attached hereto as Exhibit "A", for the Town of Brighton, Monroe County, New York.

Dated: December 28, 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	_____

**LOCAL LAW of 2011
TOWN OF BRIGHTON
"HYDRAULIC FRACTURING AND RELATED ACTIVITES
MORATORIUM LOCAL LAW"**

Section 1. Title

This Local Law shall be known as the "Hydraulic Fracturing and Related Activities Moratorium Local Law" of the Town of Brighton.

Section 2. Purpose

While hydraulic fracturing and directional gas drilling are not currently permitted uses in any zoning district in the Town of Brighton, the Town Board desires to take further steps to ensure that neither hydraulic fracturing, directional gas drilling nor any ancillary or related uses or activities take place within the Town, pending review, drafting and adoption of Town Code provisions relevant to such activities. Serious health and environmental impacts caused by these uses could threaten the health of the residents in the Town, could require the use of massive amounts of water, or the transportation of massive amounts of water causing impact to Town highways and could cause other aesthetic, environmental and public health impacts, resulting in the degradation of the quality of life in the Town of Brighton and the Town's infrastructure. It is the purpose of this local law to enable the Town to have sufficient time to consider, draft and enact a local law or laws relating to hydraulic fracturing, directional gas drilling and related or ancillary uses to avoid such negative impact within the Town of Brighton.

Section 3. Moratorium

The Town Board hereby enacts a Moratorium which shall prohibit the review of any application, the grant of any approval or permit, the issuance of any use or area variance, the grant of any preliminary or final site plan or subdivision approval, and/or the issuance of any other Town approval or permit relating to any wells involving the practices involving of directional gas drilling or hydraulic fracturing, or any use, business or project involving the storage or vehicular transport of water to be used for hydraulic fracturing or any hydraulic fracturing fluids or waste materials on, over, or about any real property within the Town.

Section 4. Supersession of Provisions of State Law

This Local Law is enacted pursuant to Section 10 of the Municipal Home Rule Law, and under section 22 of such Law, is intended to supersede Sections 261-a, 264, 267, 267-a, 267-b, 273, 274-a,

274-b, 276, 277, 278, 279, 280 and 280-a, as well as all inconsistent provisions of the Town of Brighton Code or Town ordinances.

Section 5. Term of Moratorium

This Local Law and the Moratorium established hereunder, shall expire one year from its effective date.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

Section 7. Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

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 28th day of December, 2011.

PRESENT:

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

WHEREAS, Evert Garcia, was hired provisionally by the Town during 2010 to the position of Engineering Assistant; and

WHEREAS, Evert Garcia has successfully passed the Civil Service Commission Engineering Assistant Examination and is reachable for permanent employment, and the Town Board desires to make such an appointment; it is therefore

RESOLVED, that correspondence dated December 5, 2011 from Timothy E. Keef, P.C., Commissioner of Public Works, and correspondence dated November 23, 2011 from Brayton M. Connard, Director of Human Resources, Monroe County, together with an attachment thereto, be received and filed; and be it further

RESOLVED, that the Town Board hereby appoints Evert Garcia to the permanent full-time, forty hour per week position of Engineering Assistant, subject to the other terms and conditions of his original probationary hiring, on a probationary basis, but that his time served as Engineering Assistant be counted toward the fulfillment of his 52-week probationary period; and be it further

RESOLVED, that the resolution of the Town Board adopted at the December 14, 2011 meeting with respect to the appointment of Evert Garcia is hereby superseded in its entirety.

Dated: December 28, 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 28th day of December, 2011.

PRESENT:

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

WHEREAS, Eric Mineker, was hired provisionally by the Town earlier this year to the position of Engineering Assistant; and

WHEREAS, Eric Mineker has successfully passed the Civil Service Commission Engineering Assistant Examination and is reachable for permanent employment, and the Town Board desires to make such an appointment; it is therefore

RESOLVED, that correspondence dated December 5, 2011 from Timothy E. Keef, P.C., Commissioner of Public Works, and correspondence dated November 23, 2011 from Brayton M. Connard, Director of Human Resources, Monroe County, together with an attachment thereto, be received and filed; and be it further

RESOLVED, that the Town Board hereby appoints Eric Mineker to the permanent full-time, thirty-five hour per week position of Engineering Assistant, subject to the other terms and conditions of his original probationary hiring, on a probationary basis, but that his time served as Engineering Assistant be counted toward the fulfillment of his 52-week probationary period; and be it further

RESOLVED, that the resolution of the Town Board adopted at the December 14, 2011 meeting with respect to the appointment of Eric Mineker is hereby superseded in its entirety.

Dated: December 28, 2011

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

EXHIBIT NO. 4

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 28th day of December, 2011.

PRESENT:

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

WHEREAS, on December 14, 2011 the Town Board hereby appointed Sandra L. Frankel to the unpaid position of Inter-Municipal Cooperation Official, the functions of which shall include but not be limited to liaison to risk management operations, for the period January 1, 2012 through May 1, 2013, to enable her to continue to serve as a member of the Board of Governors of the New York State Municipal Insurance Reciprocal (NYMIR) for the balance of her current term on the Board of Governors and;

WHEREAS, based on the New York State Civil Service Retirement policy requiring a twenty-four hour period between government appointments, it is therefore

RESOLVED, that the Town Board of the Town of Brighton hereby amends the appointment of Sandra L. Frankel as Inter-Municipal Cooperation Official to be effective from January 2, 2012 through May 1, 2013.

Dated: December 28, 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	_____

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

December 28, 2011

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

A - GENERAL	\$	<u>194,019.67</u>
D - HIGHWAY		<u>23,253.17</u>
L - LIBRARY		<u>37,460.99</u>
SL - LIGHTING DIST		<u>22,467.01</u>
SR-REFUSE DISTRICT		<u>63,236.74</u>
SS - SEWER DIST		<u>14,393.24</u>
TA - AGENCY TRUST		<u>7,516.03</u>
	TOTAL \$	<u>362,346.85</u>

UPON ROLL CALL

MOTION CARRIED _____

APPROVED BY:

SUPERVISOR

COUNCIL MEMBER

COUNCIL MEMBER

TO THE SUPERVISOR:

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

DATE

TOWN CLERK

EXHIBIT 6

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 28th day of December, 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 appoints William W. Moehle and Louise Novros as Marriage Officers within the Town of Brighton, pursuant to New York Domestic Relations Law Section 11-c, for a term commencing January 1, 2012 through December 31, 2013.

Dated: December 28, 2011

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

EXHIBIT 7

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 28th day of December, 2011.

PRESENT:

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

RESOLVED, that a structural engineering evaluation report prepared by Herrick-Saylor Engineers, P.C., Inc., evaluating the structural condition of two agricultural structures located on Town-owned property on Westfall Road for possible use for the Brighton Farmers' Market, be received and filed.

Dated: December 28, 2011

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

EXHIBIT 8

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 28th day of December, 2011.

PRESENT:

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

RESOLVED, that correspondence dated December 19, 2011 from Timothy E. Keef, P.E., concerning the proposed bid award for the retrofitting of a Sewer Department truck with snowplowing and salting equipment, be received and filed, together with attachments thereto; and be it further

RESOLVED, that the Town Board hereby rejects the bid from Cyncon Equipment, based on the number of exceptions to bid specifications; and be it further

RESOLVED, that the Town Board hereby awards the bid for retrofitting of a Sewer Department truck with snowplowing and salting equipment to the next lowest responsible and responsive bidder, Viking Cives, in the bid amount of \$40,100; and be it further

RESOLVED, that the Town Board hereby approves a budget transfer in the amount of \$15,500 from account D.HWY.5110.416 to account D.HWY.5130.229, to fund the retrofitting of a Sewer Department truck.

Dated: December 28, 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 28th day of December, 2011.

PRESENT:

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

RESOLVED, that correspondence dated December 16, 2011 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning a request from the Monroe County Department of Transportation to support traffic signage on East River Road, in connection with the jurisdictional transfer of East River Road from the New York State Department of Transportation to the Monroe County Department of Transportation, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Town Clerk is hereby authorized to execute and deliver a Traffic Control Device Ordinance by and between the Town of Brighton and Monroe County Department of Transportation, pursuant to Sections 1651 and 1652-a of the New York State Vehicle and Traffic Law.

Dated: December 28, 2011

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



Department of Transportation

Monroe County, New York

Maggie Brooks
County Executive

Terrence J. Rice, P.E.
Director

November 17, 2011

Ms. Susan Kramarsky
Town Clerk
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

RE: TOWN OF BRIGHTON - TRAFFIC CONTROL DEVICE ORDINANCES

Dear Ms. Kramarsky,

As you know, the following road in your town was transferred from New York State jurisdiction to Monroe County jurisdiction in November, 2007.

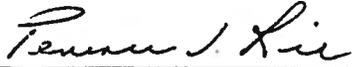
- East River Road from Jefferson Road (Rte 252) and City Line @ Genesee Valley Park

We are in the process of updating our traffic sign records since this was previously a New York State road, there may not be any Town ordinances for the traffic regulations. Therefore, we are requesting that the Town pass ordinances for the traffic regulations pertaining to this section of roadway. Below is our standard "Traffic Control Device Ordinance" form with instructions. Thank you for your cooperation in this matter.

The Monroe County Department of Transportation, pursuant to authority granted by Sections 1651 and 1652-a, of the New York State Vehicle and Traffic Law, does hereby request the establishment of the following traffic controls.

TRAFFIC REGULATIONS	LOCATION
WB Stop Sign	East River Road @ Bronx Drive
WB Stop Sign	East River Road @ Riverside Drive
WB Stop Sign	East River Road @ Remington Parkway
WB Stop Sign	East River Road @ Delaware Ave.
WB Stop Sign	East River Road @ Crittenden Road
WB Stop Sign	East River Road @ Idle Lane
40 MPH Speed Limit	East River Road from Jefferson Road (Rte 252) and City Line @ Genesee Valley Park

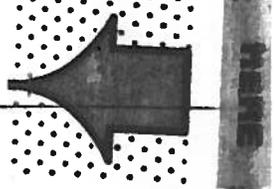
Please have your Town Board pass an appropriate ordinance for these regulations at your earliest convenience. If you have any questions or require any additional information, please contact Brent Penwarden at 753-7733 or me.



Terrence J. Rice, P.E.
Director of Transportation

Town Clerk
Town of Brighton

Date



Please sign, date and return this form with a copy of the ordinance, to us as soon as possible.

cc: D. Wiegand
File

H:\Shared\Subject\TRAFF OPS-PERMITS\ORDINANCES\Traffic Control Device Ordinance swap roads Brighton.doc

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 28th day of December, 2011.

PRESENT:

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

RESOLVED, that correspondence dated December 8, 2011 from Douglas S. Clapp, Director of Communications, concerning an agreement with Leightronix, Inc. for internet video streaming and video on demand hosting during 2012, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Leightronix, Inc. for PEG streaming internet video streaming and PEG central video on demand hosting services during 2012, at a cost not to exceed \$4,788, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: December 28, 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 28th day of December, 2011.

PRESENT:

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

RESOLVED, that correspondence dated December 15, 2011 from Dianne Burdett, Administrative Court Clerk of the Justice Court of the Town of Brighton, concerning the renewal of various service agreements for the Justice Court in 2012, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute renewal agreements by and between the Town and M.E. Services Communication, for language interpreting, between the Town and F.M.I. Interpreting Services, for hearing impaired interpreting, between the Town and Frank Scarcelli and between the Town and Edith Forbes, both for stenography services, each on the same terms and conditions as were in effect in 2011 and each of which agreements shall be in form and substance as may be approved by the Attorney for the Town.

Dated: December 28, 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 28th day of December, 2011.

PRESENT:

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

RESOLVED, that correspondence dated December 16, 2011 from Mark T. Henderson, Chief of Police, concerning a retirement, be received and filed, together with correspondence dated December 15, 2011 from Investigator J. Andrew Minchak, Brighton Police Department; and be it further

RESOLVED, that the Town Board hereby accepts the resignation and retirement of Investigator J. Andrew Minchak from the Brighton Police Department, effective January 21, 2012, with regret.

Dated: December 28, 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 28th day of December, 2011.

PRESENT:

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

RESOLVED, that correspondence dated December 15, 2011 from Mark T. Henderson, Chief of Police, concerning an agreement for boarding and veterinary services, be received and filed, together with correspondence, dated December 8, 2011, from Paul R. Black, DVM, Hospital Director, Animal Hospital of Pittsford, and a proposed contract attached thereto; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute an agreement by and between the Town and Animal Hospital of Pittsford for boarding and veterinary services, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: December 28, 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 28th day of December, 2011.

PRESENT:

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

RESOLVED, that correspondence dated December 19, 2011 from Gary Brandt, Director of Personnel, concerning voluntary long term disability insurance, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Town Board hereby authorizes the termination of the current long term disability insurance agreement with American General Insurance Company, and authorizes the Supervisor to execute and deliver an agreement by and between the Town and CIGNA Insurance to initiate voluntary long term disability insurance coverage with CIGNA Insurance Company.

Dated: December 28, 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
FROM: Gary Brandt, Director of Personnel 
DATE: December 19, 2011
RE: New Carrier for Employee Paid Long Term Disability Insurance (LTD)

Pursuant to the discussion at the December 7, 2011 FASC meeting with Chief Henderson, Brian Hart of Brown & Brown and the Committee, we are ready to move forward with terminating the current LTD insurance agreement with American General and initiating coverage with CIGNA.

The change in carriers will allow the Town of Brighton to effectuate the following positive enhancements to our LTD coverage for employees, all at no cost to the Town:

- a. Establish a new, separate class of LTD coverage for Police Officers at very competitive rates, allowing for Police Officers to opt for coverage with little economic impact to their bi-weekly checks,
- b. Continue the existing Non-Police employee class coverage at an average rate reduction of 53% per employee premium.

CIGNA has agreed to maintain the 2012 rates for a 36 month period. All existing American General policy holders will be shifted to the new CIGNA rates without any lapse in coverage.

I am requesting that the FASC authorize termination of the American General LTD policy and authorize the approval of a new LTD policy with CIGNA, which will also include a separate category for Police coverage.



Town of Brighton LTD Comparison - LTD- Age banded

LTD Plan Features		American General (Incumbent)	CIGNA Police Excluded Option 1	CIGNA Police Included Option 2	CIGNA Class 1	CIGNA Class 2		
Eligibility	All active employees working 35 hours per week	All active employees working 30 hours per week	All active employees working 30 hours per week	All active employees working 30 hours per week	All active employees working 30 hours per week	All active Police Officers working 30 hours per week		
Monthly Benefit	60% up to \$5,000							
Elimination Period	90 Days							
Definition of Disability	24 month own occ							
Duration of Disability	SSNRA	SSNRA	SSNRA	SSNRA	SSNRA	SSNRA		
Pre-Existing Cond.	6/12	3/12	3/12	3/12	3/12	3/12		
Mental Health Exclusion	24 months							
Survivor Benefit	3 x lump sum							
EAP	Not Included	Included	Included	Included	Included	Included		
Contribution	Voluntary	Voluntary	Voluntary	Voluntary	Voluntary	Voluntary		
Rate per \$100 of Covered Monthly Payroll	Rate	% Change to Incumbent	Rate	% Change to Incumbent	Rate	% Change to Incumbent	Rate	% Change to Incumbent
< 20	\$0.193	-72.54%	\$0.073	-62.18%	\$0.053	-72.54%	\$0.078	-59.59%
20 - 24	\$0.193	-72.54%	\$0.073	-62.18%	\$0.053	-72.54%	\$0.078	-59.59%
25 - 29	\$0.193	-64.77%	\$0.093	-51.81%	\$0.068	-64.77%	\$0.101	-47.67%
30 - 34	\$0.193	-32.12%	\$0.178	-7.77%	\$0.131	-32.12%	\$0.192	-0.52%
35 - 39	\$0.315	-35.24%	\$0.278	-11.75%	\$0.204	-35.24%	\$0.299	-5.08%
40 - 44	\$0.498	-38.76%	\$0.416	-16.47%	\$0.305	-38.76%	\$0.448	-10.04%
45 - 49	\$0.738	-44.31%	\$0.560	-24.12%	\$0.411	-44.31%	\$0.603	-18.29%
50 - 54	\$1.118	-49.11%	\$0.775	-30.68%	\$0.569	-49.11%	\$0.835	-25.31%
55 - 59	\$1.481	-59.28%	\$0.822	-44.50%	\$0.603	-59.28%	\$0.886	-40.18%
60 - 64	\$1.481	-56.99%	\$0.867	-41.46%	\$0.637	-56.99%	\$0.935	-36.87%
65 - 69	\$1.481	-55.37%	\$0.902	-39.10%	\$0.661	-55.37%	\$0.971	-34.44%
70 - 74	\$1.481	-54.22%	\$0.924	-37.61%	\$0.678	-54.22%	\$0.995	-32.82%
75 +	\$1.481	-54.22%	\$0.924	-37.61%	\$0.678	-54.22%	\$0.995	-32.82%
Average % Change to Incumbent		-53.04%	-35.94%	-53.04%	-31.01%			
Rate Guarantee		36 Months	36 Months	36 Months	36 Months			

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 28th day of December, 2011.

PRESENT:

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

RESOLVED, that a memorandum dated December 12, 2011 from Elaine K. Ainsworth, Town Assessor, and correspondence dated December 1, 2011 from David Miller at Assessment and Valuation Services with an attachment, concerning a 2012 Purchase Order for real property tax assessment services, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Assessment and Valuation Services for real property tax assessment consulting services during 2012, at a cost not to exceed \$3,000, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: December 28, 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 28th day of December, 2011.

PRESENT:

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

RESOLVED, that a memorandum dated December 20, 2011 from Gary Brandt, Director of Personnel, concerning New York State Worker's Compensation coverage for 2012, be received and filed, together with email correspondence from James B. Hood, Director of Holfoth Risk Management, together with an attachment thereto; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Public Employers' Risk Management Association ("PERMA"), for Worker's Compensation coverage during 2012, based on Option 2 as proposed by PERMA in the attachment to the above referenced email correspondence from James Hood, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: December 28, 2011

Sandra L. Frankel, Supervisor	Voting	<i>ASF</i>
James R. Vogel, Councilman	Voting	<i>JRV</i>
Raymond J. Tierney III, Councilman	Voting	<i>RJT</i>
Louise Novros, Councilperson	Voting	<i>LN</i>
Sheila A. Gaddis, Councilperson	Voting	<i>SAG</i>



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

TO: Suzanne Zaso, Director of Finance
FROM: Gary Brandt, Director of Personnel 
DATE: December 20, 2011
RE: Approval to Enter into a Contract with PERMA for 2012
NYS Workers' Compensation Coverage

The Risk Management advisor to the Town of Brighton, Aldrich & Cox, James Hood, Principal Advisor, and the Broker of Record for this contract, Paris-Kirwan Associates, Inc, Jerry Doberstein, Vice President, recommend that the Town enter into an agreement for full coverage of all Workers' Compensation claims for 2012 with PERMA (Public Employers Risk Management Association) of Albany, NY. PERMA has provided coverage for the Town since 2010. PERMA has provided three cost options for the Town, as illustrated on the attachments.

Mr. Hood and Mr. Doberstein recommend that the Town accept Option 2 for 2012, (see the attached letter from Mr. Hood).

The Town will pay PERMA a set cost of \$219,787 for coverage. A 2% discount (\$4,396) can be earned by paying PERMA by January 15, 2012, resulting in a net cost of \$215,391. In addition, the Town agrees to pay the NYS WC Board annual assessments associated with the coverage at an estimated cost of \$33,600.

I recommend acceptance of this proposed Option 2 from PERMA for 2012.



EXHIBIT NO. 17

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 28th day of December, 2011.

PRESENT:

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

RESOLVED, that a memorandum dated December 19, 2011 from Suzanne Zaso, Director of Finance, concerning 2012 the contract renewal by and between the Brighton Ambulance District and Brighton Volunteer Ambulance, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Brighton Ambulance District and Brighton Volunteer Ambulance, for ambulance service within the Brighton Ambulance District during 2012, at a cost of \$156,500, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: December 28, 2011

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

EXHIBIT NO. 18

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 28th day of December, 2011.

PRESENT:

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

RESOLVED, that a memorandum dated December 19, 2011 from Suzanne Zaso, Director of Finance, concerning a budget appropriation for the Brighton Ambulance District, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the 2011 budget transfer as set forth in the above-referenced memorandum.

Dated: December 28, 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 *SZ*
Date: December 19, 2011
Subject: Budget Appropriation, Ambulance Special District

In September the Town Board passed a resolution to borrow \$100,000 towards an ambulance purchase of \$157,650. The remaining \$57,650 was stated to come from funding in the ambulance district. In preparation of the 2011 budget, \$50,000 was budgeted in an account to transfer to a capital project for the ambulance purchase. I am now requesting that the Town board authorize the appropriation of \$7,650 from fund balance in the Ambulance special district to expenditure account SA.AMBUD.3600 9.10 (transfer to capital projects). Please note that these funds were appropriated in the 2010 adopted budget but we not able to transfer them to the capital project since it was not initiated until 2011.

Copy to: S. Frankel, 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 28th day of December, 2011.

PRESENT:

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

RESOLVED, that correspondence dated December 15, 2011 from Ron Little, Senior Vice President of Finance and Agency Advancement, Heritage Christian Services, confirming the terms of a payment in lieu of tax agreement by and between Heritage Christian Services and the Town of Brighton for a new group home to be established by Heritage Christian Services on South Winton Road in the Town, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver a payment in lieu of tax agreement by and between the Town and Heritage Christian Services, for a new group home to be established by Heritage Christian Services on South Winton Road in the Town, which agreement shall be in form and substance as may be approved by the Attorney to the Town.

Dated: December 28, 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	_____



HERITAGE
CHRISTIAN SERVICES

Empowering people. Enriching lives.

December 20, 2011

Timothy E. Keef, P.E.
Commissioner of Public Works
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

Dear Mr. Keef:

The purpose of this letter is to confirm our conversation regarding Heritage Christian Services (HCS) commitment of a Payment in Lieu of Taxes (PIOLT) Agreement with the Town of Brighton.

- The agreement is not required by any statutory authority and is limited to the proposed new six bed home at 1200 Winton Road South.
- HCS commits to \$250 per unit/bed for a total of \$1,500 per year. The amount would not be subject to escalation.
- The PILOT will become effective upon the issuance of a certificate of occupancy and will be prorated the first year.

Tim, we appreciate the opportunity to work with the Town of Brighton.

Yours truly,

Ron Little
Senior Vice President of Finance and Agency Advancement
Heritage Christian Services

RL:rah

Corporate Office
349 West Commercial St., Suite 2795
East Rochester, NY 14445-2402

Tel: 585-340-2000
Fax: 585-340-2006

Regional Office
3790 Commerce Court, Suite 800
North Tonawanda, NY 14120

Tel: 716-743-2020

TDD 800-662-1220
www.heritagechristianservices.org

Board of Directors: *Peter Sear, Chair; Leslie Hulbert, Vice Chair; George-Ann Schaufele, Vice Chair; Julie Gerstenberger, Secretary; John K. Best, Treasurer; Ward Donahue; Rev. David Donner; Daniel Mathaides; Tina McNeary; Ted O'Brien; Gail Otto; Mary Lynn Smart; William Stanbro; Joan Van De Wall; Richard VanderHorst* ~ Honorary Board Members: *Carol Forth, Eunice Hanson*

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 28th day of December, 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 appoints Dr. Ruth Scott, to the Library Board of Trustees for a five year term, from January 1, 2012 through December 31, 2016.

Dated: December 28, 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 28th day of December, 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 appoints Candice Baker-Leit, to the Zoning Board of Appeals for a five year term, from January 1, 2012 through December 31, 2016.

Dated: December 28, 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 28th day of December, 2011.

PRESENT:

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

WHEREAS, in 2010 the Town of Brighton and the Brighton Fire District retained MMA Associates to study fire and emergency medical services being provided within the West Brighton Fire Protection District; and

WHEREAS, the study prepared by MMA recommended that the Town Board of the Town of Brighton, acting as the Commissioners of the West Brighton Fire Protection District, should consider an enhanced contract with the City of Rochester Fire Department or a merger with the Henrietta Fire District or Brighton Fire District as alternatives for fire and emergency medical service provision in the West Brighton Fire Protection District; and

WHEREAS, in response to that recommendation, the Town of Brighton solicited requests for proposals to the Rochester Fire Department, Henrietta Fire District and Brighton Fire District, and each of them responded with proposals; and

WHEREAS, subsequent to that time, the West Brighton Fire Department, Inc. also submitted a proposal to continue to provide services within the West Brighton Fire Protection District; and

WHEREAS, the Town's Public Safety Committee held an open meeting to allow each of the Departments to make a presentation and answer questions; and

WHEREAS, the Town considered the proposals, the presentations,

and additional information provided by the Departments in response to questions presented by the Town Board to each, and based thereon, the Town Board desires to take action, as Commissioners of the West Brighton Fire Protection District, to provide fire protection and emergency medical services within the West Brighton Fire Protection District going forward; it is therefore

RESOLVED, that the Town Board of the Town of Brighton, acting as the Commissioners of the West Brighton Fire Protection District, hereby selects the City of Rochester Fire Department to become the primary provider of fire and emergency medical services within the West Brighton Fire Protection District, with the West Brighton Fire Department, Inc. as an additional service provider; and be it further

RESOLVED, that the Town Board of the Town of Brighton, acting as the Commissioners of the West Brighton Fire Protection District, hereby authorize Town staff to negotiate contracts for fire and emergency medical services between the West Brighton Fire Protection District and the City of Rochester Fire Department and West Brighton Fire Department, Inc., respectively, to be followed by public hearings, to be held at a time and place to be determined in the future by the Town Board, to consider such contracts, as required by law.

Dated: December 28, 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 28th day of December, 2011.

PRESENT:

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

WHEREAS, the Town previously held a referendum on the issuance of \$5,000,000 in bonds to finance the purchase and/or development of various parcels of land in the Town, one parcel of which consists of approximately 83 acres to be purchased by Wegman Family, LLC, located between Elmwood Avenue and Westfall Road, Tax Account Number 136.16-2-29.2, approximately 73.5 acres of which will thereafter be purchased by the Town of Brighton from Wegman Family LLC from proceeds of the bond issuance, to be used as public parkland; and

WHEREAS, the Town Board previously approved an incentive zoning application by Wegman Family LLC for the approximately 9.5 acre balance of such land, to be used by Wegman Family LLC for senior housing; and

WHEREAS, the Town and Wegman Family LLC desire to enter into a Purchase and Sale Agreement for the purchase of the remaining approximately 73.5 acres by the Town, at a purchase price of \$650,000.00, as a condition of such incentive zoning approval by the Town Board; it is therefore

RESOLVED, that the Supervisor is hereby authorized to execute and deliver a Purchase and Sale Agreement by and between the Town and Wegman Family LLC, for the purchase of approximately 73.5 acres of real property, being a portion of Tax Account Number 136.16-2-29.2, which was previously the subject of a referendum on bonds issued by the Town, the proceeds of which will be used to finance the purchase of such property, for a purchase price of \$650,000, subject to pro rata calendar adjustment for real property taxes and charges, pursuant to the terms of such Purchase and Sale Agreement, as agreed to by Wegman Family LLC as a condition of the incentive zoning approval of a senior housing project on the 9.5 acre remainder of such

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 28th day of December, 2011.

PRESENT:

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

WHEREAS, the US Supreme Court's 5-4 ruling in Citizens United v. the Federal Election Commission, rolled back legal restrictions on corporate spending in the electoral process, allowing unlimited corporate spending to influence elections, candidate selection, and policy decisions, thereby threatening the very foundation of our democracy; and

WHEREAS, U.S. Supreme Court Justice Hugo Black in a 1938 opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and

WHEREAS, money affects the quality and quantity of speech and is not, in itself, speech; and allowing corporations to use money as speech effectively drowns out the protected free speech of the people in our diverse society; and

WHEREAS, the Citizens United decision effectively supersedes federal and state efforts to regulate corporate spending in elections; and

WHEREAS, the Town Board of the Town of Brighton, Monroe County, New York, desires to express its opposition to the decision of the United States Supreme Court in Citizens United that eliminated restrictions on corporate spending to influence elections; it is therefore

RESOLVED, that by the adoption of this resolution, the Town Board

of the Town of Brighton, Monroe County, New York hereby expresses its support for an amendment to the United States Constitution, and such other state, federal and/or local legislative actions in connection therewith, to reverse so much of the holding in the Citizens United case as declared that governments can not regulate corporate speech, other than by disclaimer and disclosure requirements, to ensure that expenditure of corporate money to influence the electoral process is not free from legitimate regulation.

Dated: December 28, 2011

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

EXHIBIT NO. 25

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 28th day of December, 2011.

PRESENT:

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

RESOLVED, that a memorandum dated December 28, 2011, from Susan Kramarsky, Town Clerk, concerning the appointment of a second Deputy Receiver of Taxes, be received and filed; and be it further

RESOLVED, that the Town Board hereby concurs in the appointment of Margaret Lull, as Deputy Receiver of Taxes, at Group 2, Step 3, \$32,487.20 per year for 2011 and \$33,142.20 for 2012 effective December 29, 2011, on a probationary basis, with a 52-week probationary period.

Dated: December 28, 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	_____