

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

May 28, 2008

PRESENT: Councilmember James Vogel
Councilmember Ray Tierney
Councilmember Louise Novros
Supervisor Sandra Frankel

William Moehle
Attorney for the Town

Susan Kramarsky
Town Clerk

RECOGNITIONS/PRESENTATIONS:

Memorial Day Proclamation

National Mental Health Month Proclamation

OPEN FORUM:

Susan Kramarsky,
Larry & Allison Gilbert.
Rob Wackerman

APPROVAL OF AGENDA:

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board approve the agenda with the addition of an executive session.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

May13, 2008 Joint Town Board/School Board

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board approve the aforementioned minutes.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Proposed removal of 62" silver linden tree at 27 Fireside Drive and 35" sugar maple tree at 1040 Highland Avenue (see Resolution #6) (Complete transcript under separate cover)
 Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth on Exhibit No. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

BIDS:

MATTER RE: Authorize bid award to Saxby Implement Corporation for \$42,900. 2008 Kubota tractor and declare surplus 2001 Kubota tractor for trade in credit of \$14,000. making total bid award \$28,900. (see Resolution #2; letter from Timothy E. Keef, P.E., Town Engineer, dated May 19, 2008, with attachment)
 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 on Exhibit No. 2 attached

UPON ROLL CALL VOTE ROLL
CARRIED

MOTION UNANIMOUSLY

MATTER RE: Authorize solicitation of bids for mechanical repair and collision repair contracts for Police vehicles (see Resolution #1; letter from Thomas M. Voelkl, Chief of Police, dated May 9, 2008)

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 on Exhibit No. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Steve Schockow, Co-Chair, Willowbend Neighborhood Association to New York State Senator Joseph Robach, dated May 14, 2008, regarding the condition of trees planted by New York State Department of Transportation in their neighborhood

FROM Judy Seil, Director, Monroe County Department of Planning and Development, dated May 14, 2008, requesting that the Town of Brighton consider a Shift Resolution which is necessary for Adecco USA, Inc. to move part of its operations to an Empire Zone location

FROM Monroe County Executive Maggie Brooks, dated April 7, 2008, consenting to the Brighton Town Board serving as lead agency under SEQRA for the environmental review of the Rich's Dugway Pipe Bridge Stabilization project

FROM Patricia Bomba, Vice President & Medical Director, Geriatrics, Excellus, dated May 14, 2008, expressing thanks for the Town's support in making National Health Care Decisions Day a success

FROM Elaine Enfone, thanking Supervisor Frankel for participating in the 2008 Triple Bottom Line Conference

FROM Linda A. Faubel, Acting Chairperson, Monroe County Planning Board, dated March 20, 2008, regarding the proposed 2009-2014 Capital Improvement Program

FROM Lucille Ferrari, dated May 16, 2008, thanking Supervisor Frankel for talking with her regarding the traffic situation on Irving Road

FROM NYSEG and RG&E, dated May 20, 2008, regarding preparation for summer weather stress on electricity delivery equipment

FROM Barbara Ann Smith, expressing concern with a recent decision to allow demolition of the carriage house at 2550 East Avenue

FROM Jean Carroll, President & CEO, YWCA, dated May 20, 2008, thanking Supervisor Frankel for participating in their 125th Anniversary Reception

FROM David M. Barry, Jr., Clerk of the Monroe County Legislature, dated May 7, 2008, enclosing the *Proceedings of the Legislature of Monroe County for 2006* (cd filed in the Clerk's office)

FROM Terrence J. Rice, P.E., Director, Monroe County Department of Transportation, dated May 21, 2008 to Lester Rappaport regarding traffic concerns at The Gables, 2001 Clinton Avenue South

FROM Monroe County Executive Maggie Brooks, dated May 12, 2008, advising that \$36,000 for the Buckland Park Sidewalk project is on the list of Community Development Block Grant projects contained in the *2008 Annual Action Plan for Housing and Community Development in Suburban Monroe County*

FROM Patricia A. Stevens, Community Development Manager, Monroe County Department of Planning and Development, dated May 1, 2008 regarding a public hearing and steering committee meeting being held May 29, 2008 at 1:30 and 2:00 p.m. at Webster Town Hall regarding the *2008 Annual Action Plan for Housing and Community Development in Suburban Monroe County*

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board receive and file the foregoing communications.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services Next meeting June 19, 2008.

Finance and Administrative Services Councilmember Sheila Gaddis reported on meeting of May 21, 2008. Next meeting June 4, 2008.

Public Safety Services Next meeting June 17, 2008.

Public Works Services Next meeting June 2, 2008.

NEW BUSINESS:

MATTER RE: Reading and approval of claims

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Supervisor read and approve payment of the claims as set forth on Exhibit No. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute STOP-DWI Enforcement Contract with Monroe County for \$22,298.91 funding for 2008 (see Resolution #4; letter from Thomas M. Voelkl, Chief of Police, dated May 19, 2008 and Peggy Duffy, Monroe County STOP-DWI, dated April 28, 2008, with attachment)

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 on Exhibit No. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize promotional appointment of Jeffrey Pieters to full-time position of Sewer Skilled Laborer, effective June 2, 2008 with 26-week probationary period (see Resolution #5; letter from Jay Jeffires, for Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated May 13, 2008)

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 on Exhibit No. 6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize submission of application to New York State

Emergency Management Office (NYSEMO) for Hazard Mitigation Grant Program funding (see Resolution #8; letters from Timothy E. Keef, P.E., Town Engineer, dated May 27, 2008 and John A. Agostino, Deputy Director for Administration, NYSEMO, dated May 23, 2008)

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 on Exhibit No. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Property Maintenance Company to use of herbicides at Corbett's Glen Nature Park to remove toxic giant hogweed, cost not exceeding \$200, and authorize Supervisor to make such determinations in emergency situations (see Resolution #7; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated May 28, 2008)

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 on Exhibit No. 8 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Proposed improvements to New York State "Bottle Bill" (see Resolution #10)

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth on Exhibit No. 9 attached

UPON ROLL CALL VOTE THE FOLLOWING VOTE WAS RECORDED

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

MATTER CARRIED

MOTION TO GO INTO EXECUTIVE SESSION:

To discuss the employment of a particular person.

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis at 8:55 PM to discuss the employment of a particular person.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to come out of executive session at 9:10 PM.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros that the Town Board adjourn at 9:20 PM.

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 held on the 28th of May, 2008 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 May, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

WHEREAS, the Town Board previously called a public hearing to consider the decision of the Commissioner of Public Works to remove trees located in the public right of way adjacent to 27 Fireside Drive and 1040 Highland Avenue, which hearing was duly held on May 14, 2008 and continued to May 28, 2008, during which hearing all persons having an interest in such matter having had an opportunity to be heard; it is therefore

RESOLVED, that based upon the materials submitted in support of the request for a public hearing in this matter, the testimony at such public hearing and any materials submitted thereat, the Town Board hereby affirms the decision of the Commissioner of Public Works that a 62 inch silver linden tree located in the town highway right-of-way, adjacent to 27 Fireside Drive and a 35 inch silver maple tree located in the highway right of way adjacent to 1040 Highland Avenue, be removed because they are hazardous to persons and property.

Dated: May 28, 2008

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 May, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated May 19, 2008 from Timothy E. Keef, P.E., Town Engineer, together with a bid sheet dated May 14, 2008 from Saxby Implement Corp., both concerning a bid for the proposed purchase of a tractor with snow plow and attachments, be received and filed; and be it further

RESOLVED, that the Town Board hereby declares the Town's existing 2001 Kubota tractor to be surplus and directs that it be traded in as part of the purchase of a new tractor; and be it further

RESOLVED, that the Town Board hereby awards the bid for the purchase of a new tractor with snow plow and attachments, to Saxby Implement Corp. for the purchase of a new Kubota tractor, for the gross purchase price of \$42,900, net of \$14,000 in trade-in credit for the surplus 2001 Kubota tractor, for a net purchase price of \$28,900, with the remaining amount of \$16,200. transferred to the Highway Equipment Reserve Fund.

Dated: May 28, 2008

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 May, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated May 9, 2008 from Thomas M. Voelkl, Chief of Police, concerning the solicitation of bids for mechanical and collision repair contracts for police vehicles, be received and filed; and be it further

RESOLVED, that the Police Department is hereby authorized to advertise for bids for mechanical repair and for collision repair of police vehicles, upon the general terms and conditions set forth in the above correspondence.

Dated: May 28, 2008

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

May 28, 2008

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>201,449.77</u>
D - HIGHWAY		<u>80,993.35</u>
H - CAPITAL		<u>17,086.84</u>
L - LIBRARY		<u>49,398.77</u>
SB - BUSINESS IMPROVM		<u>60.00</u>
SD - DRAINAGE DIST		<u>60.00</u>
SS - SEWER DIST		<u>109,769.38</u>
TA - AGENCY TRUST		<u>20,572.08</u>
	TOTAL \$	<u>479,390.19</u>

UPON ROLL CALL

MOTION CARRIED

APPROVED BY:

SUPERVISOR

COUNCIL MEMBER

COUNCIL MEMBER

TO THE SUPERVISOR:

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

DATE

TOWN CLERK

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 28th day of May, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated May 19, 2008 from Thomas M. Voelkl, Chief of Police, and correspondence dated April 28, 2008 from Peggy Duffy, Monroe County Stop DWI, together with the proposed 2008 Stop DWI Enforcement Contract attached thereto, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver the 2008 Stop DWI Enforcement Contract by and between the Town of Brighton and the County of Monroe, on which the Town will be paid \$22,298.91; and be it further

RESOLVED, that the Town Board hereby approves an amendment to the 2008 Budget to reflect the Stop DWI Enforcement Contract, as set forth in the above-referenced correspondence from the Chief of Police.

Dated: May 28, 2008

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 May, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated May 13, 2008 from Jay Jeffries for Thomas A. Low, Commissioner of Public Works, concerning the appointment of a Skilled Laborer in the Sewer Department, be received and filed; and be it further

RESOLVED, that the Town Board hereby appoints Jeffrey Pieters to the full-time, 40 hour per week position of Skilled Laborer in the Sewer Department, effective June 2, 2008 at the current hourly rate of \$22.72, on a probationary basis with the probationary period to end twenty six (26) weeks from the effective date of employment in the position.

Dated: May 28, 2008

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 May, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated May 28, 2008 from Timothy E. Keefe, P.E., Town Engineer, and correspondence dated May 23, 2008 from John A. Agostino, Deputy Director for Administration New York State Emergency Management Office, both concerning a grant application for the Hazard Mitigation Project, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver a letter of intent for the New York State Emergency Management Office Hazard Mitigation Project grant application, pending a review of potential projects and subsequent recommendation, if any, by the Public Works Committee to pursue said grant application.

Dated: May 28, 2008

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 May, 2008.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated May 28, 2008 from Jerry DeVigne, Director of Parks and Recreation concerning permission to use herbicide at Corbett's Glen Nature Park on giant hogweed plants, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes that the property maintenance company be engaged to treat two areas in Corbett's Glen Nature Park where giant hogweed is growing, at a cost not to exceed \$200; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to direct the use of herbicides on toxic plants in future emergency situations without prior Town Board action, but with notification to the Town Board following such use.

Dated: May 28, 2008

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, Elmwood Avenue, in said Town of Brighton on the 28th day of May, 2008.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that a memorandum concerning amendments to the New York Returnable Container Act, prepared by the New York Public Interest Research Group, be received and filed; and be further

RESOLVED, that the Town Board hereby supports the amendments proposed to the New York Returnable Retainer Act, otherwise known as the "Bigger Better Bottle Bill," and authorizes the Supervisor to communicate this resolution to the New York Public Interest Research Group, the New York State Legislature and the Governor.

Dated: May 28, 2008

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 _____