

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
July 28, 2010

PRESENT:

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

William Moehle, Attorney for the Town

Susan Kramarsky, Town Clerk

MEETING CALLED TO ORDER: 7:05 PM

RECOGNITIONS/PRESENTATIONS:

Presentation by Michael A. Fallace of Brown & Brown of NY Re: COG Health Insurance Consortium.

Presentation to Paula Parker

OPEN FORUM:

Swearing in of newly appointed Captain Robert Cline to the Brighton Police Department

Paul Horowitz

APPROVAL OF AGENDA:

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to approve the agenda with the addition of an Executive Session to discuss matters of litigation

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to receive and file the minutes for the meeting of July 14, 2010

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Proposed Car Wash at 2875 Monroe Ave., Continuation of Public Hearing from July 14, 2010. Owner requesting Town Board to review completed Traffic Study (corner of Monroe Ave. and Clover St.) and approve Incentive Zoning application for same. Email communications received from Brighton residents Mallory Moyer & Bill Egert, Richard A. Kroll, Jim LeChase, Mr. & Mrs. Kenneth Warzocha, Juan A. Nevarez, Esq. Richard Gielow Jr. and Arthur and Ann Kolko concerning Car Wash to be entered into Public Hearing record.

(Complete transcript under separate cover)

PETITIONS:

MATTER RE: Proposed Car Wash at 2875 Monroe Avenue, various Town of Brighton signatures collected of those citizens opposed to the building and operation of said Car Wash (see copy of signed Citizen Petition generated by Ms. Ruth Baker).

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to receive and file the aforementioned petition

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

BIDS:

MATTER RE: Approval to solicit requests for proposals for alarm system evaluation and design for the Brighton Town Hall and the Brighton Public Works Operations Center (shared service) (see Resolution #1 and request letter dated July 21, 2010 from Timothy Keef, Dir. Public Works & Highway Dept., Town of Brighton.

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

COMMUNICATIONS:

FROM Gary E. Bonarski, Environmental Engineer, NYS Dept. of Environmental Conservation. Div. of Environmental Remediation, Region 8 to Mr. & Mrs. Gregory Meyer; cc to Sandra Frankel, regarding Town & Country Cleaners and the Brownfield Cleanup Program Site work plan.

FROM Thomas Goodwin, Planning Mgr., Monroe County Planning & Dev. Dept. to all Municipal Supervisors. Receipt of complimentary copy of the 2009 Land Use Report for Monroe County. Actual report is available for viewing with the Town of Brighton Planning Office.

FROM George Smith to Supervisor Frankel thanking the Town Board for allowing him to present the Buckland Creek presentation at the July 14, 2010 Town Board

FROM Robert Freeman, Executive Director, NY State Dept. on Open Government to Susan Kramarsky, Brighton Town Clerk dated July 14, 2010 with Advisory Opinion in the matter of Town of Brighton's request for a certain list maintained by the Dept. of Environmental Conservation (DEC).

FROM Liza Mortimer, Registrar from the Child Care Council to Rebecca Cotter, Town of Brighton Parks, & Recreation Dept. dated July 6, 2010. Approval of application to conduct Child Afterschool Program through the Town of Brighton Parks and Recreation Dept. with additional approval for Rebecca Cotter to assume responsibilities as Director of same.

FROM State of New York Public Service Commission Procedural Ruling dated July 16, 2010 regarding Application of National Grid Co. for a Certificate of Environmental Compatibility and Public need for the reconstruction of Transmission Line 111 from Lockport to Mortimer, NY

FROM David J. Swarts, Chair & Commissioner of State of NY Motor Vehicles Dept. Governor's Traffic Safety Committee dated July 16, 2010 to Captain Robert Cline, Town of Brighton Police Dept. notifying us that the Town of Brighton has been awarded \$7,946 to participate in the statewide "BUCKLE UP NEW YORK" campaign.

FROM Art Lentilucci, A.I.C.P. Director of Planning and Zoning for the City of Rochester to Ramsey Boehner, Town of Brighton dated July 19, 2010 regarding City of Rochester Response to Town of Brighton's comments on the Citygate draft Final GEIS.

FROM Douglas Elfner, Director of Consumer Policy, NY State Dept. of Public Service to Supervisor dated July 19, 2010 regarding Update on the filing of Joint Proposal and Public Statement Hearings, concerning RG&E rate cases.

FROM Beth Sciumeca, Executive Dir. National Park Service Erie Canalway, National Heritage Corridor, dated July 8, 2010 to Supervisor regarding Erie Canalway Map & Guide (located for viewing in Supervisor's office), 2010 Erie Canalway Heritage Award of Excellence winner information and a copy of the Economic Impact Survey Results for the Erie Canalway region.

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to receive and file the aforementioned communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services--Next meeting August 17, 2010
 Finance and Administrative Services--Next meeting August 3, 2010
 Public Safety Services—Next meeting September 14, 2010
 Public Works Services—Next meeting August 2, 2010

NEW BUSINESS:

MATTER RE: Reading and approval of Claims

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Supervisor read and approve payment of claims as set forth Exhibit No. 2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval of provisional promotion of Town of Brighton Police Lieutenant Robert Cline to rank of Captain. (See Resolution #5 and request letter from Chief of Police Mark T. Henderson dated July 21, 2010).

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. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to adopt Standard Work Day and Reporting Resolution for elected and appointed personnel used for retirement benefit calculations. (See Reporting Resolution)

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Finance Director for the Town as set forth in Exhibit No. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize appointment of Marcia Birken as a member of the Brighton Art's Council (See Resolution #3).

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. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approve Agreement between the Town of Brighton and Paula Parker to provide consulting; training and assistance to the Finance Department, Acting Finance Director, Town Supervisor and Town Board as directed by the Town Supervisor for period August 1, 2010 to November 30, 2010 (See Resolution #2 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. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval for the provisional appointment of Evert Garcia to full-time Engineering Assistant for the Town of Brighton Highway Department effective August 2, 2010. (See Resolution #6 and request letter from Timothy Keef, Director of Public Works & Highway Dept, Town of Brighton)

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. 7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval for Supervisor to execute agreement with RG&E for modifications to current tariff rates for the Second Penfield Road Street Lighting District (see Resolution #7 and request letter from Timothy Keef, Dir. Public Works & Highway Dept., Town of Brighton dated July 16, 2010).

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. 8 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approve temporary reorganization (90 days) and extension of working hours of certain Town of Brighton Financial Dept. personnel. (See Resolution #10 and request letter from Gary Brandt, dated 7/28/2010)

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: Approval for Supervisor to execute Agreement between the Town of Brighton and Police Labor Relations Specialist Mr. John M. Girvin, d.b.a. J. Martin Solutions Inc. for labor negotiation services to be provided to the Town of Brighton (see Resolution #9 and request letter dated July 21, 2010 from Chief of Police Mark T. Henderson).

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

MATTERS OF THE SUPERVISOR:

MATTER RE: Revenue and Expense Report for period ended June 30, 2010.

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to receive and file aforementioned report

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Confirm appointment of Suzanne Zaso as temporary Finance Director for the Town of Brighton. Currently Suzanne holds the position with the Town of Brighton of Deputy Finance director.

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis that the Town Board confirm the appointment of Suzanne Zaso.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION:

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to go into executive session to discuss a matter of litigation and Councilmember Sheila Gaddis excused from Executive Session.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to come out of executive session at 10:55 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to adjourn at 11:00 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Susan Kramarsky, 79 Monteroy Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceedings of the Town of Brighton County of Monroe, State of New York meeting held on the 28th of July 2010 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 July 2010.

PRESENT:

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

RESOLVED, that correspondence dated July 19, 2010, from Timothy E. Keef, P.E., Commissioner of Public Works, concerning a request for proposals for alarm system evaluation and design for Town Hall and the Highway Department Operations Center, be received and filed; and be it further

RESOLVED, that the Commissioner of Public Works is hereby authorized to solicit requests for proposals for alarm system evaluation and design at the Town Hall and the Highway Department Operations Center.

Dated: July 28, 2010

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

July 28, 2010

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>256,715.22</u>
D - HIGHWAY	<u>127,950.06</u>
H - CAPITAL	<u>5,690.52</u>
L - LIBRARY	<u>48,281.52</u>
SA - AMBULANCE DIST	<u>1,721.88</u>
SB - BUSINESS IMPROVM	<u>405.00</u>
SK - SIDEWALK DIST	<u>37,638.76</u>
SS - SEWER DIST	<u>27,378.61</u>
TA - AGENCY TRUST	<u>24,871.39</u>
TOTAL	\$ <u>530,652.96</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 July 2010.

PRESENT:

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

RESOLVED, that correspondence dated July 21, 2010, from Mark T. Henderson, Chief of Police, concerning the appointment of a Police Captain, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the provisional appointment of Lieutenant Robert Cline to the rank of Police Captain, effective July 31, 2010, at an annual salary of \$105,144, on a probationary basis with a 26 week probationary period.

Dated: July 28, 2010

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 July 2010.

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 Marcia Birken as a member of the Brighton Art Council.

Dated: July 28, 2010

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 July 2010.

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 Paula A. Parker for consulting services, at a cost not to exceed \$4,875 in the aggregate, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: July 28, 2010

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 July 2010.

PRESENT:

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

RESOLVED, that correspondence dated July 16, 2010 from Timothy E. Keef, P.E., Commissioner of Public Works and Highway Superintendant, concerning the appointment of an Engineering Assistant in the Highway Department, be received and filed; and be it further

RESOLVED, that the Town Board hereby confirms the appointment by the Highway Superintendent of Evert Garcia as Engineering Assistant in the Highway Department, at an annual salary of \$44,304, on a probationary basis with a 52 week probationary period, initially on a provisional basis, to become permanent upon successful completion of the Civil Service examination.

Dated: July 28, 2010

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 July 2010.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

RESOLVED, that correspondence dated July 16, 2010 from Timothy E. Keef, P.E., Commissioner of Public Works, together with correspondence attached thereto, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute and deliver an agreement by and between the Town, on behalf of the Second Penfield Road Lighting District, and Rochester Gas and Electric to reflect the new Rochester Gas and Electric tariffs, under which the District will save approximately \$338.22 per month, which agreement shall be in form and substance that may be approved by the Attorney for the Town.

Dated: July 28, 2010

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 July 2010.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated July 28, 2010 from Gary Brandt, Director of Human Resources, concerning a temporary reorganization of the Town Finance Department, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the temporary assignment of Amy Banker, currently Accountant in the Department of Public Works, to the position of Acting Assistant Director of Finance to Amy Banker, at an annual salary of \$58,219.20, under Group VII, step 3 of the 2010 Non-Represented Employee Salary Schedule for a 40 hour work week; and be it further

RESOLVED, that the Town Board hereby approves the assignment of Jose Rosario, currently Senior Account Clerk in the Finance Department, to the to the position of Acting Accountant in the Department of Public Works, at an annual salary of \$49,940.80, under Group VI step 1 of the 2010 Non-Represented Employee Salary Schedule for a 40 hour work week; and be it further

RESOLVED, that the hours worked for Anna Bowles, Payroll Clerk in the Finance Department, be temporarily increased from 25 hours per week to 30 hours per week; and be it further

RESOLVED, that each of the foregoing changes be for a period not to exceed ninety days, without enhanced benefits, except that any

holidays observed during this temporary period for the Acting Assistant Director of Finance and the Acting Accountant would be paid at a rate of eight hours per day.

Dated: July 28, 2010

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	_____

holidays observed during this temporary period for the Acting Assistant Director of Finance and the Acting Accountant would be paid at a rate of eight hours per day.

Dated: July 28, 2010

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 July 2010.

PRESENT:

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

RESOLVED, that correspondence dated July 21, 2010 from Mark T. Henderson, Chief of Police, recommending that the Town enter into an agreement with J. Martin Solutions, Inc. for police collective bargaining negotiations, 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 J. Martin Solutions, Inc., under which John M. Girvin, the principal of J. Martin Solutions, Inc., would conduct collective bargaining negotiations with the Brighton Police Patrolmens Association for a new contract, at an hourly rate of \$90 per hour, which agreement shall be in form and substance as may be approved by the Attorney to the Town.

Dated: July 28, 2010

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	_____