

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 8, 2013

PRESENT:

Supervisor William Moehle
Councilmember James Vogel
Councilmember Louise Novros
Councilmember Jason DiPonzio
Councilmember Christopher Werner
Mark Henderson, Police Chief
Timothy Keef, Commissioner of Public Works
Kenneth Gordon, Attorney for the Town
Daniel Aman, Town Clerk
Rebecca Cotter, Assistant Director of Recreation
Suzanne Zaso, Director of Finance
Maryann Hussar, Assistant to the Supervisor

MEETING CALLED TO ORDER AT 7:00 PM

RECOGNITIONS/PRESENTATIONS:

Emergency Medical Services (EMS) week May 19th – 25, 2013 Proclamation, Dan McCue,
President-Brighton Volunteer Ambulance, accepting

Municipal Clerk's Week May 5th - May 11, 2013 Proclamation, Brighton Town Clerk Daniel Aman,
accepting

National Police Week May 12th – 18, 2013 Proclamation, Brighton Police Chief Mark Henderson
accepting

Town of Brighton 2012 Basic Financial Statement Presentation, Thomas Zuber, CPA, PC

OPEN FORUM:

Judy Schwartz

APPROVAL OF AGENDA:

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to
approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

April 10, 2013 Town Board Meeting
April 24, 2013 Town Board Meeting

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to
approve the aforementioned Town Board meeting minutes

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Reduction of speed limit to 25 MPH on Hibiscus Drive, Crandon Way and Coral
Way (see Resolution #1).

Motion by Councilmember Christopher Werner 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

PETITIONS:

MATTER RE: Receive and file additional signatures on petition of newly formed group, Our Land Committee, whose purpose is to support the Town's efforts to purchase the land on Winton and Westfall Roads currently owned by Faith Temple

Motion by Councilmember Jason DiPonzio seconded by Councilmember Louise Novros to receive and file these additional signatures

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM James B. Hood, Director Holfoth Risk Management to Supervisor dated April 16, 2013 Re: 2012 Disclosure Statement.

FROM Paul Hammer to Supervisor dated April 19, 2013 regarding his desire for the Town to acquire parcel of 26.389 acres of land located on the south side of Westfall Road.

FROM Naomi Friedman dated April 29th and Fran Pickens dated May 2, 2013 to Supervisor praising Nancy McCrory and the great work she does as Director of the Senior Program.

FROM John Steinbrenner, Chairperson-Parks and Recreation Community Services Advisory Board dated May 6, 2013 to Supervisor expressing the opinion and recommendations of the Committee in regards to the proposed expansion of Community Garden.

FROM Timothy Kernan, Agent-U.S. Department of Justice dated May 6, 2013 to Police Chief Mark Henderson commending the Chief and the entire Brighton Police Department for leading the region in the collection of prescription medication during the National Take Back Initiative program.

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner that the aforementioned communications be received and filed

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Parks and Recreation & Community Services (PARCS)-Next meeting May 20, 2013 at 4:30 PM at Brookside

Finance and Administrative Services (FASC)-Next meeting May 14, 2013 at 3:30 PM in the Stage Conference Room

Public Safety Services-Next meeting May 14, 2013 at 8:00 AM in the Downstairs Meeting Room

Public Works Services-Next meeting June 3, 2013 at 9:00 AM in the Downstairs Meeting Room

NEW BUSINESS:

MATTER RE: Reading and approval of claims

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Supervisor read and approve for payment the claims as set forth in Exhibit No. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval for Supervisor to execute proposed Certiorari settlement between the Town of Brighton and the Country Club of Rochester (see Resolution #2, memorandum from Town Assessor Elaine Ainsworth dated April 30, 2013 and letter dated April 23, 2013 from Thomas A. Fink)

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Town Board approve the resolution as prepared by the Attorney for the Town as set forth in Exhibit No.3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval for Town Certiorari Attorney Thomas A. Fink to engage with Jay Loson of Midland Appraisal Associates to provide appraisal consultation services for parcels located at 2654 and 2700 West Henrietta Road (see Resolution #3 and memorandum dated April 19, 2013 from Town Assessor Elaine Ainsworth).

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval for Supervisor to send letter, on behalf of Brighton Central Schools, in support of their request to the Monroe County Department of Transportation, to study the effectiveness of relocating a particular traffic light (see Resolution #4 and letter dated April 16, 2013 from Brighton Superintendent of Schools, Dr. Kevin C. McGowan, Ed.D.).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to declare one 2002 Chevrolet Impala sedan as surplus and it's disposal through municipal auction (see Resolution #5 and letter dated April 29, 2013 from Timothy Keef, P.E. Commissioner of Public Works).

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize budget appropriations in particular accounts to support Auto Insurance Recovery funds received and funds to be expended for repairs needed to Town Fire Marshal's vehicle (see Resolution #6 and memorandum dated April 30, 2013 from Suzanne Zaso, Director of Finance).

Motion by Councilmember Jason DiPonzio 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. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize re-appropriation of funds received in 2012 from the University of Rochester to the 2013 budget to accommodate associated contracted costs for an environmental review of the University of Rochester Institutional Planned Development project (see Resolution #7 and memorandum dated April 29, 2013 from Suzanne Zaso, Director of Finance).

Motion by Councilmember Christopher Werner 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

MATTERS OF THE SUPERVISOR:

MATTER RE: Expense and Revenue for month ending April 30, 2013

Motion by Councilmember Christopher Werner seconded by councilmember Jason DiPonzio that the Expense and Revenue report for April 2013 be received and filed

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to adjourn

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Daniel Aman, 131 Elmore Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceedings of the Town of Brighton, County of Monroe, State of New York meeting held on the 8th day of May, 2013 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 8th day of May, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

WHEREAS, the Town Board duly scheduled a Public Hearing to be held on the 8th day of May 2013 at 7:30 p.m., to consider the adoption of a proposed Local Law to be known as "Local Law # 2 of 2013 - Reduction of Speed Limits on Certain Roads" to reduce the speed limit to 25 MPH on the entire length Hibiscus Drive, Crandon Way and Coral Way by amending Town Code Section 185-36, Schedule II by adding said streets and the stated speed limit of 25 MPH to the list of streets and speed limits appearing therein; and

WHEREAS, such public hearing was duly called and held on May 8, 2013 at 7:30 pm and all persons having an interest in the matter having had an opportunity to be heard;

NOW, THEREFORE, on motion of Councilperson _____,
seconded by Councilperson _____,

BE IT RESOLVED, that all written comments provided to the Town at the Public Hearing held on May 8, 2013 regarding the proposed Local Law be received and filed; and

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BRIGHTON, that pursuant to the provisions of Article 3 of the Municipal Home Rule Law of the State of New York and Vehicle and Traffic Law Section 1662-a, hereby adopts the proposed amendment to Town Code Section 185-36, Schedule II known as "Local Law # 2 of 2013 - Reduction of Speed Limits on Certain Roads" by adding the entire length of Hibiscus Drive, Crandon Way and Coral Way and the stated

speed limit of 25 MPH to the list of streets and speed limits appearing therein; and it is further

RESOLVED, that the Clerk of the Town of Brighton shall within twenty days after the adoption of the Local Law file one certified copy thereof in the Office of the Town Clerk and file one certified copy in the Office of the Secretary of State of the State of New York

Dated: May 8, 2013

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

LOCAL LAW #2 OF 2013 - REDUCTION OF SPEED LIMITS ON CERTAIN ROADS

Schedule II of Section 185-36 of the Town Code of the Town of Brighton is hereby amended as follows:

- 1) Under the column heading "Name of Street", the following street names shall be added in alphabetical order: Coral Way, Crandon Way and Hibiscus Drive;
- 2) Under the column heading "Speed Limit (mph)", the number "25" shall be added after the name of each of the aforementioned streets;
- 3) Under the column heading "Location" the phrase "Entire length" shall be added after the name of each of the aforementioned streets;
- 4) This Local Law shall take effect after it is both filed with the Secretary of State of the State of New York and after the twentieth day following its final adoption by the Brighton Town Board.

The undersigned Clerk of the Town of Brighton hereby certifies that the above Local Law was duly adopted by a majority affirmative vote of the Brighton Town Board at its meeting on May 8, 2013.

Dated: _____

Daniel Aman, Town Clerk

The above adopted Local Law is hereby approved.

Dated: _____

William W. Moehle, Town Supervisor

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

May 8, 2013

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>97,980.13</u>
D - HIGHWAY		<u>42,107.48</u>
H - CAPITAL		<u>15,810.05</u>
L - LIBRARY		<u>171.57</u>
SF - FIRE DIST		<u>4,656.20</u>
SR-REFUSE DISTRICT		<u>270,688.40</u>
SS - SEWER DIST		<u>8,799.96</u>
TA - AGENCY TRUST		<u>10,312.51</u>
	TOTAL \$	<u>450,526.30</u>

UPON ROLL CALL

MOTION CARRIED _____

APPROVED BY:

SUPERVISOR_____
COUNCIL MEMBER_____
COUNCIL MEMBER

TO THE SUPERVISOR:

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

DATE_____
TOWN CLERK

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of May, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that a memorandum dated April 30, 2013 from Town Assessor Elaine Ainsworth and correspondence from certiorari counsel Thomas A. Fink, Esq. dated April 23, 2013 regarding the settlement of certiorari litigation with the Country Club of Rochester for Tax Parcels 262000 137.12-2-36, 137.16-1-7, 138.09-1-1 and 138.09-1-2 and to request the Board to authorize the execution by the Supervisor of a Settlement Agreement regarding this matter, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Settlement Agreement as reviewed and approved by the Town's certiorari counsel regarding the settlement of certiorari litigation with the Country Club of Rochester for Tax Parcels 262000 137.12-2-36, 137.16-1-7, 138.09-1-1 and 138.09-1-2 on the terms and conditions set forth in the above referenced correspondence.

Dated: May 8, 2013

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

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PRESENT:

WILLIAM W. MOEHLE,
Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that a memorandum dated April 19, 2013 from Town Assessor Elaine Ainsworth regarding a request to authorize the Supervisor to execute a contract with Midland Appraisal Associates, Inc. to review the petitioner's appraisals at a cost not to exceed \$2,000.00 in connection with certiorari litigation on property known as 2654 and 2700 West Henrietta Road, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract with Midland Appraisal Associates, Inc. to review the petitioner's appraisals at a cost not to exceed \$2,000.00 in connection with certiorari litigation on property known as 2654 and 2700 West Henrietta Road.

Dated: May 8, 2013

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

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Supervisor

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LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated April 16, 2013, from Brighton Central School District Superintendent Dr. Kevin C. McGowan regarding a request to authorize the Supervisor to send a letter to the Monroe County Department of Transportation in support of the request of Dr. Kevin McGowan, Superintendent, Brighton Central School District, for a study of the potential relocation of the traffic light at the intersection of Winton Road South and Greenwich Lane to the intersection of Winton Road South and Newton Drive, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to send a letter to the Monroe County Department of Transportation in support of the request of Dr. Kevin McGowan, Superintendent of Brighton Central School District, for a study of the potential relocation of the traffic light at the intersection of Winton Road South and Greenwich Lane to the intersection of Winton Road South and Newton Drive.

Dated: May 8, 2013

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

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PRESENT:

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Supervisor

JAMES R. VOGEL
 LOUISE NOVROS
 CHRISTOPHER K. WERNER
 JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated April 29, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request that a certain 2002 Chevrolet Impala sedan (VIN 2G1WF55K229312354) be declared surplus and disposed of, be received and filed, and be it further

RESOLVED, that the Town Board hereby declares a certain 2002 Chevrolet Impala sedan (VIN 2G1WF55K229312354) surplus and authorizes the Commissioner of Public Works to dispose of the same pursuant to auction.

Dated: May 8, 2013

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of May, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that a memorandum dated April 30, 2013 from Director of Finance Suzanne Zaso regarding budget appropriations for vehicle repair to the Fire Marshal's vehicle covered by insurance recoveries, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the increase in appropriations in the collision repair account (A.DPW.3410 4.64) in the Fire Marshal's 2013 budget by \$923.63 and an increase in the budgeted revenues for insurance recoveries in account (A.UNDST 2680) by \$923.63.

Dated: May 8, 2013

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

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PRESENT:

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Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that a memorandum dated April 29, 2013 from Director of Finance Suzanne Zaso regarding a request to re-appropriate into the Department of Public Works' 2013 budget funds received in 2012 from the University of Rochester in the amount of \$9,600.00 to conduct an environmental review of the University's proposed Institutional Planned Development inactive zoning application, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the re-appropriation to the 2013 Engineering Fees account of the Department of Public Works (A.DPW.8020 4.52) of \$9,600.00 received in 2012 from the University of Rochester to cover the cost for an environmental review of the University of Rochester's proposed Institutional Planned Development inactive zoning application.

Dated: May 8, 2013

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____