

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
August 14, 2013

PRESENT:

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

MOTION TO GO INTO EXECUTIVE SESSION AT 6:33 PM:

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to go into executive session at 6:33 PM to discuss employment of a particular person and West Brighton Fire Department and Clover Blossom litigation matters

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to come out of executive session at 7:06 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING CALLED TO ORDER AT 7:10 PM:

RECOGNITIONS/PRESENTATIONS:

Presentation of the 2013 National Physical Fitness Proficiency Award to Police Explorer Kevin Martin - Police Chief Mark Henderson presenting.

OPEN FORUM:

Judy Schwartz

APPROVAL OF AGENDA:

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to approve the agenda with the addition of a petition and two matters of New Business

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

July 10, 2013 Town Board Meeting
July 24, 2013 Town Board Meeting

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to approve and file the aforementioned Town Board Meeting minutes

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

BIDS:

MATTER RE: Approval to solicit for proposals to provide professional design services to evaluate existing HVAC system serving the public service wing of the Town Hall (see Resolution #2 and letter dated July 28, 2013 from Michael Guyon, P.E. Town Engineer)

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. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Chris Mueller, Dir. Government Relations, Time Warner Cable dated August 1, 2013 regarding cable channel additions/changes.

FROM Ramsey Boehner, Secretary-Historic Preservation Commission To Supervisor dated July 31, 2013 re. Landmark designation of 5 South Landing Road

FROM Police Chief Mark Henderson to members of FASC Committee and the Town Board dated August 1, 2013 regarding the transfer of one Police departmental vehicle to the Office of the Town Fire Marshall for their use vs. selling at auction.

FROM Lawrence M. Howk, Treasurer, Brighton Fire District to Supervisor dated June 26, 2013 Re: copy of year ending December 2012 Financial Statements for the Brighton Fire District (report available for viewing in the Town Clerk's office)

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio 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 9/23/13 at 4:30 PM at Brookside

Finance and Administrative Services (FASC) – Next meeting 8/20/13 at 3:30 PM in Stage Conference Room

Public Safety Services – Next meeting 9/10/13 at 8:00 AM in Downstairs Meeting Room

Public Works Services – Next meeting 9/9/13 at 9:00 AM in Downstairs Meeting Room

NEW BUSINESS:**MATTER RE:** Reading and approval of claims

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel 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 reappointment of Paul Tankel as Chairperson of the Sustainability Oversight Committee effective September 1, 2013 to August 31, 2014 (see Resolution #1).

Motion by Councilmember James Vogel 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. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorization to extend conditional offer of employment to Zachary D. Hoag effective August 15, 2013, as a Brighton Police Officer to fill a soon to be vacated position by a retiring Officer (see Resolution #3 and letter dated July 31, 2013 from Police Chief Mark Henderson).

Motion by Councilmember Jason DiPonzio 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. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorization to hire Karen S. Walsh to fill the recently vacated position of part-time Office Clerk IV within the Police Department, subject to a 52-week probationary period (see Resolution #4 and letter dated August 1, 2013 from Police Chief Mark Henderson).

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. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute proposed Out of District Sanitary Sewer Agreement with the Town of Henrietta for the proposed Farash Campus for Jewish Education project (see Resolution #5 and letter dated July 30, 2013 from Michael Guyon, P.E. Town Engineer)

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. 6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorization to hire Alexander Fassanella to fill the Laborer position vacated by a recently retired Sewer Department employee, effective August 19, 2013, subject to a 52-week probationary period (see Resolution #6 and letter dated August 1, 2013 from Timothy Keef, P.E. Commissioner of Public Works).

Motion by Councilmember James Vogel 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. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorization to award bid to North Eastern Rescue Vehicles for the purchase of a 2013 Demers Type II Sprinter Ambulance for the Brighton Volunteer Ambulance District. (see Resolution #7 and memorandum dated August 5, 2013 from Suzanne Zaso, Director of Finance).

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. 8 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize the Town's Special Counsel for Certiorari Matters to execute on behalf of the Town the proposed Stipulation of Settlement and authorize the Assessor to execute the settlement affidavit regarding the Matter of the Application of Walgreens vs. Board of Assessment and Review and/or Assessor of the Town of Brighton (Supreme Court, State of New York, County of Monroe, Index No. 2013-7955).

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. 9 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize a title and pay rate change for Nancy Dahl of the Brighton Recreation Office from Office Clerk IV to Office Clerk III.

Motion by Councilmember Louise Novros 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. 10 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

Expense and Revenues for month ending July 31, 2013

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to receive and file the aforementioned report

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to adjourn at 8:15 PM

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 proceeding of the Town of Brighton, County of Monroe, State of New York meeting held on the 14th day of August 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 14th day of August, 2013.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated July 28, 2013 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Town Engineer to solicit proposals to provide professional design services to evaluate existing HVAC systems serving the public safety wing of Town Hall, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Engineer to solicit proposals to provide professional design services to evaluate existing HVAC systems serving the public safety wing of Town Hall.

Dated: August 14, 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	_____

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

August 14, 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>114,783.69</u>
D - HIGHWAY		<u>75,757.13</u>
H - CAPITAL		<u>188,449.38</u>
L - LIBRARY		<u>241.12</u>
SF - FIRE DIST		<u>30,000.00</u>
SR-REFUSE DISTRICT		<u>67,756.71</u>
SS - SEWER DIST		<u>29,930.85</u>
TA - AGENCY TRUST		<u>7,185.97</u>
	TOTAL \$	<u>514,104.85</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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 14th day of August, 2013.

PRESENT:

WILLIAM I. MOEHLE,
Supervisor
JAMES R. VOGEL
LOUISE NOVROS
JASON S. DIPONZIO
CHRISTOPHER K. WERNER
Councilpersons

RESOLVED, that the Town Board hereby reappoints Paul Tankel as Chairman of the Town Sustainability Oversight Committee for a term commencing September 1, 2013 through August 31, 2014.

Dated: August 14, 2013

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 14th day of August, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated July 31, 2013 from Chief of Police Mark T. Henderson regarding a request to authorize the Chief to extend a conditional offer of employment, to fill a soon to be vacated position by a retiring officer, to Zachary D. Hoag, effective August 15, 2013 for an appointment as a Brighton Police Officer to be effective on October 1, 2013 at a starting salary of \$52,873.00 in accordance with Article 8 of the Collective Bargaining Agreement between the Town and the Brighton Police Patrolman's Association, conditioned upon the candidate's successful completion of the Monroe County Police Academy and all testing, evaluation and approval as required by the Town and the Monroe County Civil Service Commission, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Chief of Police to extend a conditional offer of employment, to fill a soon to be vacated position by a retiring officer, to Zachary D. Hoag, effective August 15, 2013 for an appointment as a Brighton Police Officer to be effective on October 1, 2013 at a starting salary of \$52,873.00 in accordance with Article 8 of the Collective Bargaining Agreement between the Town and the Brighton Police Patrolman's Association, conditioned upon the candidate's successful completion of the Monroe County Police Academy and all testing, evaluation and approval as required by the Town and the Monroe County Civil Service Commission.

Dated: August 14, 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 14th day of August, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 1, 2013 from Chief of Police Mark T. Henderson regarding a request to authorize the Chief to extend an offer of employment, to fill the recently vacated position of part-time Office Clerk IV with the Police Department to Karen S. Walsh, effective August 19, 2013, on a probationary basis with a 52 week probationary period at a starting pay rate of \$13.18 per hour, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Chief of Police to extend an offer of employment, to fill the recently vacated position of part-time Office Clerk IV with the Police Department to Karen S. Walsh, effective August 19, 2013, on a probationary basis with a 52 week probationary period at a starting pay rate of \$13.18 per hour.

Dated: August 14, 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 14th day of August, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that correspondence dated July 30, 2013 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Supervisor to execute an Out of District Sanitary Sewer Agreement with the Town of Henrietta for the proposed Farash Campus for Jewish Education project, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an Out of District Sanitary Sewer Agreement with the Town of Henrietta for the proposed Farash Campus for Jewish Education project subject to payment in full by the project applicant or its authorized agent of the entrance fees, as determined by the Town of Brighton, and further subject to review and approval of the form of the agreement by the Attorney to the Town.

Dated: August 14, 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 14th day of August, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 1, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the Commissioner to extend a provisional offer of employment for the position of Laborer to fill a vacancy created by a recent retirement, to Alexander Fassanella, effective August 19, 2013, at a starting wage of \$17.35 per hour in accordance with the current collective bargaining agreement between the Town and the Brighton CSEA unit, on a probationary basis subject to a 52 week probationary period and pending successful completion of a pre-hiring physical, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Commissioner of Public Works to extend a provisional offer of employment for the position of Laborer to fill a vacancy created by a recent retirement, to Alexander Fassanella, effective August 19, 2013, at a starting wage of \$17.35 per hour in accordance with the current collective bargaining agreement between the Town and the Brighton CSEA unit, on a probationary basis subject to a 52 week probationary period and pending successful completion of a pre-hiring physical.

Dated: August 14, 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 14th day of August, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that a memorandum dated August 5, 2013 from Director of Finance Suzanne Zaso regarding a request to authorize the award of a bid to purchase a 2013 Demers Type II Sprinter ambulance for the Brighton Volunteer Ambulance District to North Eastern Rescue Vehicles, Inc. as the sole responsible and responsive bidder for a total cost not to exceed \$93,490.00, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the award of a bid to purchase a 2013 Demers Type II Sprinter ambulance for the Brighton Volunteer Ambulance District to North Eastern Rescue Vehicles, Inc. as the sole responsible and responsive bidder for a total cost not to exceed \$93,490.00,

Dated: August 14, 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 14th day of August, 2013

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated August 6, 2013 from Town Assessor Elaine Ainsworth regarding a request to authorize the Town's Special Counsel for Certiorari Matters to execute on behalf of the Town the proposed Stipulation of Settlement and to authorize the Assessor to execute the settlement affidavit regarding the Matter of the Application of Walgreens vs. Board of Assessment and Review and/or Assessor of the Town of Brighton and the Town of Brighton (Supreme Court, State of New York, County of Monroe, Index No. 2013-7955), together with the proposed Stipulation of Settlement, Proposed Assessor's Affidavit and Proposed Final Order of Settlement, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Town's Special Counsel for Certiorari Matters to execute on behalf of the Town the proposed Stipulation of Settlement and authorizes the Assessor to execute the settlement affidavit regarding the Matter of the Application of Walgreens vs. Board of Assessment and Review and/or Assessor of the Town of Brighton and the Town of Brighton (Supreme Court, State of New York, County of Monroe, Index No. 2013-7955).

Dated: August 14, 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 14th day of August, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 2, 2013 from Recreation Director Rebecca J. Cotter regarding a request to authorize a title and pay rate change for Nancy Dahl from Office Clerk IV (Group 3/Step 5, \$15.17 per hour) to Office Clerk III (Group 5/Step 3, \$16.21 per hour), be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes a title and pay rate change for Nancy Dahl as an employee in the Recreation Department from Office Clerk IV (Group 3/Step 5, \$15.17 per hour) to Office Clerk III (Group 5/Step 3, \$16.21 per hour).

Dated: August 14, 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	_____