

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
September 11, 2013

PRESENT:

Supervisor William Moehle
Councilmember James Vogel
Councilmember Jason DiPonzio
Councilmember Louise Novros
Councilmember Christopher Werner
Mark Henderson, Chief of Police
Tim Keef, Commissioner of Public Works

Ken Gordon, Attorney for the Town
Daniel Aman, Town Clerk
Rebecca Cotter, Director of Recreation
Suzanne Zaso, Director of Finance
Maryann Hussar, Assistant to the Director

MEETING CALLED TO ORDER AT 7:00PM:

RECOGNITIONS/PRESENTATIONS:

Introduction of new Brighton Police Officer Taylor Barth - Police Chief Mark Henderson

New York State Insurance Reciprocal (NYMIR) check presentation – Karen Buckley

NY State Office of Real Property Services presentation Re: STAR Exemption verification –
Christine Bannister

OPEN FORUM:

Joe Gyro

APPROVAL OF AGENDA:

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to
approve the agenda with additional communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Proposed 2013 Local Law "Chelmsford Road Parking Restrictions" relating
TO parking restrictions for particular areas along Chelmsford Road (see
Resolution #1).

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. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Draft Environmental Impact Statement for the proposed project known as
Winfield Park.

MATTER HELD

COMMUNICATIONS:

FROM Senator Joseph Robach dated August 14, 2013; copy of letter sent to the Finger Lakes Regional Economic Development Council in support of the Town's application for grant funding through the Cleaner Greener Communities Implementation program.

FROM Gary Brandt, Director of Personnel to Supervisor dated August 23, 2013 regarding the Town's PERMA 2013 Loss Control Audit Score of 100 that which will provide a discounted rate for our 2014 policy renewal period.

FROM Judy Schwartz to the Brighton Town Board on various issues relating to the proposed Winfield Park development

FROM Joe Gyro to the Town Board on speeding issues and the condition of the streets in the vicinity of Rustic Village

FROM Marjorie Alaimo to the Town Board with a complaint that election signs are out way too soon.

Motion by Councilmember Louise Novros 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 9/30/2013 @ 4:30 PM at Brookside

Finance and Administrative Services (FASC) – Next meeting 9/14/2013 @ 3:30 PM in Stage Conference Room

Public Safety Services – Next meeting 10/8/2013 @ 8:00 AM in Downstairs Meeting Room

Public Works Services – Next meeting 10/7/2013 @ 9:00 AM in 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: Set Public Hearing for October 9, 2013 to consider proposed Extension #99 to the Brighton Consolidated Sanitary Sewer District for a .78 acre parcel located on Brighton - Henrietta Townline Road (see Resolution # 2, letter dated July 11, 2013 from Chad Roscoe, Town Jr. Engineer and all related documents).

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.3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize re-appointment of Steven Ward to 5-year term on the Board of Assessment Review committee, effective October 2, 2013 through

September 30, 2018 (see Resolution #3 and letter dated August 22, 2013 from Elaine Ainsworth, Town Assessor).

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. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Assessment and Valuation Services (AVS) to provide professional services for various assessment system needs (see Resolution #4 and letter dated August 23, 2013 from Elaine Ainsworth, Town Assessor).

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. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorization to declare certain Highway Dept. equipment as surplus and approve disposal of same through auction services (see Resolution #5 and letter dated August 29, 2013 from Timothy Anderson, Deputy Highway Superintendent).

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. 6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to amend agreement with Chatfield Engineers, P.C. to include construction observation services for Phase 2 of the project known as The Reserve (see Resolution #6 and letter dated August 2, 2013 from Mike Guyon, PE Town Engineer).

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. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize budget transfer from particular accounts totaling \$700 to support purchase of electronic desktop scanners needed within the Department of Public Works (see Resolution #7 and letter dated September 3, 2013 from Mike Guyon, P.E., Town Engineer).

Motion by Councilmember Louise Novros 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: Authorization to declare a particular town vehicle as surplus and approve disposal of same through auction services (see Resolution #8 and letter dated August 29, 2013 from Timothy Keef, P.E. Commissioner of Public Works).

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. 9 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreements with RBC Wealth Management and Comerica Bank to provide trustee and paying agent services, respectively, for the West Brighton Fire Protection District service awards program (see Resolution #9 and memorandum dated September 3, 2013 from Suzanne Zaso, Director of Finance).

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. 10 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Expense and Revenue for month ending August 31, 2013

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio that the aforementioned report be received and filed

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE TOWN CLERK:

Dan Aman reminded residents that the last day for payment of the first installment of 2013 School Tax is Monday, September 16, this year because September 15 falls on Sunday.

MOTION TO GO INTO EXECUTIVE SESSION AT 10:01PM:

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to go into executive session at 10:01 PM to discuss matters of West Brighton Fire Protection District litigation

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to come out of executive session at 10:25 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED AT 10:26PM:

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio 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 proceeding of the Town of Brighton, County of Monroe, State of New York meeting held on the 11th day of September 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 11th day of September, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

WHEREAS, a public hearing, duly noticed, was held on September 11, 2013 at 7:30 pm at 2300 Elmwood Avenue in the Town of Brighton to hear testimony and public comment and to receive and review evidence and exhibits regarding the proposed Local Law of 2013 entitled "Chelmsford Road Parking Restrictions Local Law" in the form attached hereto; and

WHEREAS, at said public hearing all persons having an interest in the proposed Local Law had an opportunity to speak and give testimony relating thereto, and the Town Board having determined that based on such testimony, and the written materials received, it desires to adopt such Local Law; it is hereby

RESOLVED, that the Chelmsford Road Parking Restrictions Local Law of 2013 is hereby enacted by the Town Board of the Town of Brighton in the form attached hereto; and be it further

RESOLVED, that said Local Law shall be filed by the Town Clerk in the proper book at the Office of the Town Clerk and shall also be filed by the Town Clerk with the New York State Secretary of State all within twenty days or less from the date the above Local Law is enacted by the Town Board of the Town of Brighton.

Dated: September 11, 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 #3 OF 2013

CHELMSFORD ROAD PARKING RESTRICTIONS LOCAL LAW

Section 1. Title

This Local Law shall be known as the Chelmsford Road Parking Restrictions Local Law of the Town of Brighton.

Section 2. Purpose and Intent

It is the purpose and intent of this Local Law to modify the existing parking and parking restrictions currently in place along Chelmsford Road to promote vehicle and pedestrian safety.

Section 3. Amendments to the Town Code

Section 185-49 is hereby amended to add the following parking restrictions on Chelmsford Road:

NAME OF STREET SIDE	Hours/Days	LOCATION
Chelmsford Road North	7 am - 5 pm Mon-Fri	From the easterly intersection of the driveway to 4 Chelmsford Road to the eastern property line of 10 Chelmsford Road.
Chelmsford Road South	7 am - 5pm Mon-Fri	From the easterly intersection of the Twelve Corners Plaza's easterly most entrance from Chelmsford Road to the western property line of 11 Chelmsford Road.

Section 4. 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.

Section 5. Effective Date

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

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

September 11, 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>40,134.78</u>
D - HIGHWAY		<u>149,704.15</u>
H - CAPITAL		<u>50,173.84</u>
L - LIBRARY		<u>171.57</u>
SS - SEWER DIST		<u>11,063.02</u>
TA - AGENCY TRUST		<u>12,525.48</u>
TOTAL	\$	<u>263,772.84</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 11th day of September, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated July 11, 2013 from Junior Town Engineer Chad Roscoe and a Petition to establish Extension 99 to the Brighton Consolidated Sanitary Sewer District for a single residential lot consisting of .78 acres located on Brighton-Henrietta Townline Road as more particularly described in said Petition together with a proposed Negative Declaration for said extension and the other attachments submitted therewith, be received and filed, and be it further

RESOLVED, that the Town Board hereby sets a public hearing to consider the proposed Extension 99 to the Brighton Consolidated Sanitary Sewer District for October 9, 2013 at 7:30 pm at Brighton Town Hall, 2300 Elmwood Avenue, Brighton, New York, and hereby directs the Town Clerk to publish notice of said hearing as is required by law.

Dated: September 11, 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 11th day of September, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that the Town Board hereby reappoints Steve Ward of 140 Hollywood Avenue in the Town of Brighton to the Town's Board of Assessment Review for a term commencing October 1, 2013 and expiring September 30 , 2018.

Dated: September 11, 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 11th day of September, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that a memorandum dated August 23, 2013 from Town Assessor Elaine Ainsworth regarding a request to authorize the Supervisor to execute an agreement with Assessment and Valuation Services ("AVS") to extend the existing contract with AVS for one additional year to provide various professional assessment service for a cost not to exceed \$3,000.00, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorize the Supervisor to execute an agreement with AVS to extend the existing contract with AVS for one additional year to provide various professional assessment service for a cost not to exceed \$3,000.00

Dated: September 11, 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 11th day of September, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 29, 2013 from Deputy Highway Superintendent Timothy J. Anderson regarding a request to declare as surplus and dispose at public auction a 2000 Sterling Dump Truck 67 (Asset #B53091) with plow (Asset #10811) and wing (Asset #4709) and a Stone Tow behind concrete mixer (asset #00941), be received and filed, and be it further

RESOLVED, that the Town Board hereby declares as surplus a 2000 Sterling Dump Truck 67 (Asset #B53091) with plow (Asset #10811) and wing (Asset #4709) and a Stone Tow behind concrete mixer (asset #00941) and further authorizes that the same all be disposed of by public auction.

Dated: September 11, 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 11th day of September, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 29, 2013 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Supervisor to execute an amended agreement with Chatfield Engineers, P.C. to include construction observation services for Phase 2 of the project known as the Reserve at the 2013 hourly rates as specified in the company's July 25, 2012 proposal with said fees to be fully paid for by the project developer, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an amended agreement with Chatfield Engineers, P.C. to include construction observation services for Phase 2 of the project known as the Reserve at the 2013 hourly rates as specified in the company's July 25, 2012 proposal with said fees to be fully paid for by the project developer.

Dated: September 11, 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 11th day of September, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated September 3, 2013 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize a budget transfer of \$400 from account A.DPW.1490 4.12 and \$300.00 from account A.DPW.1490 4.15 for a total of \$700.00 to be transferred to account A.DPW 1490 2.11 to facilitate and fund the purchase of previously budgeted for desk top scanners, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the budget transfer of \$400 from account A.DPW.1490 4.12 and \$300.00 from account A.DPW.1490 4.15 for a total of \$700.00 to be transferred to account A.DPW 1490 2.11 to facilitate and fund the purchase of previously budgeted for desk top scanners.

Dated: September 11, 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 11th day of September, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 29, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to declare as surplus and dispose at public auction a 2003 Ford Crown Victoria sedan (VIN 2FAFP71W03X112682), be received and filed, and be it further

RESOLVED, that the Town Board hereby declares as surplus a 2003 Ford Crown Victoria sedan (VIN 2FAFP71W03X112682) and further authorizes that the same be disposed of by public auction.

Dated: September 11, 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 11th day of September, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated September 3, 2013 from Finance Director Suzanne Zaso regarding a request to authorize the Supervisor to execute an agreement with RBC Wealth Management to act as Trustee of the Service Awards Program in the West Brighton Fire Protection District and to execute an agreement with Comerica Bank to act as paying agent for said program, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with RBC Wealth Management to act as Trustee of the Service Awards Program in the West Brighton Fire Protection District and to execute an agreement with Comerica Bank to act as paying agent for said program, subject to the review and approval of each agreement by the Attorney to the Town.

Dated: September 11, 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	_____