

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 26, 2014

PRESENT:

Supervisor William Moehle
Councilmember James Vogel
Councilmember Louise Novros
Councilmember Jason DiPonzio
Councilmember Christopher Werner

Daniel Aman, Town Clerk
Kenneth Gordon, Attorney for the Town
Michael Guyon, Chief Engineer
Suzanne Zaso, Director of Finance
Maryann Hussar, Assistant to the Supervisor

MEETING CALLED TO ORDER AT 2:05 PM:**APPROVAL OF AGENDA:**

Motion by Councilmember Christopher Werner seconded by Councilmember Louise Novros to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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.1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set Public Hearing date of September 10, 2014 for temporary amendment to provisions of Town's Noise Control Law (see Resolution #1 and letter dated August 18, 2014 from Karen Cox, Transportation Project Manager, Monroe County Department of Transportation).

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. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file petitions and all associated documents concerning the establishment of proposed Clovercrest Drive Sidewalk Snow Removal District and set September 23, 2014 as Public Hearing date for same (see Resolution #2, letter dated August 14, 2014 from Chad Roscoe, Jr. Engineer and all associated materials)

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. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file petitions and all associated documents concerning the establishment of proposed Thackery Road Sidewalk Snow Removal District and set September 23, 2014 as Public Hearing date for same (see Resolution #3, letter dated August 14, 2014 from Chad Roscoe, Jr. Engineer and all associated materials)

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: Receive and file petitions and all associated documents concerning the establishment of proposed Thackery Road Refuse District and set September 23, 2014 as Public Hearing date for same (see Resolution #4, letter dated August 14, 2014 from Chad Roscoe, Jr. Engineer and all associated materials)

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: Receive and file petitions and all associated documents concerning the establishment of proposed Susquehanna & Northumberland Road Storm Drainage District and set September 23, 2014 as Public Hearing date for same (see Resolution #5, letter dated August 19, 2014 from Chad Roscoe, Jr. Engineer and all associated materials)

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. 6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION AT 2:41 PM:

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel to go into executive session at 2:41 PM to discuss matters of collective bargaining

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Christopher Werner seconded by Councilmember Louise Novros to come out of executive session at 3:08 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED AT 3:35 PM:

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel to adjourn at 3:35 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 26th day of August, 2014 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

August 26, 2014

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>303,558.41</u>
D - HIGHWAY		<u>91,557.06</u>
H - CAPITAL		<u>7,070.00</u>
L - LIBRARY		<u>44,349.59</u>
SB - BUSINESS IMPROVM		<u>270.00</u>
SF - FIRE DIST		<u>788.45</u>
SK - SIDEWALK DIST		<u>55,336.10</u>
SL - LIGHTING DIST		<u>20,694.73</u>
SN-NEIGHBORHOOD DIST.		<u>0.00</u>
SP-PARKS DISTRICT		<u>125.00</u>
SS - SEWER DIST		<u>30,605.29</u>
TA - AGENCY TRUST		<u>26,755.92</u>
	TOTAL \$	<u>581,110.55</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 Special Meeting of the Town Board 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 24th day of August, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 18, 2014 from Karen F. Cox, P.E. as Transportation Project Manager for Monroe County Department of Transportation, regarding a request to temporarily amend the Town's Noise Law to allow for evening construction by the County on the repair and replacement project for the Edgewood Avenue Bridge and a copy of the proposed temporary amendment to the Local Law, be received and filed; and be it further

RESOLVED, that the Town Board hereby sets a public hearing for September 10, 2014 at 7:30 pm at Brighton Town Hall, 2300 Elmwood Avenue regarding said proposed Local Law and directs the Town Clerk to post and publish such notice as is required by law regarding such public hearing.

Dated: August 26, 2014

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 No.6 OF 2014

2014 TEMPORARY AMENDMENT TO NOISE CONTROL LAW

Section 1. Title

This Local Law shall be known as the "2014 Temporary Amendment to Noise Control Law for Edgewood Avenue Bridge Project" of the Town of Brighton, Monroe County, New York State.

Section 2. Purpose

The purpose of this Local Law is to provide a temporary exemption from the Town's Noise Control Law to Monroe County in connection with repair and replacement of the Edgewood Avenue bridge. The County desires that the Town grant an amendment to its Noise Control Law to permit additional evening work on the project, so as to allow the work to be completed in a more timely manner and minimize traffic disruption. To that end, the Town Board desires to temporarily amend the Town's Noise Control Law to permit such evening construction, so long as the County and its contractor and any subcontractor specifically agree to certain conditions which will minimize the impact of evening construction upon the residents of the Town of Brighton.

Section 3. Limited Exception to Noise Control Law

A. Section 102-2B, Exemptions, is hereby amended to add a new subsection (i), to read in its entirety as follows:

(i). Notwithstanding anything to the contrary in this chapter, construction in connection with the repair and replacement of the Edgewood Avenue bridge in the Town of Brighton (the Project), shall not constitute a violation of the Town's Noise Ordinance, regardless of whether such construction occurs within the hours permitted by Section 102-3B(5) and such work and the noise created thereby shall not be considered to be unreasonable noise, so long as the County and its contractor or contractors perform work only between the hours of 7:00 am and 9:00 pm ("Permitted Hours"), adhere to the following conditions and to cause each of their subcontractors and suppliers to adhere to the following conditions:

- (1) That prior public notice of the Project, including specifically information relating to night time work, be provided, specifically, including but not limited to a letter sent to all property owners within 1,000

feet of the subject bridge, of the dates, times and nature of night work, including on site project manager's mobile telephone number;

- (2) That all contract and subcontract documents and bid specifications describe Brighton's requirements, including but not limited to zoning and noise regulations, that limit and apply to any off site storage area in the Town;
- (3) That all contract and subcontract documents and bid specifications related to the Project contain provisions to encourage the speedy completion of night operations.
- (4) That the use of jackhammers, hoe-rams and pavement breakers and backup alarms are prohibited after 7:00 p.m., and
- (5) The provisions of this Section 102-2B (i) may be revoked by the Town Board by local law, in the event of a violation of the conditions set forth in this Section 102-2B.

B. The provisions of Section 102-2B shall automatically terminate, if not earlier revoked upon Substantial Completion of the Project.

Section 4. Definition

SUBSTANTIAL COMPLETION - The date on which the new precast concrete structure is installed by crane by the County's contractor, but in no event later than October 10, 2014.

Section 5. Effective Date

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

Section 6. 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.

At a Special Meeting of the Town Board 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 24th day of August, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that a Petition pursuant to Town Law Section 190 to establish a Sidewalk Snowplow District in the Clovercrest subdivision as more particularly described in said Petition and that correspondence dated August 14, 2014 from Junior Town Engineer Chad Roscoe regarding said proposed district and the Map, Plan and Report relating thereto together with the Assessor's Certification dated August 15, 2014 and the Environmental Assessment Form and proposed Negative Declaration regarding said district and the other attachments submitted therewith, be received and filed, and be it further

RESOLVED, that the Town Board pursuant to Town Law Section 193 hereby orders that a public hearing be held to consider the proposed establishment of a Clovercrest Drive Sidewalk Snowplow District as described in the above documents on September 23, 2014 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: August 26, 2014

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 Special Meeting of the Town Board 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 24th day of August, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a Petition pursuant to Town Law Section 190 to establish a Sidewalk Snowplow District on Thackery Road as more particularly described in said Petition and that correspondence from Junior Town Engineer Chad Roscoe regarding said proposed district and the Map, Plan and Report relating thereto together with the Assessor's Certification dated August 4, 2014 and the Environmental Assessment Form and proposed Negative Declaration regarding said district and the other attachments submitted therewith, be received and filed, and be it further

RESOLVED, that the Town Board pursuant to Town Law Section 193 hereby orders that a public hearing be held to consider the proposed establishment of a Thackery Road Sidewalk Snow Removal District as described in the above documents on September 23, 2014 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: August 26, 2014

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 Special Meeting of the Town Board 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 24th day of August, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a Petition pursuant to Town Law Section 190 to establish a Refuse District on Thackery Road as more particularly described in said Petition and that correspondence from Junior Town Engineer Chad Roscoe regarding said proposed district and the Map, Plan and Report relating thereto together with the Assessor's Certification dated August 1, 2014 and the Environmental Assessment Form and proposed Negative Declaration regarding said district and the other attachments submitted therewith, be received and filed, and be it further

RESOLVED, that the Town Board pursuant to Town Law Section 193 hereby orders that a public hearing be held to consider the proposed establishment of a Thackery Road Refuse District as described in the above documents on September 23, 2014 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: August 26, 2014

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 Special Meeting of the Town Board 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 24th day of August, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a Petition pursuant to Town Law Section 190 to establish a Storm Drainage District on Susquehanna Road and Northumberland Road as more particularly described in said Petition and that correspondence dated August 19, 2014 from Junior Town Engineer Chad Roscoe regarding said proposed district and the Map, Plan and Report relating thereto together with the Assessor's Certification dated August __, 2014 regarding said district and the other attachments submitted therewith, be received and filed, and be it further

RESOLVED, that the Town Board pursuant to Town Law Section 193 hereby orders that a public hearing be held to consider the proposed establishment of a Storm Drainage District on Susquehanna Road and Northumberland Road as described in the above documents on September 23, 2014 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: August 26, 2014

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