

100
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
November 25, 2014

PRESENT:

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

David Marcus, Deputy Town Clerk
Kenneth Gordon, Attorney for the Town
Mark Henderson, Chief of Police
Tim Keef, Commissioner of Public Works
Suzanne Zaso, Director of Finance
Maryann Hussar, Assistant to the Supervisor

MEETING CALLED TO ORDER:

OPEN FORUM:

Mark Armstrong

APPROVAL OF AGENDA:

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

November 12, 2014 Town Board Meeting

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to approve and file the aforementioned minutes

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Proposed temporary amendment to noise law for RG&E work on Kendrick Road Substation (see Resolution #1 and proposed Negative Declaration dated November 25, 2014)

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

BIDS:

MATTER RE: Approval to solicit for proposals to provide professional services for the initial phase of a farmers market and multi-use facility (see Resolution #2 and letter dated November 12, 2014 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. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM American Red Cross Re: results of November 6, 2014 Blood Drive

FROM NY State Department of Transportation to Supervisor dated November 5, 2014 Re: 2015 scheduled milling and paving work in particular areas of Route 441, 250 and 31.

FROM Chris Mueller, Director Local Franchising, Time Warner Cable to Supervisor dated November 19, 2014 Re; Soon to be expired cable channels that may or may not be renewed

FROM Terrence J. Rice, Director of Transportation, to Supervisor dated October 30, 2014, regarding a review of traffic conditions at the intersection of Lac de Ville Blvd. and Elmwood Ave

FROM Westfall Heights Neighborhood Association informal petition in support of the desire for sewer hookups in their neighborhood and a request for the Town of Brighton to include the funding of the Westfall Heights Sanitary sewer to any amenity package received from the University of Rochester when considering their rezoning request for the South campus expansion

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to receive and file the aforementioned communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Parks and Recreation & Community Services – Next meeting January 26, 2015 at 4:30 PM at Brookside

Finance and Administrative Services – Next meeting December 2, 2014 at 3:30 PM in Stage Conference Room

Public Safety Services – Next meeting December 9, 2014 at 8:00 AM in Downstairs Meeting Room

Public Works Services – Next meeting December 2, 2014 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 Jason DiPonzio that the Supervisor read and approve for payment the claims as set forth in Exhibit No. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Electronic Field Products Inc. to provide video production and cable television management services for 2015 (see Resolution #3 and letter dated November 10, 2014 from MaryAnn Hussar, Assistant to the Supervisor).

Motion by Councilmember Christopher Werner 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. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize reappointments of Denis Conley, Elaine Vittone and Michael Zobel to the Parks and Recreation Community Services Advisory Board, effective January 1, 2015 to December 31, 2017 (See Resolution #4).

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. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize reappointment of Mary Scipioni as a member of the Architectural Review Board effective January 1, 2015 through December 31, 2017 (see Resolution #5).

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. 6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize reappointment of Andrew Kappy to the Brighton Memorial Library Board of Directors effective January 1, 2015 through December 31, 2019 (see Resolution #6).

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. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize reappointment of Dennis Mietz to the Zoning Board of Appeals effective January 1, 2015 through December 31, 2019 and authorize appointment as Chairperson effective January 1, 2015 through December 31, 2016 (see Resolution #7).

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: Authorize Reappointments of Rochelle Bell and Eric Williams as members of the Sustainability Oversight Committee effective January 1, 2015 through December 31, 2017 (see Resolution #8).

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. 9 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize appointment of a Volunteer Intern position to the Sustainability Oversight Committee, effective January 2, 2015 through June 30, 2015 (see Resolution #9 and letter dated November 13, 2014 from Michael Guyon, P.E. Town Engineer).

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

MATTER RE: Authorize approval of an appointment of Stephen Bottcher as Part-time, On-call School Traffic Guard, subject to a 52-week probationary period effective December 1, 2014 (see Resolution #10 and letter dated November 10, 2014 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. 11 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to use proceeds of seized forfeited property funding to purchase video security system for the Public Safety Wing of the Town Hall (see Resolution # and letter dated November 4, 2014)

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. 12 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with General Code Co. to provide software upgrade to existing Lasefiche software program (see Resolution #12 and letter dated November 18, 2014 from Susan Wentworth, Information Technology Coordinator).

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. 13 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize transfer of funding in the amount of \$1,125 from the Highway –Snow & Ice Removal account to the Highway-Machinery Maintenance Equipment account (see Resolution #13 and letter dated November 13, 2014 from Timothy Anderson, Deputy Highway Superintendent).

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. 14 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to accept donation from Mrs. Marjorie Alaimo for \$50 to be used for ongoing Recreation Department programs and activities (see Resolution #14 and letter dated November 18, 2014 from Rebecca Cotter, Recreation Director).

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. 15 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize 2014 budget transfers and appropriations to reflect changes made since the adoption of the 2014 budget (see Resolution 15 and memorandum dated November 17, 2014 from Suzanne Zaso, Finance Director).

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. 16 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Penflex, Inc. to provide West Brighton Fire Protection District; administration services for the West Brighton Fire Protection District Service Award Program (see Resolution #16 and memorandum dated November 17, 2014 from Suzanne Zaso, Finance Director).

Motion by Councilmember Jason DiPonzio 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. 17 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize renewal of intermunicipal agreement with Town of Pittsford for Brighton's provision of snow and ice control on Allens Creek Road for 2014/2015 (see Resolution #17 and letter from Timothy E. Keef, P.E., Commissioner of Public Works, dated November 17, 2014)

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. 18 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement and all associated documents with the Rochester-Monroe County Youth Bureau for the Town's 2014 youth program funding requirements (see Resolution #18 and letter dated November 18, 2014 from Rebecca Cotter, Recreation Director).

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. 19 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set December 10, 2014 as Public Hearing for 2014 Local Law GENDER EXPRESSION NON-DISCRIMINATION (see Resolution #19 and proposed Local Law).

Motion by Supervisor William Moehle 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. 20 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION AT 8:25 PM:

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to go into executive session to discuss employment of a particular person and an amendment to the Brighton Police Department organization table

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Christopher Werner seconded by Councilmember Louise Novros to come out of executive session at 9:45 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED AT 9:45 PM:

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to adjourn at 9:45 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, David Marcus, 314 Warren Avenue, 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 25th of November, 2014 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York

EXHIBIT NO 1

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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

WHEREAS, the Town Board duly scheduled a Public Hearing to be held on the 25th day of November 2014 at 7:30 p.m., to consider the adoption of a proposed temporary amendment known as proposed "2014 Temporary Amendment to Noise Control Law - Rochester Gas & Electric Substation Project" to the Town's Noise Local Law codified at Chapter 102 of the Town Code to permit certain construction activities in connection with the Kendrick Road substation project in the Town; and

WHEREAS, the Town Board, as lead agency under the State Environmental Quality Review Act ("SEQRA") has given due deliberation to the proposed temporary amendment to the Noise Local Law and has determined that the proposed action will not have a significant effect on the environment and has through its Environmental Liaison Officer prepared a Negative Declaration under SEQRA with respect to said temporary amendment, and

WHEREAS, such public hearing was duly called and held on November 25, 2014 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 November 25, 2014 regarding the proposed Amendment together with the November 25, 2014 proposed Negative Declaration be received and filed and included in the record of the hearing; and

BE IT RESOLVED, that the Town Board, as lead agency under the State Environmental Quality Review Act ("SEQRA") has given due deliberation to the proposed temporary amendment to the Noise Local Law and has determined that the proposed action will not have a significant effect on the environment and hereby adopts the above referenced Negative Declaration under SEQRA with respect to said temporary amendment, and further

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 based on the record of the Public Hearing the Town Board hereby adopts the proposed "2014 Temporary Amendment to Noise Control Law - Rochester Gas & Electric Substation Project" as a Temporary Amendment to Noise Control Law; and it is further

RESOLVED, that the Clerk of the Town of Brighton shall within twenty days after the adoption of the Amendment specified herein 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: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated November 12, 2014 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the solicitation of proposals to provide professional services for the development of an overall concept plan, site improvement plan, implementation plan and design and construction documents for the initial phase of a winter farmers market and related-use facility, to be located at Buckland Park in one or more existing structures be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the Town Engineer to solicit proposals to provide professional services for the development of an overall concept plan, site improvement plan, implementation plan and design and construction documents for the initial phase of a winter farmers market and related use facility, to be located at Buckland Park in one or more existing structures.

Dated: November 25, 2014

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

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

November 25, 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>1,970,230.41</u>
D - HIGHWAY		<u>583,699.76</u>
H - CAPITAL		<u>194,125.50</u>
L - LIBRARY		<u>240,128.41</u>
SF - FIRE DIST		<u>145,849.70</u>
SL - LIGHTING DIST		<u>21,098.15</u>
SN-NEIGHBORHOOD DIST.		<u>0.00</u>
SP-PARKS DISTRICT		<u>75.00</u>
SS - SEWER DIST		<u>140,277.81</u>
TA - AGENCY TRUST		<u>23,606.83</u>
TE - EXPENDABLE TRUST		<u>169.99</u>
	TOTAL \$	<u>3,319,261.56</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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that a memorandum dated November 10, 2014 from Assistant to the Supervisor MaryAnn Hussar regarding a request to authorize the Supervisor to execute an agreement with Electronic Field Products, Inc. to provide video production and cable television management services for 2015, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with Electronic Field Products, Inc. to provide video production and cable television management services for 2015.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that Denis Conley, Elaine Vittone and Michael Zobel hereby are reappointed to the Parks and Recreation Community Services Advisory Board effective January 1, 2015 for three year terms expiring on December 31, 2017.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that Mary Scipioni hereby is reappointed to the Architectural Review Board effective January 1, 2015 for a three year term expiring on December 31, 2017.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that Andy Kappy hereby is reappointed to the Brighton Memorial Library Board of Directors effective January 1, 2015 for a five year term expiring on December 31, 2019.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that Dennis Mietz hereby is reappointed to the Zoning Board of Appeals effective January 1, 2015 for a five year term expiring on December 31, 2019 and it is further

RESOLVED, that Dennis Mietz hereby is appointed as Chairperson of the Zoning Board of Appeals effective January 1, 2015 for a two year term expiring December 31, 2016.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that Rochelle Bell and Eric Williams hereby are reappointed to the Sustainability Oversight Committee effective January 1, 2015 for three year terms expiring on December 31, 2017.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated November 13, 2014 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the naming of a new unpaid student intern for the Sustainability Oversight Committee, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the naming of a new unpaid student intern for the Sustainability Oversight Committee for the period January 2015 through June 2015.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated November 10, 2014 from Chief of Police Mark T. Henderson regarding a request to appoint Stephen Bottcher to the position of School Traffic Guard (part-time) On-Call, effective December 1, 2014 at a per diem rate of \$50.84 for a probationary period of 52 weeks, be received and filed; and it is further

RESOLVED, that the Town Board hereby appoints Stephen Bottcher to the position of School Traffic Guard (part-time) On-Call, effective December 1, 2014 at a per diem rate of \$50.84 for a probationary period of 52 weeks.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated November 4, 2014 from Chief of Police Mark T. Henderson regarding a request to utilize \$55,970.41 in proceeds of forfeited property to purchase a video security system for the Public Safety Wing of Town Hall, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the increase of appropriations in the Police Department's Facility Improvements account (A.POLICE.3125 2.60) in the amount of \$55,970.41 for the purchase of a video security system for the Public Safety Wing of Town Hall to be supported by funding in the forfeited property account (A.889. JSTCE); and it is further

RESOLVED, that the Town Board approves the purchase of a video security system for the Public Safety Wing from Day Automation, including video cameras and monitoring hardware, software, training and video storage, at a cost of \$55,970.41, based on pricing offered under a New York State contract.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that a memorandum dated November 18, 2014 from Coordinator of Data Processing Susan Wentworth regarding a request to authorize the Supervisor to execute an agreement with General Code, LLC to amend the existing contract so as to provide an upgrade to the Laserfiche software program, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with General Code, LLC to amend the existing contract so as to provide an upgrade to the Laserfiche software program, all as set forth in the above referenced memorandum.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated November 13, 2014 from Deputy Highway Superintendant Timothy J. Anderson regarding a request to authorize the transfer of \$1,125.00 to purchase five portable crane lifts, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the transfer of \$1,125.00 as specified in the above referenced memorandum to purchase five crane lifts.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated November 18, 2014 from Recreation Director Rebecca J. Cotter regarding a request to authorize the acceptance of a \$50.00 cash donation to the Recreation Department from Marjorie Alaimo, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes, with gratitude, the acceptance of a \$50.00 cash donation to the Recreation Department from Marjorie Alaimo.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that a memorandum dated November 17, 2014 from Finance Director Suzanne Zaso and the attached list of detailed proposed transfers regarding a request to authorize the transfers as detailed therein necessary to reflect changes made since the adoption of the 2014 budget, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the transfers as detailed in the above referenced memorandum and attached list.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that a memorandum dated November 17, 2014 from Finance Director Suzanne Zaso regarding a request to authorize the Supervisor to execute an agreement with Penflex, Inc. to provide administrative services for the West Brighton Fire Protection District Service Award Program, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with Penflex, Inc. to provide administrative services for the West Brighton Fire Protection District Service Award Program, for the period November 1, 2014 through October 31, 2015, upon the terms and conditions set forth in the above referenced memorandum.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated November 17, 2014 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the Supervisor to execute an agreement with the Town of Pittsford to provide snow and ice control on Allens Creek Road for the winter season of 2014-2015, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with the Town of Pittsford to provide snow and ice control on Allens Creek Road for the winter season of 2014-2015, upon the terms and conditions set forth in the above referenced memorandum.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated November 18, 2014 from Recreation Director Rebecca J. Cotter regarding a request to authorize the Supervisor to execute an agreement and all associated documents with the Rochester Monroe County Youth Bureau for the Town's 2014 youth program funding requirements, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement and all associated documents with the Rochester Monroe County Youth Bureau for reimbursement of up to \$7,213 for the Town's 2014 youth program funding requirements.

Dated: November 25, 2014

William W. Moehle, Supervisor	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 25th day of November, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that a memorandum dated November 11, 2014 from Supervisor William W. Moehle regarding the setting of a public hearing regarding the proposed adoption of a Local Law known as the "Gender Expression Non-Discrimination Local Law" and a draft of such proposed Local Law, be received and filed; and it is further

RESOLVED, that the Town Board hereby sets a public hearing regarding the proposed adoption of a Local Law known as the "Gender Expression Non-Discrimination Local Law" for December 10, 2014 at 7:30 p.m. or as soon thereafter as it can be heard at Brighton Town Hall, 2300 Elmwood Avenue, in the Town of Brighton, County of Monroe, and it is further hereby

RESOLVED, that the Town Board hereby directs the Town Clerk to publish such notice as is lawfully required.

Dated: November 25, 2014

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

Chapter 77. GENDER EXPRESSION NON-DISCRIMINATION

§ 77-1. Purpose.

- A. The Town Board of the Town of Brighton ("Town") reaffirms that the Town has the responsibility to act to ensure that every individual within the Town is afforded an equal opportunity to enjoy a full and productive life, and that the failure to provide such equal opportunity, whether because of discrimination, prejudice, intolerance or inadequate education, training, housing or health care, not only threatens the rights and proper privileges of its inhabitants, but menaces the institutions and foundations of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants. Transgender individuals do not presently have protection from discrimination under state law. The Town Board of the Town of Brighton wishes to provide a method of redress for discrimination based on gender identity and expression with remedies and damages to be awarded commensurate with relief awarded to other protected groups.
- B. The Town Board of the Town of Brighton's purpose is to ensure that individuals who live in our free society have the capacity to make their own choices, follow their own beliefs and conduct their lives as they see fit, consistent with existing law.

§ 77-2. Authority.

The authority of this chapter shall be in the exercise of the municipal home rule powers under Section 10 of the Municipal Home Rule Law of the State of New York and for the protection of the public health, welfare, and well-being of the people of this Town and at property located therein.

§ 77-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL SPACE

Any space in a building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property; and any space which is used or occupied, or is intended, arranged or designed to be used or occupied as a separate business or professional unit or office in any building, structure or portion thereof.

DISCRIMINATION

Any direct or indirect act, policy or practice of exclusion, distinction, restriction, segregation, separation, limitation, refusal, denial or any other act or practice of differentiation or preference; or the aiding, abetting, inciting, coercing or compelling thereof.

EMPLOYEE

Does not include any individual employed by her or his parents, spouse or child, or in the domestic service of any person.

EMPLOYER

Does not include any employer with fewer than four persons in her or his employ.

EMPLOYMENT AGENCY

Includes any person undertaking to procure employees or opportunities to work.

GENDER IDENTITY AND EXPRESSION

A person's actual or perceived gender identity, gender-related self-image, gender-related appearance, gender-related behavioral or physical characteristics, or gender-related expression, whether or not that gender identity, gender-related self-image, gender-related appearance, gender-related behavioral or physical characteristics, or gender-related expression is different from that traditionally associated with the person's sex assigned at birth. This shall include but not be limited to:

- A. Transsexuals in all stages of transition, including preoperative, postoperative and persons living in a gender other than their birth sex;
- B. Persons (including cross-dressers) whose gender expression occasionally differs from their sex assigned at birth; and
- C. Intersexed persons born with anatomy or physiology that includes medical characteristics of both male and female whose sex was assigned at birth and who sometimes manifest physical characteristics, expressions or identity that differs from the sex assigned at birth.

HOUSING ACCOMMODATION

Includes any building, structure, or portion thereof located in the Town which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more human beings.

LABOR ORGANIZATION

Includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

PERSON

Includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT

Shall have the same meaning as that defined in New York State Civil Rights Law Section 40.

REAL ESTATE BROKER

Any person, firm or corporation who, for another and for a fee, commission or other valuable consideration, lists for sale, sells, at auction or otherwise, exchanges, buys or rents, or offers or attempts to negotiate a sale, at auction or otherwise, exchange, purchase or rental of an estate or interest in real estate, or collects or offers or attempts to collect rent for the use of real estate, or negotiates, or offers or attempts to negotiate, a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate. In the sale of lots pursuant to the provisions of Article 9-A of the Real Property Law, the term "real estate broker" shall also include any person, partnership, association or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise, to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange of any such lot or parcel of real estate.

REAL ESTATE SALESPERSON

A person employed by a licensed real estate broker to list for sale, sell or offer for sale, at auction or otherwise, to buy or offer to buy or negotiate the purchase or sale or exchange of real estate, or to negotiate a loan on real estate, or to lease or rent or offer to lease, rent or place for rent any real estate, or who collects or offers or attempts to collect rent for the use of real estate for or in behalf of such real estate broker.

TOWN

The Town of Brighton in the County of Monroe and State of New York.

UNLAWFUL DISCRIMINATORY PRACTICE

Includes those practices specified in this chapter.

§ 77-4. Exemptions.

- A. Nothing in this chapter shall apply to any institution, club, or place of accommodation which is in its nature distinctly private as defined by New York State Civil Rights Law § 40.

B. Nothing in this chapter shall prevent religious faiths from establishing and maintaining educational institutions exclusively or primarily for students of their own religious faith.

§ 77-5. Declaration of rights.

A. The opportunity to obtain employment without discrimination because of gender identity and expression is hereby recognized as and declared to be a civil right. The opportunity to obtain education, the use of places of public accommodation and the ownership, use and occupancy of housing accommodations and commercial space without discrimination because of gender identity and expression is hereby recognized and declared to be a civil right.

(1) Employment. It shall be unlawful:

(a) For an employer or licensing agency in the Town, because of the gender identity and expression of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency in the Town or placing individuals in the Town to discriminate against any individual because of gender identity and expression in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers.

(c) For a labor organization in the Town to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, because of gender identity and expression of such individual .

(d) For any employer or employment agency in the Town or placing individuals in the Town to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to gender identity and expression, or any intent to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

(e) (i) To deny to or withhold from any person because of gender identity and expression the right to be admitted to or participate in a guidance program, an apprenticeship training program or other occupational training or training program in the Town; or (ii) to discriminate against any person in his or her pursuit of such programs in the Town or to discriminate against such a person in the terms, conditions or privileges of such programs in the Town because of gender identity and expression; or (iii) to print or circulate in the Town or cause to be printed or circulated in the Town any statement, advertisement or publication, or to use any form of application for such programs or to make inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to gender identity and expression, or any intention to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

(2) Public accommodation. It shall be unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement in the Town, because of the gender identity and expression of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, including the extension of credit, or, directly or indirectly, to publish, circulate, issue, display, post or mail in the Town or into the Town any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of gender identity and expression, or that the patronage or custom thereof of any person of or purporting to be any particular gender identity and expression is unwelcome, objectionable or not acceptable, desired or solicited.

(3) Housing accommodations.

(a) It shall be unlawful:

[1] To refuse to rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodations because of the gender identity and expression of such person or persons.

[2] To cause to be made any written or oral inquiry or record concerning the gender identity and expression of a person seeking to rent or lease any housing accommodation.

(b) It shall be an unlawful discriminatory practice for the owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent, or lease a housing accommodation, commercial space, constructed or to be constructed, or land, or any agent or employee thereof:

[1] To refuse to sell, rent, lease or otherwise to deny to or withhold from any person or group of persons because of the gender identity and expression of such person or persons.

[2] To discriminate against any person because of his or her gender identity and expression in the terms, conditions or privileges of the sale, rental or lease or in the furnishing of facilities or services in connection therewith.

[3] To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease or to make any record or inquiry in connection with the prospective purchase, rental or lease which expresses, directly or indirectly, any limitation, specification or discrimination as to gender identity and expression, or any intent to make any such limitation, specification or discrimination.

(c) It shall be an unlawful discriminatory practice for any real estate broker, real estate salesman or employee or agent thereof:

[1] To refuse to sell, rent or lease any housing accommodation, land or commercial space to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space to any person because of the gender identity and expression of such person or persons, or to represent that any housing accommodation, land or commercial space is not available for inspection, sale, rental or lease when in

fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or any facilities of any housing accommodation, land or commercial space from any person or group of persons because of the gender identity and expression of such person or persons.

[2] To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of any housing accommodation, land or commercial space or to make any record of inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space which expresses, directly or indirectly, any limitation, specification, or discrimination as to gender identity and expression or any intent to make any such limitation, specification or discrimination.

[3] To represent that a change has occurred or will or may occur in the composition with respect to gender identity and expression of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other facilities.

(d) Credit. It shall be an unlawful discriminatory practice for any creditor or any officer, agent or employee thereof:

[1] In the case of applications for credit with respect to the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space, to discriminate against any such applicant because of the gender identity and expression of such applicant or applicants or any member, stockholder, director, officer or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodation, land or commercial space, in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions, of any such credit.

[2] To discriminate in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit, on the basis of gender identity and expression.

[3] To use any form of application for credit or use or make any record or inquiry which expresses, directly or indirectly, any limitation, specification, or discrimination as to gender identity and expression.

[4] To refuse to consider sources of an applicant's income or to subject an applicant's income to discounting, in whole or in part, because of an applicant's gender identity and expression.

(4) Education.

(a) It shall be an unlawful discriminatory practice for an education corporation or association which holds itself out to the public to be nonsectarian and exempt from taxation pursuant to the provisions of Article 4 of the Real Property Tax Law to deny the

use of its facilities to any person otherwise qualified by reason of his or her gender identity and expression.

(b) It shall be an unlawful educational practice for an educational institution to exclude or limit or otherwise discriminate against any person or persons seeking admission as students to such institution or to any educational program or course operated or provided by such institution because of gender identity and expression ; except that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its students exclusively or primarily from members of such religion or denomination or from giving preference in such selection to such members or to make such selection of its students as is calculated by such institution to promote the religious principles for which it is established or maintained. Nothing contained herein shall impair or abridge the right of an independent institution, which establishes or maintains a policy of educating persons of one sex exclusively, to admit students of only one sex.

- (5) Civil rights. No person, because of gender identity and expression, shall be subjected to any discrimination in his or her civil rights, or to any harassment in the exercise thereof, by any person or by any firm, corporation, institution located in the Town, or by the Town or any agency of the Town.

B. Enforcement.

Any person claiming to be aggrieved by an unlawful discriminatory practice shall have a cause of action in any court of appropriate jurisdiction for damages and such remedies as may be appropriate.

§ 77-6. Statute of limitations.

Any action brought for violation of this chapter must be commenced within one year after the alleged unlawful discriminatory practice.