

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
October 13, 2016

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
Mark Henderson, Chief of Police
Tim Keef, Commissioner of Public Works
Suzanne Zaso, Director of Finance

MEETING CALLED TO ORDER AT 7:00 PM:

PRESENTATIONS/RECOGNITIONS:

National Fire Prevention Week October 9 – 15, 2016
Friends of Public Libraries Week October 16 – 22, 2016

OPEN FORUM:

No Speakers

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:

September 28, 2016 Town Board Meeting

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to approve and file the aforementioned minutes

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: First of two Public Hearings to consider the proposed 2017 Preliminary Operating and Capital Improvement Budgets.

(Complete transcript under separate cover)

Matter Held

MATTER RE: First of two Public Hearings to consider the proposed 2017 Assessment Rolls for service charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvement Districts.

(Complete transcript under separate cover)

Matter Held

BIDS:**COMMUNICATIONS:**

FROM: Walter C. Wasco dated October 9, 2016 to Supervisor regarding Frontier Cable Services

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:

Community Services Committee - Has not met since last Town Board meeting; Next meeting 10/19/16 at 9:30 AM at Brookside School.

Finance and Administrative Services – Met on 10/4/16; next meeting 10/18/16 at 3:30 PM in the Stage Conference Room at Town Hall.

Public Safety Services – Met 10/11/16; next meeting 11/8/16 at 8:00 AM in the Downstairs Meeting Room at Town Hall.

Public Works Services – Met 10/4/16; next meeting 11/1/16 at 9:00 AM in the Downstairs Meeting Room at Town Hall.

OLD BUSINESS:**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: Authorize Supervisor to execute renewal agreement with Penflex, Inc. for third-party administrative services for the West Brighton Fire Protection District's Service Awards Program (*see Resolution #1 and letter dated October 3, 2016 from Suzanne Zaso, Director of Finance*).

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize budget transfer in the amount of \$4,700 to support additional property maintenance expenses (*see Resolution #3 and letter dated September 20, 2010 from Ramsey Boehner, Town Planner for Town of Brighton*).

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. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to transfer \$2,200 within the Town Clerk's budget to support purchase of Town Clerk departmental computer equipment (*see Resolution #4 and letter dated October 4, 2016 from Town Clerk Daniel Aman*).

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. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Excellus to administer the Town Employee Self-funded Insured Dental Benefit Plan for 2017 (*see Resolution #5 and letter dated October 4, 2016 from Suzanne Zaso, Director of Finance*).

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. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize closing of various Capital Projects and Acquisitions with approval for Finance Director to perform all related accounting entries (*see Resolution #6 and letter dated October 3, 2016 from Suzanne Zaso, Director of Finance*).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Municipal Solutions, Inc. to provide professional services relating to refunding of bond transaction and disclosure filings (*see Resolution #7 and letter dated October 4, 2016 from Suzanne Zaso, Director of Finance*).

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to appoint Renee Morris to the position of full-time Assistant Assessor position effective September 29, 2016 subject to 26-week probationary period (*see Resolution #8 and letter dated October 4, 2016 from Town Assessor Elaine Ainsworth*).

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 8 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set October 26, 2016 as Public Hearing date for 2016 Local Law Override of Tax Cap Levy (*see Resolution #9 and letter dated October 4, 2016 from Suzanne Zaso, Director of Finance*)

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. 9 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:**MATTERS OF THE ATTORNEY TO THE TOWN:**

MATTERS OF THE TOWN CLERK:

MATTERS OF THE BOARD:

MOTION TO GO INTO EXECUTIVE SESSION:

ADJOURNED AT 8:17 PM:

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to adjourn at 8:17 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Daniel Aman, 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 13th day of October 2016 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 10th day of August, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated July 7, 2016 from Finance Director Suzanne Zaso regarding a request to set two public hearings to consider the adoption of the proposed Supervisor's 2017 preliminary Operating and Capital Improvement Budgets, be received and filed; and it is further

RESOLVED, that the Town Board hereby sets October 13, 2016 and October 26, 2016 at 7:00 pm each day respectively as the first and second public hearings at Brighton Town Hall, 2300 Elmwood Avenue, Town of Brighton, New York to consider the adoption of the proposed Supervisor's 2017 preliminary Operating and Capital Improvement Budgets.

Dated: August 10, 2016

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 10th day of August, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated July 7, 2016 from Finance Director Suzanne Zaso regarding a request to set two public hearings to consider the adoption of the proposed 2017 Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvement Districts within the Town, be received and filed; and it is further

RESOLVED, that the Town Board hereby sets October 13, 2016 and October 26, 2016 at 7:00 pm each day respectively as the first and second public hearings at Brighton Town Hall, 2300 Elmwood Avenue, Town of Brighton, New York to consider the adoption of the proposed 2017 Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvement Districts within the Town.

Dated: August 10, 2016

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

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

October 13, 2016

THAT THE CLAIMS AS SUMMARIZED BELOW HAVING BEEN APPROVED BY THE RESPECTIVE DEPARTMENT HEADS AND AUDITED BY THE CHAIR OF THE FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE ARE HEREBY APPROVED FOR PAYMENT.

A - GENERAL	\$	<u>348,850.99</u>
D - HIGHWAY		<u>281,594.64</u>
H - CAPITAL		<u>3,525.56</u>
L - LIBRARY		<u>20,931.36</u>
SA - AMBULANCE DIST		<u>19,130.62</u>
SL - LIGHTING DIST		<u>23,406.76</u>
SS - SEWER DIST		<u>63,530.89</u>
TA - AGENCY TRUST		<u>1,601.98</u>
TE - EXPENDABLE TRUST		<u>337.83</u>
TOTAL	\$	<u>762,910.63</u>

UPON ROLL CALL

MOTION CARRIED _____

APPROVED BY:

SUPERVISOR

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

TO THE SUPERVISOR:

I CERTIFY THAT THE VOUCHERS LISTED ABOVE WERE AUDITED BY THE CHAIR OF THE FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE AND APPROVED 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 13th day of October, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated October 3, 2016 from Finance Director Suzanne Zaso regarding a request to authorize the Supervisor to execute a contract renewal with Penflex, Inc. to serve as the third-party administrator for the West Brighton Fire Department's Service Award Program for the period November 1, 2016 through October 31, 2017 be received and filed; and

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract renewal with Penflex, Inc. to serve as the third-party administrator for the West Brighton Fire Department's Service Award Program for the period November 1, 2016 through October 31, 2017 on the terms and conditions set forth in the above referenced correspondence.

Dated: October 13, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Louise Novros, Councilwoman	Voting	_____
Christopher K. Werner, Councilman	Voting	_____
Jason S. DiPonzio, Councilman	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 13th day of October, 2016.

PRESENT:

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

RESOLVED, that correspondence dated October 3,2016 from Ramsey A. Boehner, Town Planner, concerning a budget transfer for the Department of Public Works, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves a Budget Transfer of \$4,700 from account A.DPW.8020.120 Part-time Wages Account to A.DPW.8020.4.49 Other Contracted Services Account, to support additional property maintenance expenses in the Department of Public Works pursuant to the Towns Property Maintenance Law.

Dated: October 13, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Louise Novros, Councilwoman	Voting	_____
Christopher K, Werner Councilman	Voting	_____
Jason S. DiPonzio Councilman	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 13th day of October, 2016.

PRESENT:

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

RESOLVED, that correspondence dated October 4, 2016 from Daniel Aman, Town Clerk, concerning a budget transfer for the Town Clerk's Office, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves a Budget Transfer of \$2,200 from account A.CLERK.1330 4.83 to A.CLERK.1330 2.13, to support the purchase of computer equipment within the Town Clerk's Office.

Dated: October 13, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Louise Novros, Councilwoman	Voting	_____
Christopher K, Werner Councilman	Voting	_____
Jason S. DiPonzio Councilman	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 13th day of October, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated October 4, 2016 from Director of Finance Suzanne Zaso regarding a request to authorize the renewal of the Town's self funded dental plans for 2017 and to further authorize the Supervisor to execute a renewal agreement with Excellus BCBS for the continued administration of the dental plans, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the renewal of the Town's self funded dental plans for 2017 and further authorizes the Supervisor to execute a renewal agreement with Excellus BCBS in form and substance approved by the Attorney to the Town, together with any ancillary documents necessary to continue its administration of the dental plans.

Dated: October 13, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Louise Novros, Councilwoman	Voting	_____
Christopher K. Werner, Councilman	Voting	_____
Jason S. DiPonzio, Councilman	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 13th day of October, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated October 3, 2016 from Director of Finance Suzanne Zaso regarding a request to authorize the closing of certain Capital Projects and acquisitions to the Debt Service Reserve Fund, effective immediately as detailed in said memorandum, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the closing of the Capital Projects and acquisitions to the Debt Service Reserve Fund, as set forth in said memorandum effective immediately and hereby directs the Director of Finance to make all related accounting entries necessary to accomplish said closings.

Dated: October 13, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Louise Novros, Councilwoman	Voting	_____
Christopher K. Werner, Councilman	Voting	_____
Jason S. DiPonzio, Councilman	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 13th day of October, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated October 4, 2016 from Director of Finance Suzanne Zaso regarding a request to authorize the Supervisor to execute agreements with Municipal Solutions, Inc. to provide professional fiscal services in connection with disclosure filings and regulations pursuant to the provisions of Securities and Exchange Commission (SEC) Rule 15c33-12 for a 2-year period and to provide services relating to the Town's refunding serial bond transaction, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute agreements with Municipal Solutions, Inc. to provide professional fiscal services in connection with disclosure filings and regulations pursuant to the provisions of Securities and Exchange Commission (SEC) Rule 15c33-12 for a 2-year period and to provideservices relating to the Town's refunding serial bond transaction, subject to the review and approval of said agreements by the Attorney to the Town.

Dated: October 13, 2016

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

At an Executive Session 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 13th day of October, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED, that a memorandum dated October 4, 2016 regarding a recommendation to appoint Renee Morris to the full-time permanent position of Assistant Assessor effective September 29, 2016 be received and filed; and further

BE IT RESOLVED, that the Town Board hereby appoints Renee Morris to the full-time permanent position of Assistant Assessor effective September 29, 2016 on a probationary basis, subject to a (26) twenty-six week probationary period.

Dated: October 13, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Louise Novros, Councilwoman	Voting	_____
Christopher K. Werner, Councilman	Voting	_____
Jason S. DiPonzio, Councilman	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 13th day of October, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated October 4, 2016 from Finance Director Suzanne Zaso and a draft Local Law to authorize a property tax levy in excess of the limit established in General Municipal Law Section 3-c, be received and filed, and be it further

RESOLVED, that the Town Board hereby sets a public hearing to consider the proposed Local Law to authorize a property tax levy in excess of the limit established in General Municipal Law Section 3-c for October 26, 2016 at 7:00 pm at Brighton Town Hall, 2300 Elmwood Avenue, Brighton, New York, and hereby directs the Town Clerk, nunc pro tunc, to publish and post notice of said hearing as is required by law.

Dated: October 13, 2016

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. _____ of the year 2016

Town of Brighton, County of Monroe

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Brighton to adopt a budget for the fiscal year commencing January 1, 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Brighton, County of Monroe, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.