

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
December 28, 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
Robert Cline, Captain, Operations
Tim Keef, Commissioner of Public Works
Suzanne Zaso, Director of Finance

MEETING CALLED TO ORDER AT 12:05PM:

PRESENTATIONS/RECOGNITIONS:

OPEN FORUM:

- Robert Brenner – Nixon Peabody
- Ben Werzinger – 104 Shoreham Dr

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:

PUBLIC HEARINGS:

BIDS:

COMMUNICATIONS:

FROM: Timothy Keef, P.E. to Town Board dated December 14, 2016 regarding retirement, effective December 30, 2016, of Edward Senecker after 40 years of service with the Town of Brighton Highway Department .

FROM: Brighton resident, Judith Van Houten to Town Board regarding proposed project known as Whole Foods Plaza.

FROM: United States Senator Kirsten Gillibrand dated December 5, 2016 to Supervisor thanking him for attending her press conference concerning recent hate crimes in Rochester and throughout New York State.

FROM: Phillip Lederer dated December 12, 2016 to Supervisor regarding recent RG&E tree trimming.

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to receive and file the aforementioned communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services Committee - Met on 12/21/16; next meeting 1/18/17 at 9:30 AM at Brookside School.

Finance and Administrative Services – Met on 12/20/16; next meeting 1/3/17 at 1:00 PM in the Stage Conference Room at Town Hall.

Public Safety Services – Has not met since the last Town Board meeting; next meeting 1/10/17 at 8:00 AM in the Downstairs Meeting Room at Town Hall.

Public Works Services – Has not met since the last Town Board meeting; next meeting 1/3/17 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 Jason DiPonzio seconded by Councilmember Christopher Werner 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 agreements with Platinum Limousine of Western New York to provide transportation services for Senior residents for various Brighton Recreation Senior programs and events, effective January 1, 2017 (see *Resolution #1 and letter dated December 7, 2016 from Rebecca Cotter, Recreation Director*).

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. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to accept donation in the amount of \$1,500 from the Board of Trustees for the Jack G. Lubelle Foundation to be used for the Brighton Recreation Senior Program (see *Resolution #2 and letter dated December 19, 2016 from Rebecca Cotter, Recreation Director*).

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: Authorize the Supervisor to execute a Stormwater Easement Maintenance Agreement with the owner of the property located at 2861 West Henrietta Road (see *Resolution #3 and letter dated December 19, 2016 from Evert Garcia, Department of Public Works*).

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval of rate increase for Mary Louise Conrow of Coughlin & Gerhart LLP, to provide legal representation to the Town for labor matters and collective bargaining issues for 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: Consideration of documents submitted by the Daniele Family Companies dated November 28, 2016, as Supplemental Draft Environmental Impact Statement for completeness and adequacy for public review for the proposed project known as Whole Foods Plaza (see *Resolution #5, letter dated December 27, 2016 from Ramsey Boehner, Town Planner, letter dated December 22, 2016 from Michael J. Flanigan, Associate, Environmental Services, Stantec Consulting Services, Inc. and letter dated December 22, 2016 from Anthony Daniele, Daniele Family Companies*).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize reappointment of William Price as Chairperson of the Planning Board effective January 1, 2017 through December 31, 2017 (see *Resolution #6*)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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 AT 1:07 PM:

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel to go into executive session to discuss employment of a particular person and matter of collective bargaining.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO EXIT EXECUTIVE SESSION AT 3:32 PM:

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to come out of executive session.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

ADJOURNED AT 3:32 PM:

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to adjourn at 3:32 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 28th day of December 2016 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

December 28, 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>148,514.77</u>
D - HIGHWAY		<u>35,045.48</u>
H - CAPITAL		<u>14,640.00</u>
L - LIBRARY		<u>21,281.70</u>
SF - FIRE DIST		<u>353.41</u>
SS - SEWER DIST		<u>13,906.37</u>
TA - AGENCY TRUST		<u>2,000.70</u>
TOTAL	\$	<u>235,742.43</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 28th day of December, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated December 7, 2016 from Recreation Director Rebecca Cotter regarding a request to authorize the Supervisor to execute the Town's transportation service contracts with Platinum Limousine of Western New York for calendar year 2017 at a contract rate of \$87.50 per hour with a four (4) hour minimum, and \$80.00 per hour for trips lasting more than 5 hours, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract to renew the Town's transportation service contract with Platinum Limousine of Western New York as outlined above for calendar year 2017 with the option on the part of the Town to renew said contracts for up to three additional one year periods subject to the review and approval of the form of said contracts by the Attorney to the Town.

Dated: December 28, 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 28th day of December, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated December 19, 2016 from Recreation Director Rebecca J. Cotter regarding a request to accept a donation in the amount of \$1,500.00 from the Board of Trustees of the Jack G. Lubelle Foundation, Inc. to support the Brighton Senior Citizens Group, be received and filed; and be it further

RESOLVED, that the Town Board hereby gratefully accepts the generous donation in the amount of \$1,500.00 from the Board of Trustees of the Jack G. Lubelle Foundation, Inc. to support the Brighton Senior Citizens Group.

Dated: December 28, 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 28th day of December, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated December 19, 2016 from Evert Garcia of the Department of Public Works regarding a request to authorize the Supervisor to execute a Stormwater Easement Maintenance Agreement with the owner of the property located at 2861 West Henrietta Road, be received and filed; and further

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Stormwater Easement Maintenance Agreement with the owner of the property located at 2861 West Henrietta Road in the form of the proposed easement agreement attached to the above referenced correspondence, together with any other documents or agreements necessary to carry out the intent of this resolution, in form approved by the Attorney to the Town.

Dated: December 28, 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 28th day of December, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated December 13, 2016 from Mary Louise Conrow, Esq to Town Supervisor William Moehle regarding proposed rate increases for her services provided through and by the law firm of Coughlin & Gerhart, LLP to represent the Town in labor and collective bargaining issues, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves rate increases outlined in above referenced correspondence for the legal services of Mary Louise Conrow, Esq. through and by the law firm of Coughlin & Gerhart, LLP for 2017 as is referenced in the above correspondence.

Dated: December 28, 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 28th day of December, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

WHEREAS, the Daniele Family Companies (the "Project Sponsor") submitted an application for Incentive Zoning for a proposal now known as the Whole Foods Plaza that was received by the Town Board on February 25, 2015; and,

WHEREAS, following receipt of the proposal and pursuant to the NYS Environmental Quality Review Act (SEQRA), the Town Board declared itself to be lead agency for the environmental review of the project, directed a coordinated review of the proposal and on September 9, 2015 conducted a scoping hearing to hear comments concerning the proposed scope of the environmental review with written comments on the proposed scope accepted through September 11, 2015; and

WHEREAS, the Town Board adopted the final scope for development of the Draft Environmental Impact Statement (DEIS), on September 24, 2015; and,

WHEREAS, the Project Sponsor submitted a DEIS for the project, dated January 20, 2016; and,

WHEREAS, following review, the Town Board determined that the initial submission of the DEIS was not complete and adequate for public review on February 24, 2016; and

WHEREAS, the Project Sponsor submitted a second DEIS, dated April 22, 2016, which was supplemented by the Project Sponsor by correspondence dated May 6, 2016; and,

WHEREAS, following review, the Town Board determined that the second submission of the DEIS was complete and adequate for public review on May 25, 2016, and conducted public hearings on the DEIS on June 22, 2016 and July 13, 2016, and received written comments concerning the DEIS through August 1, 2016; and,

WHEREAS, it was subsequently determined that traffic signal timings in operation at the time of the traffic study at the Monroe Avenue/Clover Street intersection were inconsistent with the New York State Department of Transportation's (NYSDOT) directives for signal timing following completion of the 2015 Safety Project for Monroe Avenue; and

WHEREAS, on August 24, 2016 the Town Board directed the Project Sponsor to prepare a Supplemental Draft Environmental Impact Statement (SDEIS) that re-analyzes the potential traffic impacts of this proposed project and that such SDEIS be based on the transportation sections, together with any other transportation related topics contained in the scope of SEQRA review adopted by the Town Board on September 24, 2015; and

WHEREAS, the Town Board also directed the Project Sponsor to prepare a new traffic impact study incorporating any modifications made by the NYSDOT affecting existing conditions in the area, as well as written responses to all substantive transportation comments received during the Public Hearing and the written comment period; and

WHEREAS, the Project Sponsor delivered to the Town on or about November 30, 2016, under a cover letter describing the enclosures as a "Supplemental Draft Environmental Impact Statement" the following enclosures: a revised Traffic Impact Study and written responses to comments received at the public hearing on the DEIS, but based on correspondence dated December 22, 2016 from Michael J. Flanigan of Stantec Consulting Services, Inc. ("Stantec"), the Town's independent consultant for the Environmental Review of the proposal, the aforementioned Traffic Impact Study and response to comments do not constitute the requisite SDEIS and therefore the Project Sponsor has not submitted an SDEIS that is complete and adequate for public review.

NOW, THEREFORE IT IS HEREBY RESOLVED, that correspondence dated December 27, 2016 from Commissioner of Public Works Timothy E. Keef, P.E., and correspondence dated December 22, 2016 from the Town's Consultant Michael Flanigan of Stantec regarding the November 30, 2016 submissions referred to by the Project Sponsor as a "Supplemental Draft

Environmental Impact Statement" prepared and submitted by the project sponsor for the Whole Foods Project, and correspondence dated December 22, 2016 from Anthony Danielle on behalf of the Project Sponsor indicating the Project Sponsor's future intention of submitting an updated SDEIS and agreeing that the Town is to have 45 days to review and respond to the updated SDEIS once the Town Board receives the updated SDEIS, be received and filed; and further

BE IT RESOLVED, that the Town Board hereby determines based upon the final adopted written scope for the environmental impact statement under the New York State Environmental Quality Review Act for the Whole Foods Project and the standards set forth in 6 NYCRR Section 617.9 that the Project Sponsor's submissions of November 30, 2016 referred to as a "Supplemental Draft Environmental Impact Statement" are not complete and adequate for public review and comment based upon the reasons set forth in the above referenced December 22, 2016 letter from Stantec; and further

BE IT RESOLVED, that the Town Board hereby directs the Environmental Review Liaison Officer to provide to the Project Sponsor a copy of the above referenced December 22, 2016 correspondence from Stantec.

Dated: December 28, 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 28th day of December, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED that the Town Board hereby appoints William Price of 305 Sylvan Road as Chairperson of the Planning Board for a one year term commencing on January 1, 2017.

Dated: December 28, 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	_____