

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
January 11, 2017

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 7:00PM:

PRESENTATIONS/RECOGNITIONS:

OPEN FORUM:

- Marjorie Alaimo – 90 Towpath Ln
- Margie Peet – 129 Klink Rd
- Judy Schwartz – 179 Ashbourne Rd
- Jennifer Wolfley – 2500 Elmwood Ave
- Bob Adams – 653 French Rd

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:

MATTER RE: Formation of Park Lane Refuse District (*see Resolution #1*).

(Complete transcript under separate cover)

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. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Proposed removal of trees located at 124 and 130 Seminole Way determined to be of poor health and safety concern for general public (*see Resolution #2*)

(Complete transcript under separate cover)

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

BIDS:

MATTER RE: Approval to solicit for proposals to provide construction services for the Highland Crossing Trail project with authorization for Supervisor to execute supplemental agreement with Fisher Associates to provide construction administration and inspection services for same (see Resolution #3 and letter dated January 3, 2017 from Michael Guyon, P.E. Town Engineer).

(Complete transcript under separate cover)

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. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM: Miriam Zinter to Supervisor expressing appreciation for the installation of stop signs at Hillside Avenue intersections.

FROM: Ben Werzinger dated January 4, 2017 to Supervisor and members of the Town Board regarding the proposed project known as Whole Foods Plaza.

FROM: Beth Tarduno to Supervisor and members of the Town Board dated January 6, 2017 regarding proposed project known as Whole Foods Plaza.

FROM: Daniel Spitzer, Atty. Hodgson Russ LLP dated January 6, 2017 to Supervisor and members of the Town Board regarding the proposed project known as Whole Foods Plaza.

FROM: Timothy Randall, CSP, Sr. Risk Control Specialist, Paris Kirwin Associates, Inc. to Supervisor dated January 3, 2017 regarding positive results of Town's recent underwriting safety survey.

FROM: Rabbi Vogel, Chabad Center for Jewish Life dated January 4, 2017 to Supervisor thanking him for attending the annual Brighton Menorah Lighting.

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 1/18/17 at 9:30 AM at Brookside School.

Finance and Administrative Services – Met on 1/3/17; next meeting 1/17/17 at 3:30 PM in the Stage Conference Room at Town Hall.

Public Safety Services – Met 1/3/17; next meeting 2/14/17 at 8:00 AM in the Downstairs Meeting Room at Town Hall.

Public Works Services – Met 1/3/17; next meeting 2/7/17 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 James Vogel that the Supervisor read and approve for payment the claims as set forth in Exhibit No. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute five year renewal agreement with Brighton Fire District to provide fuel dispensing services for the period January 1, 2017 through December 31, 2021 (*see Resolution #4 and letter dated January 3, 2017 from Suzanne Zaso, Finance 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. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to amend animal boarding fees based on increase in fees charged to the Town for animal control with Pittsford Animal Hospital (*see Resolution #5 and memorandum dated December 29, 2016 from Daniel Aman, Town Clerk*).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER: Authorize Supervisor to execute agreement with IMS, Inc. to provide mail processing services to the town (*see Resolution #6 and memorandum dated December 29, 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. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to renew membership with the New York State Association of Towns for the year 2017 and designate Town Supervisor as official delegate to attend the Annual Business Meeting scheduled for Wednesday February 19, 2014 (*see Resolution #7*).

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. 8 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 9:06 PM:

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO EXIT EXECUTIVE SESSION AT 9:53 PM:

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to come out of executive session.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

ADJOURNED AT 9:53 PM:

Motion by Councilmember Jason DiPonzio seconded by Councilmember Louise Novros to adjourn at 9:53 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 11th day of January 2017 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 11th day of January, 2017.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

WHEREAS, a Map, Plan and Report regarding the formation of the Park Lane Refuse District was prepared by Town Junior Engineer Chad Roscoe on October 27, 2016 and a petition requesting the formation of said District was signed by owners of taxable real property representing in excess of one-half the assessed value of all taxable real property in the proposed District and in excess of one half of all resident owners of all real property in the District owned by resident owners in the proposed District, all pursuant to the provisions of Article 12 of the New York State Town Law; and

WHEREAS, the proposed District will provide a mechanism to pay for refuse services and garbage pickup for the homes in the proposed District and to have each home pay an equal share of the cost of said services. Said proposed District is to include twenty-seven properties on Park Lane. No improvements are to be made by the proposed District; and

WHEREAS, the Town Board held a public hearing to consider the formation of said proposed District on January 11, 2017 at 7:00 p.m. at Brighton Town Hall, 2300 Elmwood Avenue, in the Town of Brighton, County of Monroe and State of New York and all persons who have an interest in said proposed District formation having had an opportunity to be heard; now, it is hereby

RESOLVED, that the Town Board makes the following findings:

1. The petition was signed and acknowledged as required by law;
2. All of the property and property owners within the proposed district are benefited thereby;
3. All of the property and the property owners benefited are included within the limits of the proposed district; and
4. It is in the public interest to form the proposed district; and it is further hereby

RESOLVED, that the Town Board hereby adopts the previously proposed Negative Declaration pursuant to SEQR regarding the formation of said district and approves the establishment of the above referenced district and authorizes the Town Supervisor and the Town Clerk to execute and verify an application to be submitted within ten days to the New York State Department of Audit and Control for permission to create the above referenced district pursuant to New York State Town Law Section 194(3)(a)

Dated: January 11, 2017

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 11th day of January, 2017.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

WHEREAS, pursuant to the provisions of the Chapter 175 of the Town Code, the Town Board previously received and filed communication and reports regarding the removal of town trees consisting of a 39 inch Silver Maple located in front of 124 Seminole Way and 31" inch Silver Maple located in front of 130 Seminole Way, and

WHEREAS, the Town Board duly scheduled a Public Hearing to be held on the 11th day of January 2017 at 7:00 p.m., to consider the proposed removal of said trees; and

WHEREAS, pursuant to the provisions of Section 175-8 of the Town Code, notice of such public hearing was sent by first class mail at least 20 days prior to the scheduled hearing addressed to the owners of each of the properties adjoining the above referenced trees and the owners directly across the Town highway from and the properties contiguous to the adjoining properties, and

WHEREAS, such public hearing was duly called and held on January 11, 2017 at 7:00 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 or before the Public Hearing held on January 11, 2017, regarding the proposed tree removal be received and filed as part of the record of the hearing; and further

BE IT RESOLVED, that pursuant to the provisions of Chapter 175 of the Town Code, and based on the record of the Public Hearing, the Town Board hereby finds that the Commissioner of Public Works has shown good cause for the removal of these trees and authorizes the Commissioner of Public Works, and or his designee, to remove the above referenced trees in accordance with the provisions of Chapter 175 including but not limited to the arboricultural specifications and standards of practice in the Town Forestry Plan, and direct that replacement trees be planted in the vicinity of such locations.

Dated: January 11, 2017

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 11th day of January, 2017.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that correspondence dated January 3, 2017 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Department of Public Works to solicit for bids for construction services needed to build the proposed Highland Crossing Trail, be received and filed; and be it further

RESOLVED, that the Town Supervisor is authorized to execute a Supplemental Agreement with Fisher Associates, already contracted with the Town of Brighton, to provide construction administration and inspection services for a maximum cost of \$254,000, during the construction phase of the Highland Crossing Trail.

Dated: January 11, 2017

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

EXHIBIT NO 4

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

January 11, 2017

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>129,093.54</u>
D - HIGHWAY		<u>74,078.66</u>
H - CAPITAL		<u>224,604.02</u>
L - LIBRARY		<u>1,430.52</u>
SF - FIRE DIST		<u>3,700.00</u>
SL - LIGHTING DIST		<u>24,235.84</u>
SR-REFUSE DISTRICT		<u>67,567.64</u>
SS - SEWER DIST		<u>4,499.29</u>
TA - AGENCY TRUST		<u>2,833.00</u>
TOTAL	\$	<u>532,042.51</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 11th day of January, 2017.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated January 3, 2017 from Finance Director Suzanne Zaso regarding a request to authorize the Supervisor to renew an intermunicipal agreement with the Brighton Fire District for Fuel Dispensing Services for a term of five years commencing January 1, 2017 and terminating December 31, 2021 in conformance with and pursuant to a certain intermunicipal agreement previously entered into by and between the Town and the Brighton Fire District dated June 9, 2006 which contract expired December 31, 2016, be received and filed; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to execute and deliver a renewal agreement of an intermunicipal agreement with the Brighton Fire District for Fuel Dispensing Services for a term of five years commencing January 1, 2017 and terminating December 31, 2021, renewing an intermunicipal agreement previously entered into by and between the Town and the Brighton Fire District dated June 9, 2006, which contract expired December 31, 2016

Dated: January 11, 2017

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 11th day of January, 2017

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

WHEREAS, the Town Board has authorized the Supervisor to execute and deliver an agreement by and between the Town and Pittsford Animal Hospital, under which the rates for boarding seized animals will increase for 2017, necessitating an increase in boarding fees under the Town's Animal Control Law; it is therefore

RESOLVED, that a memorandum dated December 29, 2016 from Town Clerk Daniel Aman regarding a request to increase boarding fees, be received and filed; and be it further

RESOLVED, that based on the recommendation of the Town Clerk, the Town Board, under all subsections of Town Code Section 40-14(D) hereby authorizes increases to boarding fees charged by the Town of Brighton to \$26.00 per day or portion thereof.

Dated: January 11, 2017

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 11th day of January, 2017.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated December 29, 2016 from Town Clerk and Receiver of Taxes Daniel Aman regarding a request to authorize the Supervisor to execute an agreement with IMS, Inc., Inc. to provide mail processing services, as per agreed upon fees as outlined in above referenced correspondence, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with IMS, Inc. to provide mail processing services, subject to the review and approval of the agreement by the Attorney to the Town.

Dated: January 11, 2017

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 11th day of January, 2017.

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 renews its membership with the New York State Association of Towns for calendar year 2017; and be it further

RESOLVED, that the Town Board hereby appoints William W. Moehle as the official delegate of the Town for the annual business session of the Association of Towns of the State of New York to be held in New York City on February 22, 2017.

Dated: January 11, 2017

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