

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
March 8, 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 4:10PM:

PRESENTATIONS/RECOGNITIONS:

OPEN FORUM:

- Judy Schwartz – 179 Ashbourne Rd

APPROVAL OF AGENDA:

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel to approve the agenda with adjustments removing presentations and committee reports.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

January 11, 2017 Town Board Meeting
January 25, 2017 Town Board Meeting
February 8, 2017 Town Board Meeting

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel to approve and file the aforementioned minutes

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

BIDS:

COMMUNICATIONS:

COMMITTEE REPORTS:

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:

Approval to adopt Bond Resolution to provide financing for the drainage improvements to benefit property owners of the Susquehanna Road & Northumberland Road Drainage District (see letter dated February 10, 2017 from

Suzanne Zaso, Director of Finance and Bond Resolution as prepared by Bond Counsel).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize amendment to the 2017 Capital Budget to include any appropriated/re-appropriated unexpended balances and interest earned in years prior to 2017 for all on-going capital projects (see Resolution #1 and memorandum dated February 28, 2017 from Suzanne Zaso, Director of Finance).

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. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to hire a particular person to the position of Administrative Clerk in the Department of Public Works (see Resolution #2 and letter dated February 8, 2017 from Commissioner of Public Works, Timothy Keef, P.E.)

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. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Expenses and Revenue for month ending January 31, 2017
Expenses and Revenue for month ending February 28, 2017

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel that the Town Board receive and file the aforementioned reports.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE ATTORNEY TO THE TOWN:

MATTERS OF THE TOWN CLERK:

MATTERS OF THE BOARD:

MOTION TO GO INTO EXECUTIVE SESSION:

ADJOURNED AT 4:43 PM:

Motion by Councilmember Jason DiPonzio seconded by Councilmember Christopher Werner to adjourn at 4:43 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 8th day of March 2017 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

March 8, 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>280,009.46</u>
D - HIGHWAY		<u>190,331.50</u>
H - CAPITAL		<u>12,568.22</u>
L - LIBRARY		<u>16,583.15</u>
SF - FIRE DIST		<u>250.00</u>
SL - LIGHTING DIST		<u>24,989.40</u>
SR-REFUSE DISTRICT		<u>68,415.79</u>
SS - SEWER DIST		<u>29,481.08</u>
TA - AGENCY TRUST		<u>42,049.41</u>
	TOTAL \$	<u>664,678.01</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 regular meeting of the Town Board of the Town of Brighton, Monroe County, New York, duly held at Town Hall, 2300 Elmwood Avenue, Rochester, New York 14618 on March 8, 2017 at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____, who moved its adoption, seconded by _____, to-wit:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$23,000 IN SERIAL BONDS OF THE TOWN TO FINANCE THE COST OF ACQUIRING AND CONSTRUCTING THE IMPROVEMENTS CONSTITUTING THE TOWN OF BRIGHTON SUSQUEHANNA ROAD & NORTHUMBERLAND ROAD DRAINAGE DISTRICT

WHEREAS, by resolution of the Town Board of the of the Town of Brighton, Monroe County, New York (the "Town") dated March 8, 2017, adopted immediately prior to the consideration of this resolution, said Town Board adopted its final order establishing the Town of Brighton Susquehanna Road & Northumberland Road Drainage District (the "District") in accordance with Article 12-A of the Town Law; and

WHEREAS, by resolution adopted May 25, 2016, the Town Board of the Town (the "Town Board") determined that establishment of the District and the acquisition and construction of the improvements to be included therein (a) constituted an "Unlisted Action" within the meaning of the State Environmental Quality Review Act, and the regulations thereunder (collectively, "SEQRA") and (b) would not have an adverse environmental impact and adopted a negative declaration with respect thereto; and

WHEREAS, the Town Board now wishes to appropriate funds and to authorize the issuance of obligations of the Town to finance said District and the improvements therein.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to issue up to \$23,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of acquiring, constructing and

equipping the improvements to be included in the District, including the acquisition of land and/or easements or other rights therein, and the construction of improvements consisting of sewer mains, lateral lines, interconnection appurtenances, road borings, manholes, force mains, valves, pumps, curb stops, original furnishings, equipment, machinery or apparatus, fill, services, including, without limitation, the installation of approximately 430 feet of 12-inch HDPE storm sewer, along with six (6) storm inlets, connecting to the existing storm sewer along Brooklawn Drive in the Town, and all other appurtenant and incidental improvements necessary or appropriate to serve benefited properties within said sewer district, all engineering and other preliminary costs, legal expenses and other costs incidental to the financing thereof (collectively, the "Project").

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$23,000, said amount is hereby appropriated therefor. The plan for the financing thereof shall consist of (i) the issuance of \$23,000 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, and bond anticipation notes issued in anticipation thereof, (ii) the assessment, levy and collection of assessments upon benefited properties within the District; and (iii) to the extent necessary, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and

SECTION 10. The Town Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

The following vote was taken and recorded in the public or open session of said meeting:

AYES:

NAYS:

Dated: March 8, 2017

STATE OF NEW YORK)
COUNTY OF MONROE) SS.:

I, the undersigned Town Clerk of the Town of Brighton, Monroe County, New York, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Town Clerk of the Town of Brighton, Monroe County, New York (the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and am duly authorized to execute this certificate.

2. A regular meeting of the Town Board of the Town was held on March 8, 2017, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$23,000 IN SERIAL BONDS OF THE TOWN TO FINANCE THE COST OF ACQUIRING AND CONSTRUCTING THE IMPROVEMENTS CONSTITUTING THE TOWN OF BRIGHTON SUSQUEHANNA ROAD & NORTHUMBERLAND ROAD DRAINAGE DISTRICT

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (2/3's of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Town Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

5. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Brighton as of this 8th day of March, 2017.

TOWN OF BRIGHTON

By: _____
Daniel Aman, Town Clerk

[SEAL]

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on March 8, 2017 by the Town Board of the Town of Brighton, Monroe County, New York. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Brighton, Monroe County, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Town of Brighton
Daniel Aman, Town Clerk

SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Town Board of the Town of Brighton on March 8, 2017.

1. The resolution is entitled "BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$23,000 IN SERIAL BONDS OF THE TOWN TO FINANCE THE COST OF ACQUIRING AND CONSTRUCTING THE IMPROVEMENTS CONSTITUTING THE TOWN OF BRIGHTON SUSQUEHANNA ROAD & NORTHUMBERLAND ROAD DRAINAGE DISTRICT".

2. The specific object or purpose for which the bonds are authorized is to finance the estimated cost of acquiring, constructing and equipping the improvements to be included in the Town of Brighton Susquehanna Road & Northumberland Road Drainage District, including the acquisition of land and/or easements or other rights therein, and the construction of improvements consisting of sewer mains, lateral lines, interconnection appurtenances, road borings, manholes, force mains, valves, pumps, curb stops, original furnishings, equipment, machinery or apparatus, fill, services, including, without limitation, the installation of approximately 430 feet of 12-inch HDPE storm sewer, along with six (6) storm inlets, connecting to the existing storm sewer along Brooklawn Drive in the Town, and all other appurtenant and incidental improvements necessary or appropriate to serve benefited properties within said sewer district, all engineering and other preliminary costs, legal expenses and other costs incidental to the financing thereof.

3. The period of probable usefulness is 40 years.

4. The amount of obligations authorized to be issued is \$23,000.

The resolution summarized herein shall be available for public inspection during normal business hours at the offices of the Town Clerk of the Town of Brighton, located 2300 Elmwood Avenue, Rochester, New York 14618.

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 8th day of March, 2017.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

BE IT RESOLVED, that a memorandum dated February 28, 2017 from Finance Director Suzanne Zaso regarding a request to appropriate or reappropriate as necessary the revenues, funds and balances as set forth on the spreadsheet attached to said memorandum relative to the Town's ongoing capital projects which were initiated prior to 2017 and those which are new 2017 capital projects, to appropriate into each such capital project the interest earned on project monies through December 31, 2016, but excluding interest earned on borrowed funds that have been properly transferred to the Debt Service Fund, and to further authorize the Finance Department to make such accounting entries as are necessary to accomplish the Town Board's intended actions with regard to this matter, be received and filed; and be it further

RESOLVED, that the Town Board hereby appropriates and reappropriates the revenues, funds and balances as set forth on the spreadsheet attached to the above referenced memorandum relative to the Town's ongoing capital projects which were initiated prior to 2017 and those which are new 2017 capital projects, to appropriate into each such capital project the interest earned on project monies through December 31, 2016, but excluding interest earned on borrowed funds that have been properly transferred to the Debt Service Fund, and further authorizes the Finance Department to make such accounting entries as are necessary to accomplish the Town Board's intended actions with regard to this matter.

Dated: March 8, 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 8th day of March, 2017.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated February 8, 2017 from Commissioner of Public Works, Timothy Keef P.E. regarding a request to approve the hiring of Ms. Gretchen Paxon as a Full Time (35 hour per week) Secretary to the Commissioner of Public Works/Administrative Clerk in the Department of Public Works, at Step 4 of Group 2, effective March 16, 2017, on a probationary basis, subject to a 52-week probationary period, be received and filed; and further

BE IT RESOLVED, that the Town Board hereby authorizes the employment of Ms. Gretchen Paxon as a Full Time (35 hour per week) Secretary to the Commissioner of Public Works/Administrative Clerk in the Department of Public Works effective March 16, 2017 at Step 4 of Group 2, on a probationary basis, subject to a 52-week probationary period.

Dated: March 8, 2017

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