

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
July 26, 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
David Catholdi, Captain, Staff Services
Michael Guyon, Town Engineer

MEETING CALLED TO ORDER AT 7:06PM:

PRESENTATIONS/RECOGNITIONS:

OPEN FORUM:

APPROVAL OF AGENDA:

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

July 12, 2017 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:

Adopt Local Law to replace existing Yield signs located at various intersections with Stop signs (*see Resolution #1 and proposed Traffic Control Device Local Law of 2017*)

(Complete transcript under separate cover)

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. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM:

Brent Penwarden III, P.E., Chief Traffic Operations Monroe County Department of Transportation to Hodgson Russ Attorneys, dated June 30, 2017 regarding SDEIS for the proposed Whole Foods Plaza project.

- FROM:** Daniel J. McCusker, P.E., Acting Regional Traffic Engineer, NYSDOT to Ralph Uttaro, Wegmans Real Estate/Development with copy to Supervisor and Town Planner dated July 5, 2017 regarding proposed Whole Foods Plaza project.
- FROM:** Jenna Hiller, Director of Institutional Advancement, Hillel Community Day School dated July 10, 2017 to Supervisor Re: 2016-17 Annual Report.
- FROM:** Members of the Sustainability Oversight Committee dated July 20, 2017 to Supervisor regarding their comments after review of the proposed Capital Improvement Plan.
- FROM:** Monroe County Water Authority received July 20, 2017 – Financial Report for 2016.
- FROM:** 293 A Alden Road LLC dated July 19, 2017 to Honorable Town Board Re: their response (and associated materials) to the May 17, 2017 Planning Board letter concerning the proposed project to be located at 1201 Elmwood Avenue.

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services Committee – Met 7/19/17; next meeting 8/16/17 at 10:00 AM in the Downstairs meeting room at Town Hall.

Finance and Administrative Services – Met on 7/19/17, 7/21/17 and 7/26/17; next meeting 8/2/17 at 8:30 AM in the Town Hall Auditorium.

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

Public Works Services – Has not met since last Town Board meeting; next meeting 8/1/17 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. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize permanent appointment of provisional employee Lisa Pavlovych as Deputy Court Administrator effective July 27, 2017 (*see Resolution #2 and letter dated July 11, 2017 from Administrative Court Clerk Colleen Rodgers*).

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

MATTER RE: Authorize Supervisor to execute agreement with lowest responsive and responsible bidder to provide professional Design Services for the Highway Operations Center, storage building siding project (*see Resolution #3 and letter dated July 11, 2017 from Michael Guyon, P.E. Town Engineer*).

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. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Supervisor Moehle recused himself from the next matter. The Supervisor turned the Chair over to Councilmember James Vogel and left the room. Councilmember Vogel then proceeded with the meeting for this matter.

MATTER RE: Authorize Supervisor to execute agreement with lowest responsive, and responsible bidder to provide professional consulting services for review of traffic impact study for the proposed development of property located at 1925 S. Clinton Avenue project (see Resolution #4 and letter dated July 13, 2017 from Michael Guyon, P.E. Town Engineer).

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 the following vote was recorded. 4 Yes, 1 member recused. Supervisor Moehle recused. Councilmember Vogel Yes, Councilmember Novros Yes, Councilmember Diponzio Yes and Councilmember Werner Yes. Motion Carried

Supervisor Moehle rejoined the meeting.

MATTER RE: Approval to amend previously approved Town Board Resolution dated June 28, 2017 granting consent to install traffic signal device at the Lac De Ville Blvd. and Elmwood Avenue intersection to reflect County of Monroe's requested Resolution format change (See Resolution #5 and letter dated July 17, 2017 from Michael Guyon, P.E. Town Engineer).

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. 6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Roy Teitsworth Inc. to provide on-line auction services for abandoned property in the Police Department (see Resolution #6 and letter dated July 12, 2017 from Police Chief Mark Henderson).

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: Approval to make various reorganizational changes within the Assessor's Department along with all supporting administrative actions and budget related transactions to support changes effective August 14, 2017 (see Resolution #7 and letter dated July 17, 2017 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. 8 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to extend completion date from July 31, 2017 to September 13, 2017 of the Final Environmental Impact Statement (FEIS) for the proposed Whole Foods Plaza project (see Resolution #8 and letter dated July 21, 2017 from Ramsey Boehner, Environmental Review Liaison Officer).

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. 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 8:09 PM:

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to adjourn at 8:09 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 26th day of July 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 26th day of July, 2017.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

WHEREAS, the Town Board duly scheduled a Public Hearing to be held on the 26th day of July 2017 at 7:00 p.m., to consider the adoption of a proposed Local Law to be known as "Traffic Control Device Local Law of 2017"; and

WHEREAS, such public hearing was duly called and held on July 26, 2017 at 7:00 pm and all persons having an interest in the matter having had an opportunity to be heard; and,

WHEREAS, based on the testimony and submission at such Public Hearing, the Town Board hereby determines that it is advisable to adopt such Local Law.

NOW, THEREFORE, on motion of Councilperson _____, seconded by Councilperson _____,

BE IT RESOLVED, that any and all written comments provided to the Town at the Public Hearing held on July 26, 2017 regarding the proposed Local Law be received and filed; and

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, Chapter 185-43 be amended to install and enforce:

<u>STOP SIGN ON</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF</u>
South St. Regis Drive	North	Bonnie Brae Avenue
Sonora Parkway	East	South St. Regis Drive

and Chapter 185-44 of the Town Code be amended in accordance with the proposed Local Law annexed hereto to delete:

<u>YIELD SIGN ON</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF</u>
South St. Regis Drive	North	Bonnie Brae Avenue
Sonora Parkway	East	South St. Regis Drive

and made a part of this resolution adopting such Local Law which was the subject of the above public hearing; and it is further

RESOLVED, that the Clerk of the Town of Brighton shall within twenty days after the adoption of the Local Law 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: July 26, 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	_____

LOCAL LAW OF 2017

TRAFFIC CONTROL DEVICE LOCAL LAW OF 2017

Section 1. Title

This Local Law shall be known as the Traffic Control Device Local Law of 2017 of the Town of Brighton.

Section 2. Purpose and Intent

It is the purpose and intent of this Local Law to add stop signs at specific town road intersections to promote vehicle and pedestrian safety.

Section 3. Amendments to the Town Code

A. Section 185-43 is hereby amended to add the following intersections for the installation and enforcement of stop signs:

<u>STOP SIGN ON</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF</u>
South St. Regis Drive	North	Bonnie Brae Avenue
Sonora Parkway	East	South St. Regis Drive

B. Section 185-44 is hereby amended to delete the following intersections for the installation and enforcement of yield signs:

<u>YIELD SIGN ON</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF</u>
South St. Regis Drive	North	Bonnie Brae Avenue
Sonora Parkway	East	South St. Regis Drive

Section 4. Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State and installation of new signage

The undersigned Clerk of the Town of Brighton hereby certifies that the above Local Law was duly adopted by a majority affirmative vote of the Brighton Town Board at its meeting on _____, 2017.

Dated: _____
Daniel Aman, Town Clerk

The above adopted Local Law is hereby approved.

Dated: _____
William W. Moehle, Town Supervisor

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

July 26, 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>228,319.08</u>
D - HIGHWAY		<u>118,746.54</u>
L - LIBRARY		<u>34,510.64</u>
SF - FIRE DIST		<u>42,885.40</u>
SK - SIDEWALK DIST		<u>55,582.44</u>
SS - SEWER DIST		<u>31,767.29</u>
TA - AGENCY TRUST		<u>40,063.80</u>
TOTAL	\$	<u>551,875.19</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 26th day of July, 2017.

PRESENT:

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

BE IT RESOLVED, that correspondence dated July 11, 2017 from Administrative Court Clerk Colleen M. Rogers regarding the successful completion of the Monroe County Civil Service testing requirements for provisional employee Lisa Pavlovyeh; and further

BE IT RESOLVED, that based on the successful completion of the required Civil Service testing for Lisa Pavlovyeh that she now be appointed as a permanent Deputy Court Administrator at the Non-Represented Employee Salary and Wage Schedule of Group 3, Step 3 with an annual \$41,805.40 salary based on a 35 hour work week, subject to an eight (8) week probationary period commencing July 27, 2017.

Dated: July 26, 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 26th day of July, 2017.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated July 11, 2017 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Supervisor to execute an agreement with Clark Patterson Lee to provide professional design services for the Highway Department's Operations Center Storage Building siding replacement project, be received and filed; and be it further

RESOLVED, that based on the recommendation set forth in such correspondence, the Town Board hereby authorizes the Supervisor to execute an agreement with Clark Patterson Lee to provide professional design services not to exceed \$16,120.00 for the Town's Highway Operations Center Storage Building siding replacement project.

Dated: July 26, 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 26th day of July, 2017.

PRESENT:

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

Councilpersons

RESOLVED, that correspondence dated July 11, 2017 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Supervisor to execute an agreement with Fisher Associates to provide professional services to assist the Town in the review of a Traffic Impact Study for the proposed development of property located at 1925 S. Clinton Avenue be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor, or his designee, to execute an agreement with Fisher Associates to provide professional services to assist in the review of a Traffic Impact Study at a cost not to exceed \$4,319.56 for the proposed development of property located at 1925 South Clinton Avenue.

Dated: July 26, 2017

William W. Moehle, Supervisor	RECUSED	
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 26th day of July, 2017.

PRESENT:

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

RESOLVED, that correspondence dated July 17, 2017 from Michael E. Guyon, P.E. regarding a request to have the Town Board amend its previously approved Resolution dated June 28, 2017 granting approval of the installation of a Traffic Signal Device at the intersection of Lac De Ville Boulevard (northbound) and Elmwood Avenue, be received and filed, and it is further

RESOLVED, that pursuant to New York State Vehicle and Traffic Law Sections 1651 and 1652-a, the Town Board hereby grants its consent to install a Traffic Signal Device at the intersection of Lac De Ville Boulevard (northbound) and Elmwood Avenue detailed as follows:

Sign Type/Direction	Location
Signal/All Traffic	Elmwood Ave. at Lac De Ville Blvd.
Left Only/Eastbound & Westbound	Elmwood Ave. at Lac De Ville Blvd.
Left Only/Northbound (existing)	Lac De Ville Blvd. at Elmwood Ave.

by the County of Monroe Department of Transportation provided that the installation and maintenance of said device be paid for by the County of Monroe.

Dated: July 26, 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 26th day of July, 2017.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated July 12, 2017 from Chief of Police Mark T. Henderson regarding a request to authorize approval to dispose of various tangible, abandoned property items utilizing an on-line auction service provider, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with Roy Teitsworth Incorporated to provide on-line auction services for the disposition of various tangible, abandoned property items within the Brighton Police Department.

Dated: July 26, 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 26th day of July, 2017.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

KAMES R. VOGEL

LOUISE NOVROS

CHRISTOPHER K. WERNER

JASON S. DIPONZIO

Councilpersons

BE IT RESOLVED, that correspondence dated July 17, 2017 from Finance Director Suzanne Zaso regarding a request to authorize certain personnel and budget amendments specified therein to facilitate the Town Wide Assessment Roll Update Project be received and filed; and further

BE IT RESOLVED, that the Town Board hereby authorizes the following personnel and budget amendments to facilitate the Town Wide Assessment Roll Update Project:

Amends the Town's Department Head Salary Schedule to include the title of Deputy Assessor in Group A;

Amends the Table of Organization in the Assessor's Office to include one Deputy Assessor which title will report to the Assessor;

Transfers Susan Wentworth from the Finance/Information Systems Department to the Assessor's Office with the new title of Deputy Assessor in Group A Step 4 of the Department Head Salary Schedule effective August 14, 2017. This appointment will carry a probationary period of twelve weeks;

Amends the 2017 Assessor Office budget as follows to account for Deputy Assessor and additional staff hours per the project budget:

Increase appropriations: Full Time Wages (A.ASSOR.1355 1.10) \$41,240.00; FICO (A.ASSOR.135.8.20) \$3,150.00; Medical/Dental (A.ASSOR.1355 8.40)\$6,010; New York State Retirement System (A.ASSOR.1355.810)\$6,600; **Increase Revenues:** Interfund Transfer (A.ASSOR. 1355.2815) \$57,000.00.

Dated: July 26, 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 26th day of July, 2017.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

WHEREAS, the Daniele Family Companies 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 developer 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 developer submitted a second DEIS, dated April 22, 2016, which was supplemented by the developer 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, after the Town Board accepted the DEIS as complete and adequate for public review, it was discovered that current traffic signal timings in operation 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 developer to (1) prepare a Supplemental Draft Environmental Impact Statement (SDEIS) that re-analyzes the potential significant adverse 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 adopted by the Town Board on September 24, 2015; (2) following the completion of any modifications by the NYSDOT affecting existing conditions in the area, prepare a new traffic impact study incorporating any such modifications; and (3) provide written responses to all substantive transportation comments received during the Public Hearing and written comment period; and

WHEREAS, on December 14, 2016 the Town Board did receive and file a cover letter dated November 30, 2016 and the following enclosures: a revised Traffic Impact Study and written responses to comments received at the close of the July 13, 2016 public hearing and up to the close of the comment period of August 1, 2016 on the DEIS which enclosures were described by the developer to be the requested Supplemental Draft Environmental Impact Statement prepared for the developer by Passero Associates and the Town Board further ordered that same be forwarded to Town Consultant, Stantec for recommendation regarding SDEIS completeness and adequacy for public review; and

WHEREAS, on December 28, 2016, 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 and correspondence dated December 27, 2016 from Commissioner of Public Works Timothy E. Keef, P.E., the Town Board determined that the aforementioned Traffic Impact Study and response to comments from the Public Hearing of the DEIS for the proposed project known as Whole Foods Plaza, do

not constitute the requisite Supplemental Draft Impact Statement (SDEIS) and therefore it was determined that the Project Sponsor had not submitted an SDEIS that is complete and adequate for public review; and

WHEREAS, correspondence also dated December 22, 2016 was received and filed on December 28, 2017 from Anthony Danielle on behalf of the developer, indicating that the developer's future intention would be to submit an updated SDEIS and that the developer agreed that the Town is to have 45 days to review and respond to the updated SDEIS once the Town Board receives and files the updated SDEIS;

WHEREAS, correspondence dated February 14, 2017 from Jess Sudol, PE, CPESC, CPSWQ, Associate and Department Manager at Passero Associates together with the SDEIS submitted on behalf of the developer was received and filed by the Town on February 22, 2017; and

WHEREAS, correspondence dated March 14, 2017 from Jess Sudol, PE, CPESC, CPSWQ, Associate and Department Manager at Passero Associates together with further updates to the SDEIS, the traffic impact study and the appendices all submitted on behalf of the developer were received and filed by the Town Board at its March 22, 2017 meeting and were referred to the Town's consultant Stantec for review; and

WHEREAS, the Town Board received and filed correspondence from Associate Planner Ramsey A. Boehner dated April 7, 2017 and correspondence from consultant Michael J. Flanagan of Stantec dated April 6, 2017 both recommending that the Town Board find the SDEIS, as revised to include the supplemental material dated March 14, 2017, to be complete and adequate for public review and comment; and

WHEREAS, that based on the recommendations of Stantec and the Associate Town Planner of the Town, the Town Board determined on April 12, 2017 that the SDEIS, as revised to include supplemental material dated March 14, 2017, was complete and adequate for public review under SEQRA; and

WHEREAS, the Town Board held a public hearing on the SDEIS as supplemented on May 10, 2017 at 7:00 pm and held open the public written comment period for the SDEIS through May 22, 2017 at 5:00 p.m; and

WHEREAS, the Environmental Regulations of the State of New York pursuant to SEQR call for the preparation of a Final Environmental Impact Statement ("FEIS") by the Town within 45 days from the conclusion of the public hearing on the SDEIS; and

WHEREAS, on June 14, 2017 the Town Board did receive and file correspondence dated June 8, from Environmental Review Liaison Officer Ramsey A. Boehner and pursuant to 6 NYCRR 617.9 (a) did at that time approve the extended date for the completion of the FEIS to July 31, 2017;

NOW, THEREFORE IT IS HEREBY RESOLVED, that correspondence dated July 21, 2017 from Environmental Review Liaison Officer Ramsey A. Boehner requesting that the Town Board extend the completion date of the FEIS from July 31, 2017 to September 13, 2017 be received and filed; and be it further

RESOLVED, that the Town Board pursuant to 6 NYCRR 617.9(a)(5)(2) extends until September 13, 2017 the date by which the FEIS on the above project is to be completed to allow additional time to adequately prepare and review the document.

Dated: July 26, 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	_____