

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  
August 23, 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  
Ramsey Boehner, Town Planner  
Suzanne Zaso, Director of Finance

**MEETING CALLED TO ORDER AT 7:04PM:**

**PRESENTATIONS/RECOGNITIONS:**

**OPEN FORUM:**

- Judy Schwartz – 179 Ashbourne Rd
- Marge Alaimo – 90 Towpath Ln

**APPROVAL OF AGENDA:**

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:**

August 9, 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:**

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:**

Incentive Zoning proposal for property located at 1925 South Clinton Avenue.  
**Note:** *Communication received from Timothy R. Faulkner, P.E. Sr. Transportation Manager Fisher Associates dated August 23, 2017 to Town Planner Ramsey Boehner regarding Traffic Impact Study Review for proposed project at 1925 South Clinton Avenue.*

(Complete transcript under separate cover)

Matter Held

Supervisor Moehle rejoined the meeting.

**MATTER RE:**

Amendment to the Incentive Zoning application, previously approved for the University of Rochester South Campus Institutional Planned Development

project, requesting a delay in the next required traffic study date from first quarter 2017 to June 2018 (see Resolution #1).

(Complete transcript under separate cover)

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros 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 Community Choice Aggregation Local Law of 2017 (see Resolution #2) **Note:** Communication received from Mitchell Nellis dated August 21, 2017 to members of the Town Board in support of proposed Local Law.

(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. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**BIDS:**

**COMMUNICATIONS:**

**FROM:** Zina Lagonegro, AICP, EIT, Manager of Zoning, City of Rochester Bureau of Planning and Zoning dated August 14, 2017 to all Involved & Interested Agencies regarding full Environmental Assessment Form Part 3 and Negative Declaration Resolution for proposed project to redevelop property located at 1201 Elmwood Avenue.

**FROM:** Tom Cochran, CEO/Executive Director, The United States Conference of Mayors dated August 2017 regarding Business Council Best Practice 2017 Report.

**FROM:** New York State Dept. of Taxation and Finance dated August 7, 2017 to Supervisor regarding final State equalization rate of 89.0 for the Town of Brighton.

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to receive and file the aforementioned communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

Community Services Committee – Met 8/16/17; next meeting 9/20/17 at 9:30 AM at Brookside School.

Finance and Administrative Services – Met on 8/16/17; next meeting 9/5/17 at 3:30 PM in the Stage Conference Room at Town Hall.

Public Safety Services – Has not met since last Town Board meeting; next meeting 9/12/17 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 9/12/17 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 payment of the claims as set forth in Exhibit No. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute change order to amend agreement with Woodgate Landscaping to include mowing services for grass island site located at 13 Kimberly Drive (*See Resolution #3 and letter dated August 14, 2017 from Michael Guyon, P.E., Town Engineer*).

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. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set September 13, 2017 as Public Hearing date for Temporary Amendment to Noise Control Local Law regarding construction activities to be performed at Bank of America, 2830 Monroe Avenue (*see Resolution #4 and associated communications*).

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. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE SUPERVISOR:**

Expenses and Revenue for month ending July 31, 2017

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Town Board receive and file the aforementioned report.

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 10:10 PM:**

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to adjourn at 10:10 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 23th day of August 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 9th day of August, 2017.

**PRESENT:**

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

Councilpersons

**WHEREAS**, an incentive zoning proposal pursuant to Chapter 209 of the Town Code for the development of property located in the Town of Brighton known as 1925 South Clinton Avenue was received from the DiMarco Group (the "Applicant") and filed on January 27, 2016, and

**WHEREAS**, the Town Board, finding that the above proposal was worthy of consideration pursuant to Chapter 209 of the Town Code directed the applicant to submit the documentation required by Section 209-5(B) of the Town Code to the Planning Board for its review and report to the Town Board on the proposed incentive zoning application, and

**WHEREAS**, correspondence dated March 16, 2016 from Executive Secretary of the Planning Board Ramsey A. Boehner regarding the Planning Board's Advisory Report regarding the Incentive Zoning Proposal for property located at 1925 South Clinton Avenue and the related materials submitted therewith, was received and filed on March 23, 2016, and

**WHEREAS**, said incentive zoning application was supplemented by correspondence dated March 2, 2016 and May 23, 2016 and additional documentation which was received and filed by the Town Board on June 8, 2016, and

**WHEREAS**, the Applicant submitted a further supplement to its application for the Project under cover of correspondence from Ashley E. Champion, Esq. dated March 31, 2107, and

**WHEREAS**, the Town Board commenced a public hearing on June 28, 2017 on said Project pursuant to Chapter 209 of the Comprehensive Development Guidelines and has commenced review of said Project pursuant to the State Environmental Quality Review Act, and

**WHEREAS**, the Applicant submitted a further supplement to its application for the Project under cover of correspondence from Ashley E. Champion, Esq. dated March 3, 2107, now it is hereby

**RESOLVED**, that correspondence dated August 3, 2017 from Town Planner Ramsey A. Boehner regarding the above Project and review of the same together with the above referenced August 3, 2017 correspondence from Ashley E. Champion, Esq. and the attachments submitted therewith, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby directs the Environmental Review Liaison Officer to continue a coordinated review of the Project with the Town acting as lead agency pursuant to the State Environmental Quality Review Act, and it is hereby further

**RESOLVED**, that the Town Board sets a continuation of the public hearing for the proposed Incentive Zoning for the Project pursuant to Chapter 209 of the Comprehensive Development Guidelines to be held at Brighton Town Hall, 2300 Elmwood Avenue, Rochester, New York 14618 at 7:00 p.m. or as soon thereafter as the matter may be heard on August 23, 2017, and it is further hereby

**RESOLVED**, that the Town Board directs the Commissioner of Public Works or his designee, the Town Clerk and the Applicant to fulfill their respective duties pursuant to the Town's Policy on Public Notice for Incentive Zoning and Rezoning Applications, and it is further hereby

**RESOLVED**, that the Town Board directs the Applicant to mail written notice of the public hearing to all affected residents and interested parties within 1000 feet of the project boundary and to also mail notice of the public hearing to all residents residing in all multi-family dwellings within 1000 feet of the project boundary, and it is further hereby

**RESOLVED**, that the Town Board directs the Town Clerk to post and publish notice of said public hearing as is required by law.

Dated: August 9, 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 23rd day of August, 2017.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**WHEREAS**, the Town Board previously received and filed correspondence dated July 7, 2017 from Town Planner Ramsey Boehner and correspondence dated July 6, 2017 from Senior Planner, University of Rochester Facilities & Services, James Wentworth, RA regarding a request to amend a condition of the Incentive Zoning approval for the University of Rochester's South Campus IPD by postponing the next required update to the traffic study from first quarter of 2017 to June 2018, and

**WHEREAS**, the Town Board previously set a public hearing to consider said amendment and provided for legal notice of said public hearing to be posted and published as required by law, and said public hearing having been held on August 23, 2017 and all persons having an interest in said matter having had an opportunity to be heard, now it is hereby

**RESOLVED**, that based on the written materials submitted and the testimony at the Hearing, the Town Board hereby amends Schedule E-2, Condition 4 of the Incentive Zoning resolution adopted by the Town Board on May 27, 2015 for the University of Rochester's South Campus IPD, by postponing the next required update of the traffic study from the first quarter of 2017 to June 2018 with updates every five years thereafter.

Dated: August 23, 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 23rd day of August, 2017.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**WHEREAS**, the Town Board previously received and filed correspondence from Town Senior Planner, Ramsey Boehner requesting a public hearing to consider a proposed local law entitled "Community Choice Aggregation Local Law of 2017" together with a copy of such proposed local law; it is therefore

**RESOLVED**, that the Town Board hereby sets September 13, at 7:00 pm, or as soon thereafter as the matter may be heard, at Brighton Town Hall, 2300 Elmwood Avenue, Town of Brighton, County of Monroe, State of New York as the place, date and time for a public hearing to consider the adoption of the "Community Choice Aggregation Local Law of 2017", and directs the posting and publication of notice of said hearing as required by law.

Dated: August 23, 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	_____



CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

August 23, 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>257,387.39</u>
D - HIGHWAY		<u>125,655.03</u>
H - CAPITAL		<u>24,257.05</u>
L - LIBRARY		<u>32,184.04</u>
SF - FIRE DIST		<u>2,002.24</u>
SK - SIDEWALK DIST		<u>30,150.85</u>
SS - SEWER DIST		<u>32,263.40</u>
TA - AGENCY TRUST		<u>32,656.48</u>
TOTAL	\$	<u>536,556.48</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 23rd day of August, 2017.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**BE IT RESOLVED**, that correspondence dated August 14, 2017 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Supervisor to execute Change Order #1 to existing contract for mowing services for various Town cul-de-sacs and town owned public lands with WoodGate Landscaping, Inc. to include Site #13, Kimberly Drive, a grass island area not included in original referenced contract, as set forth in the above referenced correspondence, be received and filed; and it is further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute the above referenced Change Order #1 subject to review and approval of said change order by the Attorney to the Town.

Dated: August 23, 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  
23<sup>rd</sup> day of August, 2017.

**PRESENT:**

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

**WHEREAS**, Jacqueline Menges, acting on behalf of the Bank of America, has requested a temporary amendment to the provisions of the Town's Noise Law that prohibit construction, demolition or excavation, other than during certain hours of the day, to permit certain work to be done to the Bank of America located at 2830 Monroe Avenue, Rochester, New York during the evening for the safety and security of local customers and Bank of America employees and to avoid disrupting normal business operations in the facility; and

**WHEREAS**, the Town Board desires to set a public hearing to consider such temporary amendment; it is therefore

**RESOLVED**, that correspondence from Ramsey Boehner, Town Planner dated August 18, 2017 and from Jacqueline Menges from Project Expeditors Consulting Company, dated August 16, 2017, concerning a request for a temporary amendment to the Town's Noise Law, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby sets a public hearing to be held on September 13, 2017 at 7:00 p.m. at Brighton Town Hall, 2300 Elmwood Avenue, to consider a proposed local law temporarily amending Chapter 102 of the Town Code, the Town's Noise Law, to permit certain construction activities at the Bank of America in the Town, other than during the hours that such work is normally permitted under the Noise Law, subject to certain conditions, and directs the Town Clerk to post and publish such notice as is required by law regarding such public hearing.

Dated: August 23, 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	_____