

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
September 13, 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 7:01PM:**PRESENTATIONS/RECOGNITIONS:****OPEN FORUM:**

- Ted Wolfley – 2500 Elmwood Ave
- Jennifer Wolfley – 2500 Elmwood Ave

APPROVAL OF AGENDA:

Motion by Councilmember Jason DiPonzio seconded by Councilmember Louise Novros to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:**PUBLIC HEARINGS:****MATTER RE:**

Proposed temporary amendment to Noise Control Local Law regarding construction activities to be performed at Bank of America, 2830 Monroe Avenue (see Resolution #1).

(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

MATTER RE:

Proposed Community Choice Aggregation Local Law of 2017

(Complete transcript under separate cover)

Public Meeting Closed
Matter Held

COMMUNICATIONS:**FROM:**

Richard Mace to Supervisor dated August 15, 2017 complimenting Brighton Town Court and Constable Frankel.

FROM: American Red Cross to Brighton Town Hall in appreciation for sponsoring August 29, 2017 Blood Drive and designating Town Hall as a Silver Premier Partner for 2016.

FROM: Amy Stein, President National Council of Jewish Women dated August 28, 2017 thanking Supervisor for proclaiming August 26, 2017 as Women's Equality Day in Brighton.

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel 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 9/20/17 at 9:30 AM at Brookside School.

Finance and Administrative Services – Met on 9/5/17; next meeting 9/19/17 at 3:30 PM in the Stage Conference Room at Town Hall.

Public Safety Services – Met 9/12/17; next meeting 10/10/17 at 8:00 AM in the Downstairs Meeting Room at Town Hall.

Public Works Services – Met 9/12/17; next meeting 10/3/17 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 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 Supervisor to execute agreement with Rochester-Monroe County Youth Bureau to support the youth program funding requirements for 2017 (*see Resolution #3 and letter dated August 24, 2017 from Rebecca Cotter, Recreation Director*)

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 extend completion date from September 13, 2017 to December 31, 2017 of the Final Environmental Impact Statement (FEIS) for the proposed Whole Foods Plaza project (*see Resolution #4 and letter dated September 11, 2017 from Ramsey Boehner, Environmental Review Liaison Officer*).

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 to appropriate up to \$4,999.00 from the Forfeited Property account to support purchase of security camera and associated items for the Police

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval to seek Lead Agency status for the Brighton Town Board pursuant to the State Environmental Quality Review Act (SEQRA) for the Brighton Farmer's Market project (*see Resolution #11 and letter dated September 5, 2017 from Ramsey Boehner, Town Planner*).

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. 11 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Genesee/Finger Lakes Regional Planning Council to serve as and provide liaison services associated with the April 2020 Census project (*see Resolution #12 and memorandum dated September 6, 2017 from Town Clerk & Receiver of Taxes Daniel Aman*).

Motion by Councilmember Jason DiPonzio 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. 12 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 9:41 PM:**

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio 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 10:00 PM:

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

ADJOURNED AT 10:00 PM:

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to adjourn at 10:00 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 13th day of September 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 13th day of September, 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 13th day of September 2017 at 7:00 p.m., to consider the adoption of a proposed Local Law to be known as "2017 First Temporary Amendment to Noise Control Law" to provide a temporary exemption from the Town's Noise Control Law to Bank of America in connection with various exterior lighting and ADA upgrades construction work for Bank of America - 2830 Monroe Avenue, in the Town of Brighton, New York; and

WHEREAS, such public hearing was duly called and held on September 13, 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 the Public Hearing held on September 13, 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 hereby adopts the proposed "2017 First Temporary Amendment to Noise Control Law" to provide a temporary exemption from the Town's Noise Control Law to Bank of America in connection with various exterior lighting and ADA upgrades construction work for Bank of America - 2830 Monroe Avenue, in the Town of Brighton, New York; 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: September 13, 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

2017 FIRST TEMPORARY AMENDMENT TO NOISE CONTROL LAW

Section 1. Title

This Local Law shall be known as the "2017 First Temporary Amendment to Noise Control Law" of the Town of Brighton, Monroe County, New York State.

Section 2. Purpose

The purpose of this Local Law is to provide a temporary exemption from the Town's Noise Control Law to LeChase Construction Company and Bank of America in connection with various exterior lighting and ADA upgrades construction work for Bank of America - 2830 Monroe Avenue, in the Town of Brighton, New York. Bank of America desires that the Town grant an amendment to its Noise Control Law to permit additional evening work on the project for the security and safety of local customers and Bank of America employees. To that end, the Town Board desires to temporarily amend the Town's Noise Control Law to permit such evening construction, so long as Bank of America, LeChase Construction and either or their contractor/s and any subcontractor/s, specifically agree to certain conditions which will minimize the impact of evening construction upon the residents of the Town of Brighton.

Section 3. Limited Exception to Noise Control Law

A. Section 102-2B, Exemptions, is hereby amended to add a new subsection (i), to read in its entirety as follows:

(i). Notwithstanding anything to the contrary in this chapter, construction work including "NOISY WORK" defined as saw cuts, hauling of materials trenching, concrete pouring, light pole base installation and asphalt milling and paving along with the use of the following equipment: mini-excavator, skid-steer loader, compressor with jackhammers, concrete trucks, asphalt milling machines and related equipment in connection with the various exterior lighting and ADA upgrades construction work for Bank of America - 2830 Monroe Avenue, in the Town of Brighton (the Project), shall not constitute a violation of the Town's Noise Ordinance, regardless of whether such construction occurs within the hours permitted by Section 102-3B(5) and such work and the noise created thereby shall not be considered to be unreasonable noise, so long as Bank of America and its contractor or contractors perform work only

between the hours of 7:00 am and 11:59 pm Monday through Friday and between 9:00 am and 10:00 pm on Saturday("Permitted Hours"), adhere to the following conditions and to cause each of their contractors, subcontractors and suppliers to adhere to the following conditions:

- (1) That prior public notice of the Project, including specifically information relating to night time work, be provided, specifically, including but not limited to a letter sent to all property owners within 1,000 feet of the buildings that are being repaired, of the dates, times and nature of night work, including on site property manager's mobile telephone number; and
- (2) Any and all "NOISY WORK" as defined above shall be limited to be performed no later than 7:00 p.m. Monday through Saturday.
- (3) Work to be performed after 7:00pm shall consist of only the following: hand powered tools and hand tools for the installation of fencing, electrical installations, conduit cutting and installation for the new light poles, construction of concrete forms, stripping and installing bike racks.
- (4) Lighting for the project shall be provided by existing light poles in the parking area and such additional lighting as can be powered from the buildings' electrical service. No generators are to be used for such additional lighting and all lighting shall be directed in such a way as to minimize the light spillage on to adjacent properties and roads.
- (5) That all contract and subcontract documents and bid specifications describe Brighton's requirements and mandate compliance with such requirements, including but not limited to zoning and noise regulations, that limit and apply to any off site storage area in the Town.
- (6) That all contract and subcontract documents and bid specifications related to the Project contain provisions to encourage the speedy completion of night operations, including specifically, but not limited to directing that Project work be performed on Saturdays.

- (7) That all contract and subcontract documents and bid specifications related to the Project specifically prohibit the use of chop saws, generators and compressors and the performance of any "Noisy Work" as defined above after 7:00 pm Monday through Saturday.
- (8) The provisions of this Section 102-2B (i) may be revoked by the Town Board by local law, in the event of a violation of the conditions set forth in this Section 102-2B.

B. The provisions of Section 102-2B shall automatically terminate, if not earlier revoked upon Substantial Completion of the Project.

Section 4. Definition

SUBSTANTIAL COMPLETION - The date on which the Project is accepted as substantially complete by Bank of America, but in no event later than October 28, 2017.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

Section 6. 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.

LOCAL LAW NO. _____ 2017

A LOCAL LAW TO ESTABLISH A
COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM
IN THE TOWN OF BRIGHTON, NEW YORK

Be it enacted by the Town Board of the Town of Brighton as follows:

The Code of the Town of Brighton is hereby amended by adding a new Chapter _____, entitled "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM," to read as follows:

§1. Legislative Findings; Intent and Purpose; Authority.

- A. It is the policy of both the Town of Brighton ("Municipality") and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for Eligible Consumers in those markets. Among the policies and models that may offer benefits in New York is Community Choice Aggregation ("CCA"), which allows local governments to determine the default supplier of electricity and natural gas on behalf of Eligible Consumers.
- B. The purpose of CCA is to allow participating local governments to procure energy supply service for Eligible Consumers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program ("CCA Program") that will allow the Municipality and other local governments to work together through a shared purchasing model to put out for bid the total amount of natural gas and/or electricity being purchased by Eligible Consumers within the jurisdictional boundaries of participating municipalities. Eligible consumers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.
- C. The Municipality is authorized to implement this CCA Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission (PSC) issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the Municipality.
- D. This Chapter shall be known and may be cited as the COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM Law of the Municipality.

§2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

- A. **AGGREGATED DATA** shall mean aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months, by service class to the extent possible, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service class.
- B. **CCA ADMINISTRATOR** shall mean the Town of Brighton or third party CCA Administrator duly authorized to put out for bid the total amount of electricity and/or natural gas being purchased by Participating Consumers. CCA Administrator is responsible for Program organization, administration, procurement, and communications, unless otherwise specified.
- C. **CUSTOMER SPECIFIC DATA** shall mean customer specific information, personal data and utility data for all consumers in the municipality eligible for opt-out treatment based on the terms of PSC CCA Order and the CCA program design including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.
- D. **DATA SECURITY AGREEMENT** shall mean an agreement between the Distribution Utility and the Municipality that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- E. **DEFAULT SERVICE** shall mean supply service provided by the Distribution Utility to consumers who are not currently receiving service from an energy service company (ESCO). Eligible Consumers within the Municipality that receive Default Service, and have not opted out, will be enrolled in the Program as of the Effective Date.
- F. **DISTRIBUTED ENERGY RESOURCES (DER)** shall mean local renewable energy projects, shared renewables like community solar, energy efficiency, demand response, energy management, energy storage, microgrid projects and other innovative Reforming the Energy Vision (REV) initiatives that optimize system benefits, target and address load pockets/profile within the CCA's zone, and reduce cost of service for Participating Consumers.

- G. **DISTRIBUTION UTILITY** shall mean owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.
- H. **ELIGIBLE CONSUMERS** shall mean eligible customers of electricity and/or natural gas who receive Default Service from the Distribution Utility as of the Effective Date, or New Consumers that subsequently become eligible to participate in the Program, at one or more locations within the geographic boundaries of the Municipality, except those consumers who receive Default Service and have requested not to have their account information shared by the Distribution Utility. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Municipality, as such boundaries exist on the effective date of the ESA.
- I. **ESCO** or **ENERGY SERVICES COMPANY** mean an entity duly authorized to conduct business in the State of New York as an ESCO.
- J. **NEW CONSUMERS** shall mean consumers of electricity that become Eligible Consumers after the effective date of the ESA, including those that opt in or move into Municipality.
- K. **PARTICIPATING CONSUMERS** shall mean Eligible Consumers enrolled in the Program, either because they are consumers who receive Default Service from the Distribution Utility as of the Effective Date and have not opted out, or are New Consumers.
- L. **PROGRAM ORGANIZER** shall mean the group responsible for initiating and organizing the CCA. This group will typically secure buy-in from local governments and engage in preliminary outreach and education around CCA. The Program Organizer may be a non-profit organization, local government, or other third party. The Program Organizer and the CCA Administrator may be the same.
- M. **PSC CCA ORDER** shall mean the PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."
- N. **PUBLIC SERVICE COMMISSION** or **PSC** shall mean New York State Public Service Commission.
- O. **SUPPLIERS** shall mean ESCOs that procure electric power and natural gas for Eligible Consumers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§3. Establishment of a Community Choice Aggregation (Energy) Program.

- A. A Community Choice Aggregation (Energy) Program is hereby established by the Municipality, whereby the Municipality may implement a CCA Program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.

- B. The Municipality may act as aggregator or broker for the sale of electric supply, gas supply, or both to Eligible Consumers and may enter into contracts with one or more Suppliers for energy supply and other services on behalf of Eligible Consumers.
- C. The Municipality may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to i) develop and implement the CCA Program, ii) act as CCA Administrator, and/or iii) develop offers of opt-in distributed energy resources (DER) products and services to Participating Consumers, including opportunities to participate in local renewable energy projects, shared solar, energy efficiency, microgrids, storage, demand response, energy management, and other innovative Reforming the Energy Vision (REV) initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.
- D. The operation and ownership of the utility service shall remain with the Distribution Utility. The Municipality's participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Municipality shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of Participating Consumers.

§4. Eligibility.

- A. All consumers within the Municipality, including residential and non-residential, regardless of size, shall be eligible to participate in the CCA Program.
- B. All consumers that are members of Rochester Gas and Electric Corporation, SC 1 Residential Service; and SC 2 General Service – Small Use for electric opt-out service class and SC 1 General Service gas opt-out service shall be enrolled on an opt-out basis except for consumers i) that are already taking service from an ESCO, ii) that have placed a freeze or block on their account, or iii) for whom inclusion in the CCA Program will interfere with a choice the customer has already made to take service pursuant to a special rate. Those consumers may be enrolled on an opt-in basis.
- C. New Consumers shall be enrolled on an opt-out basis.

§5. Opt-Out Process.

- A. An opt-out letter, printed on municipal letterhead, shall be mailed to Eligible Consumers at least 30 days prior to customer enrollment. The opt-out letter shall include information on the CCA Program and the contract signed with the selected ESCO including specific details on rates, services, contract term, cancellation fee, and methods for opting-out of the CCA Program. The letter shall explain that consumers that do not opt-out will be enrolled in ESCO service under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.
- B. All consumers shall have the option to opt-out of the CCA Program at any time without penalty.

- C. Termination fees shall not be charged to consumers that cancel their CCA service as a result of moving out of the premises served.

§6. Customer Service.

Participating Consumers shall be provided customer service including a toll-free telephone number available during normal business hours (9:00 A.M.- 5:00 P.M. Eastern Time, Monday through Friday) to resolve concerns, answer questions, and transact business with respect to the service received from the Supplier.

§7. Data Protection Requirements.

- A. The Municipality may request Aggregated Data and Customer Specific Data from the Distribution Utility provided, however, that the request for Customer Specific Data is limited to only those Eligible Consumers who did not opt-out once the initial opt-out period has closed.
- B. Customer Specific Data shall be protected in a manner compliant with, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Municipality or its representative's processing of confidential utility information; (ii) the utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Municipality or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- C. The Municipality must enter into a Data Security Agreement with the Distribution Utility for the purpose of protecting customer data.

§8. CCA Advisory Group.

- A. A CCA Advisory Group is hereby established to develop and review CCA related proposals, act as the Municipality's agent in awarding said proposals, and forward information regarding such awards to the Town Board for ratification.
- B. Membership to the CCA Advisory Group shall include the Finance Director, Commissioner of Public Works or his/her designee and Town Councilmember].

§9. Administration Fee.

The Municipality may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

§10. Reporting.

- A. Annual reports shall be filed with the Town Board of the Municipality by March 31 of each year and cover the previous calendar year.

- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted-out in response to the initial opt-out letter or letters.
- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

§11. Effective Date.

This Local Law shall be effective immediately upon passage.

§12. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

September 13, 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>162,491.41</u>
D - HIGHWAY		<u>28,285.83</u>
H - CAPITAL		<u>54,848.14</u>
L - LIBRARY		<u>411.51</u>
SB - BUSINESS IMPROVM		<u>216.00</u>
SD - DRAINAGE DIST		<u>140.00</u>
SF - FIRE DIST		<u>4,867.89</u>
SK - SIDEWALK DIST		<u>1,061.04</u>
SL - LIGHTING DIST		<u>24,986.36</u>
SP-PARKS DISTRICT		<u>240.00</u>
SR-REFUSE DISTRIICT		<u>68,415.79</u>
SS - SEWER DIST		<u>10,463.00</u>
SW - WATER DIST		<u>375.00</u>
TA - AGENCY TRUST		<u>1,551.37</u>
	TOTAL \$	<u>358,353.34</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 13th day of September, 2017.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 24, 2017 from Recreation Director Rebecca J. Cotter regarding a request to authorize the Supervisor to execute an agreement and all related documents and/or materials with Rochester-Monroe County Youth Bureau to support the Youth Asset Building/Positive Youth Development Initiative and associated 2017 funding provided by the Youth Bureau, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement and all related materials with Rochester-Monroe County Youth Bureau to support the Youth Asset Building/Positive Youth Development Initiative and associated 2017 funding provided by the Youth Bureau.

Dated: September 13, 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	_____

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 13th day of September, 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 SEQRA 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;and

WHEREAS, on July 26, 2017 Town Board did receive and file correspondence dated July 21, 2017 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 from July 31, 2017 to September 13, 2017

NOW, THEREFORE IT IS HEREBY RESOLVED, that correspondence dated September 11, 2017 from Environmental Review Liaison Officer Ramsey A. Boehner requesting that the Town Board extend the completion date of the FEIS from September 13, 2017 to December 31, 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 December 31, 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: September 13, 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	_____

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 13th day of September, 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 30, 2017 from Chief of Police Mark T. Henderson regarding a request to authorize the amendment of the 2017 Police Department Budget to provide for up to \$4,999.00 from the proceeds of Forfeited Property Account (A.889.JSTCE) to support the purchase of a security camera and all associated supporting software as set forth in said correspondence, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the amendment of the 2017 Police Department Budget to appropriate up to \$4,999.00 from the proceeds of Forfeited Property Account to support the purchase of security camera and associated software as set forth in the above referenced correspondence.

Dated: September 13, 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 13th day of September, 2017.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated September 1, 2017 from Deputy Highway Superintendent Timothy Anderson regarding a request to authorize the declaration of a 2000 Case Wheel Loader as detailed in said correspondence as surplus and to further authorize the disposal of the same through municipal auction, be received and filed; and

BE IT RESOLVED, that the Town Board hereby declares the equipment detailed in the above referenced correspondence as surplus and authorizes the disposal of the same through municipal auction.

Dated: September 13, 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	_____

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 13th day of September, 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 31, 2017 from Town Junior Engineer Evert Garcia, regarding a request to authorize the Supervisor to execute a Stormwater Easement Maintenance Agreement with Antonelli Self Storage at Collegetown LLC for the proposed project to be located at 1266 Brighton Henrietta Town Line 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 and any related documents with Antonelli Self Storage at Collegetown LLC for the proposed Antonelli Self Storage at Collegetown project to be located at 1266 Brighton Henrietta Town Line Road.

Dated: September 13, 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 13th day of September, 2017.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that the Town Board hereby appoints Karen Berger of 36 Thackery Road in the Town of Brighton, as a member of the Conservation Board commencing immediately and expiring June 30, 2018.

Dated: September 13, 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 13th day of September, 2017.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated September 1, 2017 from Director of Finance Suzanne Zaso regarding a request to declare one 2003 Chevy Impala vehicle (VIN #2G1WF55K139365872) as surplus and to dispose of said vehicle by public auction, be received and filed, and it is further

RESOLVED, that the Town Board hereby declares one 2003 Chevy Impala vehicle (VIN #2G1WF55K139365872) as surplus and directs the disposal of said vehicle by public auction.

Dated: September 13, 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 13th day of September, 2017.

PRESENT: WILLIAM W. MOEHLE, Supervisor

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

Councilpersons

RESOLVED, that correspondence dated September 6, 2017 from Town Engineer Michael E. Guyon, P.E. regarding a request to waive the requirement that the developer contract for private ambulance service as such requirement was set forth in a certain Mitigation Agreement which was incorporated into a rezoning resolution adopted on December 12, 2001 for the construction of the project formerly known as "Mercy Park" and now known as "the Legacy at Clover-Blossom", be received and filed; and be it further

RESOLVED, that the Town Board, pursuant to the previously adopted mitigation provisions allowing waiver of the above referenced requirement, hereby waives the requirement that the developer contract for private ambulance service for the Legacy at Clover Blossom formerly known as Mercy Park.

Dated: September 13, 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 13th day of September, 2017.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated September 5, 2017 from Ramsey A. Boehner, Town Planner, together with a Full State Environmental Review Report, dated September 1, 2017 including full Environmental Assessment Form and other corresponding map/s, supplemental documents and attachments relating to the Brighton Farmer's Market project in the Town of Brighton, be received and filed; and

BE IT RESOLVED, that the Town Board hereby designates Ramsey A. Boehner, Town Planner to coordinate the environmental review of the proposed project and to seek Lead Agency status under the State Environmental Quality Review Act on behalf of the Town Board.

Dated: September 13, 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 13th day of September, 2017.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated September 6, 2017 from Town Clerk and Receiver of Taxes, Daniel Aman, recommending that the Town Board authorize an agreement to designate the Genesee/Finger Lakes Regional Planning Council to serve as and provide Liaison services for the Town at no cost, in connection with preparations for the upcoming April 2020 United States Census; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with the Genesee/Finger Lakes Regional Planning Council to serve as and provide Liaison services for the Town at no cost, in connection with preparations for the upcoming April 2020 United States Census, subject to the review and approval of said agreement by the Attorney to the Town.

Dated: September 13, 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	_____