

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 8, 2012

**Present:**

Supervisor William Moehle  
Councilmember James Vogel  
Councilmember Louise Novros  
Councilmember Jason DiPonzio

Kenneth Gordon, Attorney for the Town  
Daniel Aman, Town Clerk

**MEETING CALLED TO ORDER AT 7:00 PM:**

**RECOGNITIONS/PRESENTATIONS:**

August 5<sup>th</sup> – 11<sup>th</sup>, 2012 National Farmers' Market Week  
Proclamation Presentation to Sue Gardner-Smith, Coordinator Brighton Farmer's Market

Diverging Diamond Project Update – Timothy Keef, P.E., Commissioner of Public Works

**OPEN FORUM:**

Marjorie Alaimo  
Bob Levine  
Gary Smith  
Ed Baranowycz  
Mary Ann Schlitzer  
Janice Toland  
Jim Hooper  
Paul Beiter

**APPROVAL OF AGENDA:**

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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

July 11, 2012 Town Board Meeting

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to approve and file the Town Board Meeting Minutes for July 11, 2012 Town Board Meeting with the correction that the next Public Works Committee meeting is to be held August 13, not Aug 15.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**BIDS:**

**MATTER RE:** Authorize approval to solicit for proposals to provide on-line registration program system for the Parks and Recreation Department (see Resolution #1 and letter dated July 24, 2012 from Jerry LaVigne, Director of Parks and Recreation).

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. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval to solicit for proposals to provide professional services to prepare and update Cultural Resources Surveys needed for designation of landmark properties within the town (see Resolution #2 and letter dated July 27, 2012 from Ramsey Boehner, Town Planner).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval to solicit for proposals to replace Town Hall Complex and Operations Center fire alarm systems (see Resolution #3 and letter dated July 30, 2012 from Michael Guyon, P.E. Town Engineer).

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. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval to solicit for proposals to replace one (1) Library rooftop HVAC air conditioning unit (see resolution #4 and letter dated July 30, 2012 from Michael Guyon, P.E. Town Engineer).

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. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Assemblyman Joseph D. Morelle, dated July 20, 2012 thanking Supervisor for attending Assemblyman Morelle's annual Health and Wellness Fair held on July 19, 2012

**FROM** Chris Mueller, Director-Government Relations, Time Warner Cable to Supervisor dated August 1, 2012 re: addition of new channels and notification of various existing channels with soon to be expired contracts which may or may not be renewed.

**FROM** Helena Shrier to Supervisor dated July 31, 2012 complimenting Dept. of Public Works Engineering Assistant Evert Garcia on the exemplary service she received.

**FROM** John Stapleton, Marathon Engineering to Members of the Brighton Town Board Re: Draft Environmental Impact Statement for the Clinton Crossings Corporate Center (DEIS available for viewing in the Department of Public Works).

**FROM** Ed Baranowycz to Town Clerk Daniel Aman relating to the ongoing dispute between the Town and the West Brighton Fire Department

**FROM** Bob Levine to Town Clerk Daniel Aman relating to the ongoing dispute between the Town and the West Brighton Fire Department

**FROM** Paul Beiter to Town Clerk Daniel Aman relating to the ongoing dispute between he Town and the West Brighton Fire Department

**FROM** Jim Hooper, President, Westfall Heights Association to Town Clerk Daniel Aman relating to the ongoing dispute between the Town and the West Brighton Fire Department

**FROM** Robert Levine regarding occupancy of the Fire Station at 2695 W. Henrietta Rd. as stated in the Agreement between The Town of Brighton and the Rochester Fire Department

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

- Community Services – Next meeting Sept 24 at 4:30PM at Brookside
- Finance and Administrative Services – Next meeting Aug 14 at 3:30PM in Stage Conference Room
- Public Safety Services – Next meeting Aug 14 at 8:00AM in Downstairs Meeting Room
- Public Works Services – Next meeting Aug 13 at 9:00AM in Downstairs Meeting Room

**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 the payment of claims as set forth in Exhibit No. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval allowing the NY State Department of transportation to install lighting for the University of Rochester along Kendrick Road, south of the Erie Canal and at the proposed East River/Kendrick Roads intersection as part of Phase 1 of the Access I-390 project (see NY State Department of Transportation Resolution and letter dated July 13, 2012 from Timothy Keef, P.E. Commissioner of Public Works).

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. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement with the University of Rochester to invoice the University of Rochester for on-going energy use and maintenance costs associated with the operation of installed lighting along Kendrick Road, south of the Erie Canal and at the proposed East River/Kendrick Roads intersection (see Resolution #5 and letter dated July 13, 2012 from Timothy Keef, P.E. Commissioner of Public Works).

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. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize bid award to the lowest, responsible and responsive bidder with approval for Supervisor to execute agreement with same, to provide Veterans Memorial site improvement services at an amount not to exceed \$64,968.52 with change orders that collectively do not exceed ten percent of the contract price (see Resolution #6, and letter dated July 25, 2012 from Michael Guyon, P.E. Town Engineer).

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. 8 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval to adopt Bond Resolution to provide financing for various capital improvement projects (see letter dated July 30, 2012 from Suzanne Zaso, Director of Finance, and associated documents).

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. 9 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval to adopt Bond Resolution to provide financing for various capital improvement projects (see letter dated July 30, 2012 from Suzanne Zaso, Director of Finance, and associated documents).

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute Certificate of Exemption form (TP-854) and various utility access, storm water, sanitary sewer, storm water, line of sight easements and two temporary vehicle turn around easements in connection with the Reserve subdivision development project (see Resolution #7 and letter dated July 30, 2012 from Michael Guyon, P.E. Town Engineer).

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. 11 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval of budget transfer for \$3200 to support additional funding needed to seal Buckland Park parking lot (see Resolution #8 and letter dated July 24, 2012 from Jerry LaVigne, Director of Parks and Recreation).

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. 12 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval for Supervisor to execute a one-year amendatory agreement with Waste Management of NY to provide refuse and recycling services to Town Refuse Districts (see Resolution #9 and letter dated July 29, 2012 from Timothy Keef, P.E. Commissioner of Public Works).

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. 13 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize budget account transfer for \$5,000 of donated funds to support the purchase of trees for the Veterans Memorial (see Resolution #10 and letter dated July 27, 2012 from Michael Guyon, P.E. Town Engineer).

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 14 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize bid award to the lowest responsible, responsive bidder for the purchase of one (1) Compact Excavator (see Resolution #11, letter dated July 27, 2012 from Timothy Keef, P.E. Commissioner of Public Works and associated bid results summary information).

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. 15 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement with Bank of America for investment management services for the Service Awards program for members of the West Brighton Fire Department (see Resolution #12 and letter dated July 31, 2012 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. 16 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute an agreement with Outsource PC Services to provide technical support for the permit and property maintenance database utilized by the Fire Marshal's office (see Resolution #13 and letter dated July 31, 2012 from Suzanne Zaso, Director of Finance and copy of agreement).

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. 17 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute Certificate of Exemption form (TP-584) and various proposed easements for the ARC of Monroe County (see Resolution #14 and letter dated July 30, 2012 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. 18 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set September 12, 2012 for Public Hearing regarding the proposed creation of a Refuse District for Warren and Branch Avenues (see Resolution #15, letter dated August 1, 2012 from Timothy Keef, P.E. Commissioner of Public Works, and supporting proposed District documents).

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. 19 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set September 12, 2012 for Public Hearing regarding the proposed creation of a Refuse District for Continental Drive (see Resolution #16, letter dated August 1, 2012 from Timothy Keef, P.E. Commissioner of Public Works, and supporting proposed District documents).

Motion by Councilmember Jason DiPonzio 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. 20 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set September 12, 2012 for Public Hearing regarding the proposed creation of a Sidewalk Snow Removal District for Rowlands Tract (see Resolution #17, letter dated August 1, 2012 from Timothy Keef, P.E. Commissioner of Public Works and supporting District documents).

Motion by Councilmember Jams 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. 21 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE SUPERVISOR:**

**MATTER RE:** Expense and Revenues for month ending July 31, 2012

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to receive and file aforementioned reports

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**EXECUTIVE SESSION:**

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel to go into executive session

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** To discuss matters involving litigation

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED:**

Motion by Councilmember Jason DiPonzio seconded by Councilmember Louise Novros to adjourn

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**CERTIFICATION:**

I, Daniel Aman, 131 Elmore Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceedings of the Town of Brighton, County of Monroe, State of New York meeting held on the 8<sup>th</sup> day of August 2012 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 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated July 24, 2012 from Director of Parks and Recreation, Jerry LaVigne, regarding a Request for Proposals for a computer registration process for recreation programs and classes, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Director of Parks and Recreation, Jerry LaVigne, to develop and send out a Request for Proposals for a computer registration process for recreation programs and classes.

Dated: August 8, 2012

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



**TOWN OF BRIGHTON**  
**RECREATION, PARKS & COMMUNITY SERVICE DEPARTMENT**

220 Idlewood Road  
Rochester, NY 14618  
<http://www.townofbrighton.org>

(585) 784-5260  
Fax: (585) 784-5365  
TTY: (585) 784-5381

July 24, 2012

Honorable Finance Committee Members  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

Re: Permission to Develop and Send Out an RFP for a Computer On-Line Registration System

Dear Finance Committee Members:

I respectfully request your permission to develop and send out an RFP for a computer on-line registration system. Our current registration program does not currently have the capability to process on-line registrations. This will give our residents an easier way to access our programs and facility rentals.

I will be happy to answer any questions you may have regarding this matter.

Sincerely,

Jerry LaVigne  
Director of Parks and Recreation

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated July 27, 2012 from Town Planner, Ramsey A. Boehner, regarding a Request for Proposals for professional services to update and prepare Cultural Resource Surveys for the use of the Historic Preservation Commission, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Town Planner, Ramsey A. Boehner, to prepare and send out a Request for Proposals for professional services to update and prepare Cultural Resource Surveys for the use of the Historic Preservation Commission.

Dated: August 8, 2012

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



**TOWN OF BRIGHTON**  
MONROE COUNTY, NEW YORK

July 27, 2012

The Honorable Finance and Administrative Services Committee  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

Re: Cultural Resources Surveys Professional Services

Honorable Members

The Historic Preservation Commission is responsible for the designation of landmarks. Cultural Resources Surveys provide important information to the Commission in determining if properties are worthy of landmark designation. Therefore, I am requesting authorization to prepare and distribute a request for proposals seeking profession services to update and prepare Cultural Resources Surveys.

Funds for the services are available in A.HIST.7515. No action as to awarding a contract will be considered with out returning to this committee.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled July 31, 2012 meeting in the event that you have any questions regarding this matter.

Respectfully,

Ramsey A. Boehner  
Town Planner

cc: S. Zaso  
T. Keef  
M. Hussar



At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that correspondence dated July 30, 2012 from Town Engineer, Michael E. Guyon, P.E., regarding a Request for Proposals for construction services necessary to replace the Town Hall Complex and Operations Center fire alarm systems, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Town Engineer, Michael E. Guyon, P.E., to prepare and send out a Request for Proposals for construction services necessary to replace the Town Hall Complex and Operations Center fire alarm systems.

Dated: August 8, 2012

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



# Town of Brighton

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ★ ROCHESTER, NEW YORK 14618 ★ PHONE (585)784-5250 ★ FAX (585)784-5368

July 30, 2012

The Honorable Finance and Administrative Services Committee  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

Re: Replace Town Hall Complex and Operation Center Fire Alarm  
Solicit a Request for Bidders.

Dear Councilperson Werner and Committee Members:

I am requesting authorization to solicit a request for bidders to provide those construction services necessary to replace the Town Hall Complex and Operations Center fire alarm systems. M/E Engineering has prepared construction documents and we anticipate that the bid documents can be available for the contractor's use in September. M/E Engineering provided a probable cost of construction that suggests the overall project will cost \$276,000

Funds have been proposed to be borrowed for this project. No action as to awarding a contract will be considered without returning to this committee.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled July 31, 2012 meeting in the event that you have any questions regarding this matter.

Respectfully,

Michael E. Guyon, P.E.  
Town Engineer

cc: S. Zaso  
T. Keef  
Mary Ann Hussar

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated July 30, 2012 from Town Engineer, Michael E. Guyon, P.E., regarding a Request for Proposals for construction services necessary to replace the Town Hall Library Rooftop 8-Zone HVAC unit, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Town Engineer, Michael E. Guyon, P.E., to prepare and send out a Request for Proposals for construction services necessary to replace the Town Hall Library Rooftop 8-Zone HVAC unit.

Dated: August 8, 2012

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



# Town of Brighton

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ★ ROCHESTER, NEW YORK 14618 ★ PHONE (585)784-5250 ★ FAX (585)784-5368

July 30, 2012

The Honorable Finance and Administrative Services Committee  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

Re: Replace Town Hall Library Rooftop HVAC Unit  
Solicit a Request for Bidders.

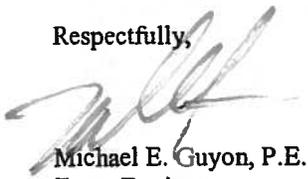
Dear Councilperson Werner and Committee Members:

The Library is served by five rooftop air conditioning units, with the three oldest units being installed in 1993. During 2011 two of these older units suffered mechanical failures and required emergency replacement. The remaining unit has experienced mechanical issues and is nearing its intended useful life. I am requesting authorization to solicit a request for bidders to provide those construction services necessary to replace the 1993 Town Hall Library Rooftop 8-Zone HVAC unit. The cost of replacing the Rooftop HVAC unit has been estimated to be \$75,000.

Funds have been proposed to be borrowed for this project. No action as to awarding a contract will be considered without returning to this committee.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled July 31, 2012 meeting in the event that you have any questions regarding this matter.

Respectfully,



Michael E. Guyon, P.E.  
Town Engineer

cc: S. Zaso  
T. Keef  
Mary Ann Hussar

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

August 8, 2012

THAT THE CLAIMS AS SUMMARIZED BELOW HAVING BEEN APPROVED BY THE RESPECTIVE DEPARTMENT HEADS AND AUDITED BY THE TOWN BOARD AUDIT COMMITTEE ARE HEREBY APPROVED FOR PAYMENT.

A - GENERAL	\$ <u>73,209.90</u>
D - HIGHWAY	<u>94,426.38</u>
L - LIBRARY	<u>175.66</u>
SA - AMBULANCE DIST	<u>475.00</u>
SF - FIRE DIST	<u>29,111.73</u>
SK - SIDEWALK DIST	<u>598.62</u>
SL - LIGHTING DIST	<u>21,439.88</u>
SR-REFUSE DISTRICT	<u>65,429.02</u>
SS - SEWER DIST	<u>9,424.27</u>
TA - AGENCY TRUST	<u>1,945.25</u>
TOTAL	\$ <u>296,235.71</u>

UPON ROLL CALL MOTION CARRIED \_\_\_\_\_

APPROVED BY: \_\_\_\_\_  
SUPERVISOR

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER

TO THE SUPERVISOR:

I CERTIFY THAT THE VOUCHERS LISTED ABOVE WERE AUDITED 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

HDM 14-19A APRIL 1982 (04/12)

**Town RESOLUTION TO MAINTAIN HIGHWAY LIGHTING**

Resolution of the Town Board of the Town of Brighton, Monroe County, Agreeing to Maintain, Repair and Energize a Highway Lighting System on or along a State Highway/Arterial/Interstate within the geographical jurisdiction of the TOWN, such highways identified as State Highway 78-7 (I390), County Road 33 (East River Road) and Kendrick Road, P.I.N. 4390.17.311, in the County of Monroe.

WHEREAS, the State of New York Department of Transportation proposes to Improve Interchange 16, State Highway/Arterial/Interstate identified as State Highway 78-7 (I390), at County Road 84 (East River Road) and construct a roundabout at Kendrick Road, P.I.N. 4390.17.311, County of Monroe within the geographical jurisdiction of the Town of Brighton, and

WHEREAS, the Town of Brighton approves of such project and desires to have a highway lighting system on such highway within its geographical jurisdiction, and

WHEREAS, the State of New York has agreed to provide as part of the project the following items in connection with a highway lighting system:

On Kendrick Road:

- a. Install nine (9) foundations, bases, 14 foot poles and "post top" decorative 120 volt, 100 watt lights and photo-eye controller for each light.
- b. Underground duct system, including conduit, wiring, three (3) pull boxes, and drainage pockets.

At the Kendrick Road Roundabout at East River Road (County Road 84):

- a. Install ten (10) foundations, poles with two Light Emitting Diode 120 volt, 105 watt lights on each pole, the poles of approximately 31 feet height each and one Night-master timer controller to control the system.
- b. Underground duct system, including conduit, wiring, five (5) pull boxes, and drainage pockets.

On Murlin Drive, a private road owned and maintained by the University of Rochester,

- a. The project will remove five (5) poles, foundations and luminaires from the north end of the existing Murlin Road and install five (5) pole foundations, poles, underground conduit, wiring, two (2) pull boxes, drainage pockets and five (5) each 120 volt, 250 watt luminaires provided by the University of Rochester to the State's contractor to subsequently install as a project cost at no cost to the Town of Brighton.

The lighting facilities on Kendrick Road and at the Roundabout shall be and continue to be the property of the Town of Brighton.

The lighting facilities on Murlin Drive shall be and continue to be the property of the University of Rochester.

Provided that the Town of Brighton agrees to maintain, repair and energize such highway lighting system for a period of ten (10) years or until such time as the COMMISSIONER, in

her/his discretion, determines that such lighting and/or the maintenance of such lighting system is no longer necessary for such Highway/Arterial/Interstate.

NOW, THEREFORE, THE Town Board of the Town of Brighton, duly convened, does hereby

RESOLVE, that the Town of Brighton approves of the above-subject project; and it is hereby further

RESOLVED, that the Town of Brighton shall maintain, repair and energize such highway lighting system, and it is hereby further

RESOLVED, that the Town Board, of the Town of Brighton hereby authorizes (Legislative Body)

the \_\_\_\_\_ of the Town of Brighton to enter into and execute an Agreement with the (designated official) State of New York and through the Commissioner of Transportation to commit the Town of Brighton to maintain, at its own expense, the lighting system on the above-identified project, such agreement to provide that the maintenance shall include the repair and replacement of equipment and the furnishing of electric current for the lighting system, and it is hereby further

RESOLVED: that the Clerk of the Town Board of the Town of Brighton is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.



{OFFICIAL}  
{SEAL}

\_\_\_\_\_

for the Town of Brighton

Date: \_\_\_\_\_

STATE OF NEW YORK }  
County of Monroe }  
Office of the Town Clerk }

This is to certify that I, \_\_\_\_\_, Clerk of the Town of Brighton, whose offices are located in the County of Monroe, New York, have compared the foregoing copy of the resolution with the original now on file in this office, and that the same is a true and correct transcript of such original and of the whole thereof as duly adopted by said Town Board at a meeting duly called and held at Town Office on the \_\_\_\_ of \_\_\_\_\_, 2012 by the required necessary vote of the members to approve the resolution.

In Witness Whereof, I have hereunto set my hand and affixed the official seal of the Town of Brighton, Monroe County, New York, this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_

Clerk

{SEAL}



# Town of Brighton

MONROE COUNTY, NEW YORK

## DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618

PHONE: (585)784-5250 FAX: (585) 784-5368

July 13, 2012

The Honorable Finance and Administrative Services Committee  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

re: NYSDOT Kendrick Road Improvements  
Street Lighting Resolution/Agreement with University of Rochester

Dear Chairperson Werner and Committee Members:

As you may be aware, the NYSDOT will begin the first phase of the Access I-390 project, which entails work in the vicinity of East River and Kendrick Roads. In an effort to identify and define their campus, the University of Rochester has indicated the desire for street lighting along Kendrick Road south of the Erie Canal and at the proposed East River/Kendrick Roads intersection. In order for this to be incorporated into the NYSDOT's scope of work, the Town will need to pass a resolution authorizing an agreement (both in the standard NYSDOT format as attached) for said street light installation, as well as for future cost and maintenance. As the NYSDOT arrangements can not be done directly with the U of R, but must be with a municipality, a complimentary agreement will need to be entered into with the U of R for the future energy and maintenance costs to operate the system. Subsequently, the U of R will petition the Town to form a street lighting district to operate these lights. It is therefore requested that the Town take the necessary action as outlined above. Communication from the U of R to this effect will be forthcoming in support of this endeavor.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled July 17, 2012 meeting in the event that you have any questions regarding this matter.

Sincerely,

Timothy E. Keef, P.E.  
Commissioner of Public Works

TEK/wpd

attachments

cc: M. Hussar  
S. Zaso  
K. Gordon

**AGREEMENT FOR THE MAINTENANCE, REPAIR,  
AND ENERGIZING OF HIGHWAY LIGHTING FOR A STATE HIGHWAY 78-7 IDENTIFIED AS  
INTERSTATE I390 AT EXIT 16 (EAST RIVER ROAD) AND  
AND KENDRICK ROAD, TOWN OF BRIGHTON, MONROE COUNTY**

**Project:** Route I390 Interchange Improvements at Exit 16 (East River Road) and Kendrick Road, Phase 1, a New York Works Project in the Town of Brighton, S.H. 78-7 (I-390), Monroe County, P.I.N. 4390.17.311

This agreement made this \_\_\_\_\_ day of July, 2012, by and between the People of the State of New York (hereinafter referred to as "State") acting by and through the COMMISSIONER of Transportation (hereinafter referred to as "COMMISSIONER") whose principal office is at 50 Wolf Road, in the City and County of Albany, State of New York, and the Town of Brighton, in Monroe County (hereinafter referred to as "TOWN") acting by and through the Brighton Town Board, whose principal office is located at 2300 Elmwood Avenue, Rochester, NY 14618.

**WITNESSETH:**

**WHEREAS,** the COMMISSIONER proposes to reconstruct a State Highway/Arterial/Interstate pursuant to the New York State Highway Law, such highway being identified as State Highway 78-7 (I-390), P.I.N. 4390.17.311 in the Town of Brighton, County of Monroe, within the geographical jurisdiction of the TOWN, and

**WHEREAS,** it is recognized by the TOWN and the COMMISSIONER that the State does not have funds available to maintain, repair, and energize a lighting system for such highway, and

**WHEREAS,** the TOWN desires to have lighting on or along such highway within the geographical jurisdiction of the TOWN, and

**WHEREAS,** it is recognized by the TOWN and the COMMISSIONER that if the TOWN desires to have lighting on or along such highway within the geographical jurisdiction of the TOWN, the TOWN will have to maintain, repair, and energize such lighting at it's own expense, and

**WHEREAS,** the TOWN, by Resolution No. \_\_\_\_\_ adopted at a meeting held on July \_\_, 2012 approved the above identified project and the terms and provisions of the Agreement and has further authorized the Brighton Town Board to execute this agreement on behalf of the TOWN and has caused a copy of such Resolution to be attached to and made a part of this Agreement, and

**WHEREAS,** the TOWN and the COMMISSIONER are desirous of identifying the respective responsibilities of the parties with regard to the highway lighting system.

**NOW, THEREFORE,** in consideration of the mutual promises made by each of the parties herein, NYSDOT and the Town of Brighton agree as follows:

1. Documents Forming This Agreement. The parties agree that the Agreement consists of the following:

Agreement – This document entitled “**AGREEMENT FOR MAINTENANCE, REPAIR AND ENERGIZING OF HIGHWAY LIGHTING for State Highway/Arterial/Interstate Identified as “INTERSTATE IDENTIFIED AS ROUTE I390, TOWN OF BRIGHTON, MONROE COUNTY”**”;

Appendix “A” – New York State Required Contract Provisions;

Appendix “A-1” – Supplemental Title VI Provisions (Civil Rights Act);

Appendix “B” – Requirements for Federally Aided Transportation Projects

Town Resolution(s) – duly adopted Town resolutions authorizing the appropriate municipal office to execute this Agreement and undertake the project on the terms and conditions set forth herein.

2. The COMMISSIONER shall provide for the furnishing and placing of the following items in connection with a highway lighting system on the above identified highway project:

On Kendrick Road:

- a. Install nine (9) foundations, bases, 14 foot poles and “post top” decorative 120 volt, 100 watt lights and photo-eye controller for each light.
- b. Underground duct system, including conduit, wiring, three (3) pull boxes, and drainage pockets.

At the Kendrick Road Roundabout at East River Road (County Road 84):

- a. Install ten (10) foundations, poles with two Light Emitting Diode 120 volt, 105 watt lights on each pole, the poles of approximately 31 feet height each and one Night-master timer controller to control the system.
- b. Underground duct system, including conduit, wiring, five (5) pull boxes, and drainage pockets.

On Murlin Drive, a private road owned and maintained by the University of Rochester,

- a. The project will remove five (5) poles, foundations and luminaires from the north end of the existing Murlin Road and install five (5) pole foundations, poles, underground conduit, wiring, two (2) pull boxes, drainage pockets and five (5) each 120 volt, 250 watt luminaires provided by the University of Rochester to the State’s contractor to subsequently install as a project cost at no cost to the Town of Brighton.

The lighting facilities on Kendrick Road and at the Roundabout shall be and continue to be the property of the Town of Brighton.

The lighting facilities on Murlin Drive shall be and continue to be the property of the University of Rochester.

3. Upon completion of reconstruction of the above identified highway, the TOWN shall, at it’s own expense, maintain the lighting system on or along Kendrick Road and at the roundabout

at Kendrick Road and East River Road, as described above, in accordance with this Agreement between the New York State Department of Transportation (NYSDOT) and the TOWN. Such maintenance shall include, but not be limited to:

- a. Repair of equipment which may be damaged from any cause whatever.
- b. Replacement of equipment which may be damaged from any cause whatsoever, such replacement material to be of equal character to the replaced equipment.
- c. Furnishing electrical power for the lighting system during the customary night hours of each day of the year, at no cost or obligation to the State.

The TOWN shall continue to maintain the lighting system for a period of 10 (ten) years or until such time as the COMMISSIONER, in her/his discretion, determines that such lighting and/or the maintenance of such lighting system is no longer necessary for such highways.

In the event the TOWN, without the prior consent of the COMMISSIONER, discontinues the energizing or discontinues payment for the energizing of the highway lighting systems, which results in the State being required to pay the Federal government any moneys, as a penalty or otherwise, the TOWN, upon notification by the COMMISSIONER of such requirement to pay, shall reimburse the State the amount of such required payment.

Further, it is expressly understood that the TOWN shall indemnify and save harmless the State from claims, suits, actions, and costs of every name and description resulting from the discontinuance of the energizing or the discontinuance of payment for energizing of the lighting system by the TOWN.

4. The COMMISSIONER or his representative may periodically inspect the highway lighting system provided and installed under the above identified project number to ascertain that the lighting system is being maintained in accordance with the terms of this Agreement and in condition satisfactory to the COMMISSIONER. The COMMISSIONER shall, in writing, notify the TOWN of any observed deficiencies, listing such deficiencies, within thirty days of receipt of such notification, the COMMISSIONER, or his representative shall arrange for a meeting to be held with the authorized representative of the TOWN. At such meeting the COMMISSIONER or his representative and the authorized representative of the TOWN shall discuss the means required to remedy the noted deficiencies. Based on the discussion, and based on the nature of the required remedial action, a reasonable time limit shall be mutually established by the COMMISSIONER or his representative and the authorized representative of the TOWN for the satisfactory completion of remedial action by the TOWN.

5. It is recognized by the parties hereto that failure of the TOWN to complete the required remedial actions within the agreed upon time limit may subject the TOWN to certain penalties. The equipment supplied and installed by the State for the above subject lighting system is to be done pursuant to a Federally-aided and Federally-reimbursable contract. If the TOWN fails to make the remedial actions within the agreed upon time limit, no further Federally-aided project for which the TOWN would have maintenance responsibility shall be approved until such time as the lighting system is restored to the level and condition of maintenance required by this Agreement. In addition, failure of the TOWN to make such remedial actions may subject the TOWN to loss of State aid for other TOWN projects.

6. The TOWN agrees not to assign, transfer, convey, sublet, or otherwise dispose of this agreement or any part thereof, or of its right, title, or interest therein, or its power to execute such agreement to any person, company, or corporation without previous consent in writing of the COMMISSIONER, except as herein provided and by Resolution attached hereto.

7. The COMMISSIONER herewith extends her consent to the TOWN to establish a lighting district and transferring responsibility for maintenance of the lighting system and payment of ensuing energy costs to the University of Rochester.

8. Duration or Completion Date. The work of this Agreement shall be completed on or before December 31, 2013.

9. Notices

a. All notices permitted or required hereunder shall be in writing and shall be transmitted either:

- (i) via certified or registered United States mail, return receipt requested;
- (ii) by facsimile transmission;
- (iii) by personal delivery;
- (iv) by expedited delivery service; or
- (v) by e-mail.

Such notices shall be addressed as follows or to such different addresses as the parties may from time-to-time designate:

***State of New York Department of Transportation***

**Name:** Barry F. Quinn  
**Title:** Regional Utilities Engineer  
**Address:** 1530 Jefferson Road  
**Telephone:** 585-272-3390  
**Fax:** 585-272-7547  
**E-Mail:** bquinn@dot.state.ny.us

***Town of Brighton***

**Name:** Timothy E. Keef, P.E.  
**Title:** Commissioner of Public Works  
**Address:** 2300 Elmwood Avenue, Rochester, NY 14618  
**Telephone:** 585-784-5223  
**Fax:** 585-784-5368  
**E-Mail:** tim.keef@townofbrighton.org

b. Any such notice shall be deemed to have been given either at the time of personal delivery or, in the case of expedited delivery service or certified or registered United States mail, as of the date of first attempted delivery at the address and in the manner provided herein, or in the case of facsimile transmission or email, upon receipt.

c. The parties may, from time to time, specify any new or different address in the United States as their address for purpose of receiving notice under this Agreement by giving

fifteen (15) days written notice to the other party sent in accordance herewith. The parties agree to mutually designate individuals as their respective representatives for the purposes of receiving notices under this Agreement. Additional individuals may be designated in writing by the parties for purposes of implementation and administration/billing, resolving issues and problems and/or for dispute resolution.

10. A certified copy of the Resolution(s) passed by the Town Board of the Town of Brighton is attached hereto and made a part of this agreement.

**IN WITNESS WHEREOF**, the State has caused this instrument to be signed by the said COMMISSIONER of Transportation and the TOWN has caused this instrument to be signed by its \_\_\_\_\_.

**Contract Number**

**Agency Certification**

**{CORPORATION SEAL}**

"In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other copies of this contract."

Approved as to form and content:

\_\_\_\_\_  
TOWN OF BRIGHTON

\_\_\_\_\_  
Municipal Attorney

by: \_\_\_\_\_  
Enter Title of Signatory

State of New York        }  
                                      } ss:  
County of Monroe        }

On this \_\_\_\_\_ day of July, in the year two-thousand twelve, before me personally came \_\_\_\_\_, to me known, who, being by me duly sworn, did depose and say that he resides in the Town of Brighton, New York; that he is the \_\_\_\_\_ of the \_\_\_\_\_, the Town of Brighton described in and which executed the above instrument and caused it's seal to be affixed to this document pursuant to a resolution which was duly adopted on \_\_\_\_\_, 2012 and to which a certified copy is attached and made a part hereof; and that he signed his name thereto by like order.

\_\_\_\_\_  
Notary Public

To: For the Record

From: Barry F. Quinn, Regional Utilities Engineer, Region 4

Subject: Estimated Cost of Energy and Maintenance of Street Lighting for  
Route 1390 Access Improvement at Exit 16 (East River Road, County Road 84),  
Town of Brighton, Monroe County, PIN 4390.17.311

Date: July 19, 2012

Scope: Contractor's *removal* of five existing light poles and luminaires owned by the University of Rochester, along Murlin Road, the Contractor's installation of five new foundations for light poles, pull boxes, conduit and wiring for five new luminaires along the relocated Murlin Road, the installation of nine new foundations, poles and 100 Watt luminaires along Kendrick Road and the installation of ten new foundations, poles with two 105 Watt luminaires each at the proposed Kendrick Road roundabout at East River Road.

Duration of Lighting Agreement: 10 years

**Total Projected Energy Cost:**

Kendrick Road:

(100 Watt HPS luminaire plus 30 Watt ballast) x 9 luminaires = 1170 Watts = 1.170 kW

1.170 kW x 4,200 hours/yr = 4914 kWh/yr

4914 kWh/year x \$0.12 per kWh x 10 years in agreement = \$5,896.80, or **\$6,000 for 10 years**

Roundabout Luminaires:

105 W per luminaire x 20 LED lights = 2100 watts = 2.1 kW

2.1 kW x 4200 hours/year = 8,820 kWh/year

8,820 kWh/year x \$0.12/kWh = \$1,058 / year x 10 years in agreement = **\$10,600 for 10 years**

Murlin Road Luminaires:

250 W per luminaire x 5 luminaires = 1250 watts = 1.25 kW

1.25 kW x 4200 hours/year = 5,250 kWh/year

5,250 kWh/year x \$0.12/kWh = \$630 / year x 10 years in agreement = **\$6,300 for 10 years**

**Maintenance Cost:**

Occasional bulb, ballast, photo-eye and driver replacement for failure: = \$5,000

Wiring repairs = \$750

Miscellaneous = \$2,000

Total Maintenance Cost = **\$7,750**

**Total Estimated Cost of Energy and Maintenance for this Lighting Agreement**

for 9 luminaires on Kendrick Road, 20 luminaires at the roundabout and 5 luminaires on Murlin Road, over 10 years is:

**\$30,650.00**

EXHIBIT 7

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that correspondence dated July 13, 2012 from Commissioner of Public Works, Timothy E. Keef, P.E., regarding an agreement with the University of Rochester for energy and maintenance costs to support the operation of installed lighting around Kendrick Road, south of the Erie Canal and at the proposed East River/Kendrick Roads intersection, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an agreement with the University of Rochester for energy and maintenance costs to support the operation of installed lighting around Kendrick Road, south of the Erie Canal and at the proposed East River/Kendrick Roads intersection, said agreement being subject to review and approval by the Attorney to the Town

Dated: August 8, 2012

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



# Town of Brighton

MONROE COUNTY, NEW YORK

## DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618

PHONE: (585)784-5250 FAX: (585) 784-5368

July 13, 2012

The Honorable Finance and Administrative Services Committee  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

re: NYSDOT Kendrick Road Improvements  
Street Lighting Resolution/Agreement with University of Rochester

Dear Chairperson Werner and Committee Members:

As you may be aware, the NYSDOT will begin the first phase of the Access I-390 project, which entails work in the vicinity of East River and Kendrick Roads. In an effort to identify and define their campus, the University of Rochester has indicated the desire for street lighting along Kendrick Road south of the Erie Canal and at the proposed East River/Kendrick Roads intersection. In order for this to be incorporated into the NYSDOT's scope of work, the Town will need to pass a resolution in support of this installation as well as for future cost and maintenance (as the NYSDOT arrangements can not be done directly with the U of R, but must be with a municipality). To compliment this action, an agreement will need to be entered into with the U of R for the energy and maintenance costs to operate the system. Subsequently, the U of R will petition the Town to form a street lighting district to operate these lights. It is therefore requested that the Town take the necessary action as outlined above. Communication from the U of R to this effect will be forthcoming in support of this endeavor.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled July 17, 2012 meeting in the event that you have any questions regarding this matter.

Sincerely,

Timothy E. Keef, P.E.  
Commissioner of Public Works

TEK/wpd

cc: M. Hussar  
S. Zaso

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated July 25, 2012 from Town Engineer, Michael E. Guyon, P.E., regarding bids for the Veterans Memorial Site Improvements together with the attached bid summary, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby awards the contract for the Veterans Memorial Site Improvements to Birchcrest Tree and Landscape, Inc. including Alternate 3 and Alternate 8 for a total cost not to exceed \$64,968.52 and further authorizes the Supervisor to execute an agreement with Birchcrest Tree and Landscape, Inc. for the above work with change orders that collectively do not exceed ten percent of the contract price, said agreement being subject to review and approval by the Attorney to the Town.

Dated: August 8, 2012

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



# Town of Brighton

MONROE COUNTY, NEW YORK

## DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE \* ROCHESTER, NEW YORK 14618 \* PHONE (585)784-5250 \* FAX (585)784-5368

July 25, 2012

The Honorable Finance and Administrative Services Committee  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

Re: Veterans Memorial Site Improvements  
Bid Results

Dear Councilperson Werner and Committee Members:

The bids for the above referenced project were publicly advertised and publicly opened on July 17, 2012 at 10:00 AM, all as required by law. A copy of the bid advertisement and bid tabulation are attached for your reference. Bid documents were distributed to six firms however; only two bids were received and are shown in Table – 1.

Table – 1 Bid Results Summary

Bidder	Base Bid	Alternate 1	Alternate 2	Alternate 3	Alternate 4	Alternate 5	Alternate 6	Alternate 7	Alternate 8
Birchcrest Tree & Landscape Inc	\$ 59,995.00	\$ 17,900.00	\$ 4,894.50	\$ 4,293.52	\$ 12,397.00	\$ 15,375.00	\$ 619.20	\$ 82,737.64	\$ 680.00
Wayside Contractors	\$ 97,700.00	\$ 12,700.00	\$ 28,000.00	\$ 2,520.00	\$ 7,360.00	\$ 9,500.00	\$ 1,120.00	\$ 87,540.00	\$ 1,100.00

The bid documents stated, "the award of the contract shall be based upon the lowest total cost of the Base Bid". The base bid includes the installation of the following: the granite curbing around the sculpture base; the granite curbing around the flag pole base; the flag pole; the bronze plaque assembly including the granite bollards; all stone dust walkways and plaza; the topsoil for the berms; establishing turf; and planting the Rugosa Rose around the sculpture base. Birchcrest Tree & Landscape Inc. provided the lowest responsible base bid of \$59,995.00. Town staff contacted the low bidder to confirm their bid estimate, reviewed the bids for completeness and accuracy and concluded that the low bid submitted by Birchcrest Tree & Landscape Inc. is a true representation of the costs necessary to complete the project and the contractor is qualified to complete the work. The bid documents included eight alternatives that could be incorporated into the contract award provided sufficient funds are available. Table 2 provides a description for each alternative.

The Veterans Memorial account, TE92.VETS, contains sufficient funds to award the Base Bid, Alternate 3 and Alternate 8 for a total cost of \$64,968.52



Project Title:

Date:

Page 2

Table – 2 Alternate Descriptions

Alternative	Description
Alternative 1	Site Lighting - This alternative includes the installation of electrical conduit, wiring, connection to power source and lighting fixtures for up-lighting the sculpture and flag pole.
Alternative 2	Substitute 18" curb versus Granite Bollards - this alternative includes the installation of the 18" Sloped Granite Curb Assembly in lieu of the Granite Bollard Bronze Plaque Assembly
Alternative 3	Planting Ornamental Trees - This alternate includes the installation of 7 ornamental Trees
Alternative 4	Planting Coniferous Trees - This alternate includes the installation of 23 coniferous trees throughout the site
Alternative 5	Planting Deciduous Trees - This alternate includes the installation of 25 deciduous trees throughout the site.
Alternative 6	Planting Rugosa Rose - This alternate includes the installation of 16 Rugosa Roses at the northwest corner of the site.
Alternative 7	of the remaining curbing, planting of wildflowers, installation of 5 benches, installation of the lighting bollards including wiring and conduit
Alternative 8	Stone Fill - This alternate includes the installation of Dolomite stone fill at the base of the sculpture foundation rocks.

Therefore, I am requesting that FASC recommend that the Town Board award the base, alternate 3 and alternate 8 bid to the low, responsible and responsive bidder, Birchcrest Tree & Landscape Inc. for a cost not to exceed \$64,968.52. I further recommend that the Supervisor be authorized to execute any necessary change orders that do not collectively exceed ten percent of the awarded contract price or the funding available in account TE92.VETS.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled July 31, 2012 meeting in the event that you have any questions regarding this matter.

Respectfully,

Michael E. Guyon, P.E.  
Town Engineer

cc: S. Zaso  
T. Keef  
Mary Ann Hussar

At a regular meeting of the Town Board of the Town of Brighton, Monroe County, New York, duly held at the Town Hall located at 2300 Elmwood Avenue, Brighton, New York 14618 on the 8<sup>th</sup> day of August, 2012 at 7:00 p.m.

PRESENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

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

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$624,600 IN SERIAL BONDS OF THE TOWN TO FINANCE VARIOUS PUBLIC IMPROVEMENTS**

WHEREAS, the Town Board (the "Town Board") of the Town of Brighton, Monroe County, New York (the "Town") proposes to authorize the issuance of \$624,600 in serial bonds of the Town to finance various public improvements and purposes, as described herein; and

WHEREAS, each of such public improvements and purposes constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, the Town Board now wishes to appropriate funds for those specific objects or purposes described in Sections 1 and 2 below and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

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

SECTION 1. The Town is hereby authorized to issue \$418,600 principal amount of serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of replacing the roof at the Town Hall and Public Safety wing, located at 2300 Elmwood Avenue,

including all appurtenant and related site work improvements, incidental improvements, and other costs incidental to the financing thereof, at an estimated maximum cost of \$418,600. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$418,600, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of up to \$418,600 in serial bonds of the Town, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 1 of this resolution. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivision 12(a)(2) of paragraph a. of Section 11.00 of the Law.

SECTION 2. The Town is hereby authorized to issue \$206,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of a six-wheel heavy duty dump truck with snow plow or the equivalent thereof, and related equipment, at an estimated maximum cost of \$206,000. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$206,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of up to \$206,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 5 of this resolution. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivision 28 of paragraph a. of Section 11.00 of the Law.

SECTION 3. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Sections 1 through 2 of this resolution.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to subsection d.9. of Section 107.00 of the Law.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Sections 1 and 2 of this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2. Further, the Town is hereby authorized to apply for and/or accept any funds or grant moneys from the State of New York and/or the United States of America in connection with all or any part of said purposes and to apply the same toward the payment of the cost thereof, including the reimbursement to the Town of any expense or cost and the payment of all or any part of the indebtedness incurred pursuant to this resolution.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes

issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, as the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as Aqualified tax-exempt bonds@in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Town Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 11. Pursuant to subdivision b. of Section 35.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Seven of the Town Law of the State of New York (the "Town Law"). The Town Clerk is hereby authorized and directed, within ten (10) days after the date of adoption of this resolution, to post and publish a notice satisfying the requirements of Section 90 of the Town Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Town for such purpose.

SECTION 12. This resolution shall take effect thirty (30) days after the date of its adoption or, if within such thirty (30) day period there is filed with the Town Clerk a petition subscribed and acknowledged by the number of qualified electors of the Town required by Section 91 of the Town Law and in the manner specified in such Section, until approved by the affirmative vote of a majority of such qualified electors voting on a proposition for its approval. As soon as reasonably possible after the date that this resolution takes effect, the Town Clerk is hereby authorized and directed to cause a copy of this resolution to be published in full in the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

SECTION 13. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

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

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

SECTION 14. To the extent that any of the authorizations set forth in this resolution are inconsistent with the current capital budget of the Town, such capital budget is hereby amended.



SUZANNE ZASO, DIRECTOR OF FINANCE  
2300 ELMWOOD AVENUE  
ROCHESTER, NEW YORK 14618  
Phone (585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board  
Attn.: Finance and Administrative Services Committee  
From: Suzanne Zaso, Director of Finance *yz*  
Date: July 30, 2012  
Subject: Bond Resolution for \$983,300

I recommend that Your Honorable Body adopt the enclosed Bond Resolution that provides financing for up to \$983,300 for the following projects:

- Replacement of Roof at Town Hall and Public Safety Wing – financing up to \$418,600
- Replacement of Alarm System at Town Hall and DPW Operations Center – financing up to \$283,700
- Replacement of HVAC Unit on Library Roof – financing up to \$75,000
- Purchase of One 6-Wheel Heavy Duty Dump Truck – financing up to \$206,000

I would be pleased to respond to any questions that members of the Town Board may have regarding this matter.

Cc: K. Gordon

Attachment

At a regular meeting of the Town Board of the Town of Brighton, Monroe County, New York, duly held at the Town Hall located at 2300 Elmwood Avenue, Brighton, New York 14618 on the 8<sup>th</sup> day of August, 2012 at 7:00 p.m.

PRESENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

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

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$358,700 IN SERIAL BONDS OF THE TOWN TO FINANCE VARIOUS PUBLIC IMPROVEMENTS**

WHEREAS, the Town Board (the "Town Board") of the Town of Brighton, Monroe County, New York (the "Town") proposes to authorize the issuance of \$358,700 in serial bonds of the Town to finance various public improvements and purposes, as described herein; and

WHEREAS, each of such public improvements and purposes constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, the Town Board now wishes to appropriate funds for those specific objects or purposes described in Sections 1 and 2 below and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

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

SECTION 1. The Town is hereby authorized to issue \$283,700 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the purchase, the replacement and installation of the existing fire alarm systems serving the Town Hall campus and the DPW Operations Center, at an estimated maximum cost of \$283,700. It is hereby

determined that the maximum estimated cost of the aforementioned specific object or purpose is \$283,700, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of up to \$283,700 in serial bonds of the Town, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 2 of this resolution. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is ten (10) years, pursuant to subdivision 25 of paragraph a. of Section 11.00 of the Law.

SECTION 2. The Town is hereby authorized to issue \$75,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the purchase, replacement and installation of one existing HVAC unit with an eight-zone HVAC unit at the Town's Library, located at 2300 Elmwood Avenue, at an estimated maximum cost of \$75,000. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$75,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of up to \$75,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 3 of this resolution. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is ten (10) years, pursuant to subdivision 13 of paragraph a. of Section 11.00 of the Law.

SECTION 3. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Sections 1 through 2 of this resolution.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to subsection d.9. of Section 107.00 of the Law.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Sections 1 and 2 of this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2. Further, the Town is hereby authorized to apply for and/or accept any funds or grant moneys from the State of New York and/or the United States of America in connection with all or any part of said purposes and to apply the same toward the payment of the cost thereof, including the reimbursement to the Town of any expense or cost and the payment of all or any part of the indebtedness incurred pursuant to this resolution.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both

principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, as the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as Aqualified tax-exempt bonds@in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Town Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 11. Pursuant to subdivision b. of Section 35.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Seven of the Town Law

of the State of New York (the "Town Law"). The Town Clerk is hereby authorized and directed, within ten (10) days after the date of adoption of this resolution, to post and publish a notice satisfying the requirements of Section 90 of the Town Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Town for such purpose.

SECTION 12. This resolution shall take effect thirty (30) days after the date of its adoption or, if within such thirty (30) day period there is filed with the Town Clerk a petition subscribed and acknowledged by the number of qualified electors of the Town required by Section 91 of the Town Law and in the manner specified in such Section, until approved by the affirmative vote of a majority of such qualified electors voting on a proposition for its approval. As soon as reasonably possible after the date that this resolution takes effect, the Town Clerk is hereby authorized and directed to cause a copy of this resolution to be published in full in the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

SECTION 13. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

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

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

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

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

SECTION 14. To the extent that any of the authorizations set forth in this resolution are inconsistent with the current capital budget of the Town, such capital budget is hereby amended.

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated July 30, 2012 from Town Engineer, Michael E. Guyon, P.E., regarding easement agreements and related documents in connection with the Reserve subdivision development project, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute the referenced easement agreements and maintenance agreements and related legal documents in connection with the Reserve subdivision project.

Dated: August 8, 2012

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



# Town of Brighton

MONROE COUNTY, NEW YORK

## DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE \* ROCHESTER, NEW YORK 14618 \* PHONE (585)784-5250 \* FAX (585)784-5368

August 3, 2012

The Honorable Town of Brighton Town Board  
Town of Brighton  
2300 Elmwood Ave.  
Rochester, New York 14618

Re: The Reserve Subdivision  
Proposed Easements

Dear Supervisor Moehle and Town Board Members:

The above referenced project includes twenty-two easement agreements between the owner and the Town of Brighton apart from those agreements that were previously authorized for signature by the Town Supervisor in the March 25, 2009 Town Board Resolution. These agreements include two Utility Access Easements, a Storm water Maintenance Agreement, six Sanitary Sewer Easements, nine Storm Sewer Easements, a Line of Sight Easement, a Trail Easement and two Temporary Vehicle Turn Around Easements. Copies of the easements are attached for your reference. The Town attorney and Town staff have reviewed the easement language maps and descriptions and find them acceptable.

I am requesting that the Town Board authorize the Supervisor to endorse these easements and the corresponding TP 584 forms

As always, your consideration of matters such as this is greatly appreciated.

Respectfully,

Michael E. Guyon, P.E.  
Department of Public Works

Cc: Tim Keef  
Ramsey Boehner  
Kenneth W Gordon  
David Dollinger

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that correspondence dated July 24, 2012 from Director of Recreation, Jerry LaVigne, regarding a budget transfer needed to fund sealing of the Buckland Park parking lot, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the transfer of \$3,200.00 from A.REC 7115 4.41 to A.REC 7115 2.60 to provide additional funding needed to seal the Buckland Park parking lot.

Dated: August 8, 2012

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



**TOWN OF BRIGHTON**  
**RECREATION, PARKS & COMMUNITY SERVICE DEPARTMENT**

220 Idlewood Road  
Rochester, NY 14618  
<http://www.townofbrighton.org>

(585) 784-5260  
Fax: (585) 784-5365  
TTY: (585) 784-5381

July 24, 2012

Finance Committee  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

Dear Finance Committee Members:

The price to slurry seal the Buckland Parking lot came in at \$3,200 higher than we had allocated in this year's budget. Suit-Kote is the company providing this service, and they are on the NYS Contract list. I respectfully recommend the following transfers.

Debit	A. REC 7115 4.41	Maintenance Repair	\$3,200.00
Credit	A. REC 7115 2.60	Facility Improvement	\$3,200.00

I will be happy to answer any questions you may have regarding this matter.

Sincerely,

**Jerry LaVigne**  
Director of Parks and Recreation

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that correspondence dated July 29, 2012 from Commissioner of Public Works, Timothy E. Keef, P.E., regarding the extension for one year of an agreement with Waste Management of NY to provide refuse and recycling services to the Town Refuse Districts, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an extension for one year of an agreement with Waste Management of NY to provide refuse and recycling services to the Town Refuse Districts.

Dated: August 8, 2012

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



# Town of Brighton

MONROE COUNTY, NEW YORK

## DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618

PHONE: (585)784-5250 FAX: (585) 784-5368

July 29, 2012

The Honorable Finance and Administrative Services Committee  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

re: Authorize Amendatory Agreement  
Waste Management of New York  
Refuse and Recycling Services to the Districts

Dear Chairman Werner and Committee Members:

It is recommend that our 2010 contract with Waste Management of New York be renewed pursuant to the terms of said agreement, under which they will continue to provide refuse and recycling services to our refuse districts for an increased unit price of 1.01% (from \$205.59 to \$207.67). The extension to renew, which is permitted within the contract, would be for one year ending December 31, 2013. The adjusted cost is based upon factors such as tipping fees, the cost of fuel, CPI and other economic indicators. This expense will be accounted for in the 2013 budget.

If you recall this matter was discussed at the June Public Works Committee and the consensus at that time was to renew pending receipt of updated rates from Waster Management. As always, thank you for your consideration. I will be in attendance at your regularly scheduled July 31, 2012 meeting in the event that you have any questions regarding this matter.

Very truly yours,

Timothy E. Keef, P.E.  
Commissioner of Public Works

TEK/wp

cc: C. Roscoe  
M. Hussar  
S. Zaso  
A. Banker

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that correspondence dated July 27, 2012 from Town Engineer, Michael E. Guyon, P.E., regarding a budget transfer of \$5,000.00 of donated funds to support the purchase of trees for the Veterans Memorial, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the transfer of \$5,000.00 of donated funds from TE 92.COMM to TE 92.VETS to support the purchase of trees for the Veterans Memorial.

Dated: August 8, 2012

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



# Town of Brighton

MONROE COUNTY, NEW YORK

## DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ★ ROCHESTER, NEW YORK 14618 ★ PHONE (585)784-5250 ★ FAX (585)784-5368

July 27, 2012

The Honorable Finance and Administrative Services Committee  
Town of Brighton  
2300 Elmwood Ave.  
Rochester, New York 14618

Re: Veteran's Memorial  
Fund Transfer

Dear Councilperson Werner and Committee Members:

As a result of Councilperson Louise Novros's efforts to promote beautification projects such as "Clean Sweep" the Town of Brighton was awarded a \$5,000 grant from Keep America Beautiful. This grant is part of a nationwide effort sponsored by Waste Management to support community beautification projects. Councilperson Novros has requested that this grant be used to beautify Buckland Park through the purchase of trees for the Veterans Memorial.

Currently, this money is located in trust fund account TE 92.COMM. The funds must be transferred to account TE 92.VETS before they can be applied to the purchase of trees for the Veterans Memorial. Therefore, I am requesting that the FASC recommend that the Town Board authorize the transfer of \$5,000 from account TE 92.COMM to account TE 92.VETS.

I will be in attendance at your next regularly scheduled FASC meeting on July 31, 2012 in the event that you have any questions regarding this correspondence. As always, your consideration of matters such as this is greatly appreciated.

Sincerely,

Michael E. Guyon, P.E.  
Department of Public Works

Cc: Suzanne Zaso  
Tim Keef  
Mary Ann Hussar

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that correspondence dated July 27, 2012 from Commissioner of Public Works, Timothy E. Keef, P.E., together with the bid summary sheet regarding a bid award for a compact excavator, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the purchase of one Compact Excavator with attachments from Vantage Equipment for the prices as detailed on the bid summary sheet as the only contractor that did not take any exceptions to the bid specifications.

Dated: August 8, 2012

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



# Town of Brighton

MONROE COUNTY, NEW YORK

## DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618  
PHONE: (585)784-5250 FAX: (585) 784-5368

July 27, 2012

The Honorable Finance and Administrative Services Committee  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

re: Compact Excavator Bids (Sewer Department)  
Award of Bid

Dear Chairman Werner and Committee Members:

The above bids were publicly advertized and publicly opened, all as required by law. A copy of the advertisement and of the bid tabulation are all attached. It is recommended that the above equipment, a new and unused 2012 compact excavator, with attachments be purchased, from Vantage Equipment as they did not take any exceptions to the bid specifications, while the balance of the bidders all cited exceptions, including the apparent low bid from DJM Equipment. Funds are available in the SS.Sewer 8120 2.22 (vehicles and equipment) account for this transaction.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled July 31, 2012 meeting in the event that you have any questions regarding this matter.

Sincerely,

Timothy E. Keef, P.E.  
Commissioner of Public Works

TEK/wpd

attachments

cc: T. Anderson  
S. Zimmer  
S. Zaso  
A. Banker  
M. Hussar

FASC.SEWER.COMPACT EXCAVATOR.BID.AWARD.JULY.2012.01



**Furnish and Deliver 1 (One) Compact Excavator; Friday, July 20, 2012**

<b>Name</b>	<b>Bid</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>	<b>Total W/ Options</b>	<b>Make &amp; Model</b>	<b>Exceptions</b>	<b>Exception Details</b>
Monroe Tractor	\$56,096	\$752	\$915	\$4,489	\$62,252	Doosan DX60R	13	<p>Engine - 202.5 cu. In displacement, no dual element air cleaner, no automatic idle down</p> <p>Fluid Capacities - Fuel Res 20.6 gal, Hydraulic Res 17.2 gal</p> <p>Electrical Systems - Doesn't have two working lights on upper cab &amp; 1 on boom</p> <p>Undercarriage - Ground clearance 1'1"</p> <p>Operational Weight - 13,000 lbs</p> <p>Digging - Dump height 13'6", bucket breakout force 8,973 lbf, tear out force 5,842 lbf, boom offset 70° left</p> <p>Dozer Blade - Capable of lowering below grade 1'4"</p>
				\$6,280	\$64,043			
D.J.M. Equipment, Inc.	\$49,598	\$762	\$969	\$5,350	\$56,679	Bobcat E55	13	<p>Engine - Engineered by Bobcat &amp; Kubota, exhaust directed out lower rear of machine</p> <p>Fluid Capacities - Fuel Res 21.1 gal, Hydraulic Res 18.5 gal</p> <p>Drive System - Tracks are 15.7" wide</p> <p>Undercarriage - Ground clearance 1'1"</p> <p>Hydraulic System - Pump is closed center, swing motor is axial piston with hydraulic brake</p> <p>Digging - Digging depth 12'10.5", Dump height 13'6.7", boom offset 75° left, ground reach 19'11.5", tear out force 5,868 lbf</p>
George & Swede	\$59,900	\$900	\$1,000	\$5,641	\$67,441	Hyundai S5-9	12	<p>Fluid Capacities - Hydraulic Res 18.5 gal</p> <p>Electrical Systems - Two lights on mid-cab</p> <p>Drive System - 1.4 mph low speed</p> <p>Hydraulic System - Closed center, 14.5 gpm flow, circuit controller not a joystick or rocker, no dedicated thumb circuit</p> <p>Digging - Dump height 13'9", digging depth 13'4", ground reach 20'1"</p> <p>Dozer Blade - Capable of lowering below grade 1'4"</p> <p>Misc - Can't deliver in 60 days or pay late fee</p>
Vantage Equipment	\$58,913	\$767	\$920	\$8,200	\$68,800	Volvo EC55C	0	None



# Town of Brighton

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618

PHONE: (585)784-5250 FAX: (585) 784-5368

August 6, 2012

The Honorable Finance and Administrative Services Committee  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

re: Compact Excavator Bids (Sewer Department)  
Award of Bid

Dear Chairman Werner and Committee Members:

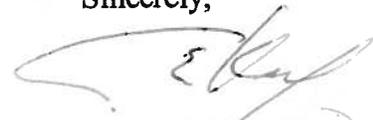
Pursuant to questions raised at the Finance and Administrative Services Committee meeting regarding the above matter, I offer the following information for the bid award recommendation:

- 1) Bid specifications were developed by the Sewer Department relative to the subject equipment based upon the needs of our operation and existing equipment currently in use.
- 2) While all aspects of the specifications are deemed important, certain aspects of the specifications are deemed more critical to the complementary interrelationship of the Sewer Departments demands. Performance, safety, economy and serviceability components of the specifications, either individually or collectively for a single machine, all must be factored into the overall evaluation of a machine.
- 3) Todd Abbey, our head mechanic, provided a detailed review of the equipment bid and the exceptions taken by the three product representatives. The Hyundai and Doosan excavators had engines made by other companies, these engines were larger than what was specified, will consume more fuel, had lower dump heights, had less breakout force for digging, had smaller compactor plates which will be less efficient when backfilling the trench, to note some of the more important exceptions to the specs. The Bobcat unit had both digging depth and dump heights substandard to the specs, exhaust gas directed out the lower rear portion of the machine (again contrary to the specs and more of a health and safety issue for our personnel) and less breakout force for digging (less efficient). There were other exceptions as well (design, ergonomics and serviceability) that make these less attractive machines.

The Honorable Finance and Administrative Services Committee  
Compact Excavator Award of Bid  
August 6, 2012  
Page 2

Hopefully, this communication has address your questions and concerns regarding this matter. If not, do not hesitate to contact me to discuss further. And, if so, and based upon this analysis, it is requested to award the bid to Vantage Equipment in the amount of \$68,800.00 for a new and unused 2012 Volvo EC55C Excavator, inclusive of options #1, 2 and 3, as they were the responsive and responsible lowest bid submitted that did not cite any exceptions to the specifications. As always, thank you for your consideration.

Sincerely,



Timothy E. Keef, P.E.  
Commissioner of Public Works

TEK/wpd

cc: S. Zimmer  
T. Abbey  
S. Zaso  
A. Banker  
M. Hussar  
K. Gordon

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that a memorandum dated July 31, 2012 from Finance Director, Suzanne Zaso, regarding an agreement with Bank of America for investment management services of the Service Award Program for members of the West Brighton Fire Department, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an agreement with Bank of America for investment management services of the Service Award Program for members of the West Brighton Fire Department, said agreement subject to the review and approval of the Attorney to the Town.

Dated: August 8, 2012

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



SUZANNE ZASO, DIRECTOR OF FINANCE  
2300 ELMWOOD AVENUE  
ROCHESTER, NEW YORK 14618  
Phone (585) 784-5210 Fax (585) 784-5396

### MEMORANDUM

**To:** The Honorable Town Board  
**Attn.:** Finance and Administrative Services Committee  
**From:** Suzanne Zaso, Director of Finance *mg*  
**Date:** July 31, 2012  
**Subject:** West Brighton Fire Protection District Service Award Program –  
Investment Policy Statement

Bank of America, the current Investment Manager of the Service Award Program that is available to members of the West Brighton Fire Department, is requesting a signed updated Investment Policy Statement. This policy states the expectations, objectives and guidelines for investment of the Plan assets. My formal request to the Town Board is to authorize the Supervisor to sign the Investment Policy Statement as prepared by the Investment Manager, Bank of America.

I would be happy to respond to any questions that members of the Committee or other members of the Town Board may have regarding this matter.

Copy to: K. Gordon

# Investment Policy Statement

Protection by  
✓

Prepared for WEST BRIGHTON FIRE DISTRICT (41162008546120)  
As of 04/23/2012

## Introduction:

This Investment Policy Statement (IPS) is intended to be the governing document for Bank of America, N.A. (the "Investment Manager") to follow for the management of the Plan's investment portfolio entrusted to the Investment Manager. This Investment Policy Statement governs the effective planning, overseeing, monitoring, and evaluating the management of the Plan's assets. The Plan's investment program is defined in the various sections of the IPS by:

- Stating in a written document the expectations, objectives and guidelines for the investment of Plan assets.
- Setting forth an investment structure for managing Plan assets. This structure includes various asset classes, asset allocation policies and investment approaches. In total, the structure is expected to produce adequate diversification and provide total investment returns over a long-term horizon.
- Providing guidelines for each investment portfolio so that all Plan assets are managed in accordance with stated objectives.
- Encouraging effective communications between the Plan and the Investment Manager.
- Establishing formalized criteria to monitor and evaluate the Investment Manager's results on a regular basis.
- Complying with all applicable laws, rules and regulations and fiduciary prudence and due diligence requirements.

## Overall Risk Tolerance and Investment Objective:

The Plan acknowledges that some risk in the values of the Plan assets must be assumed to achieve the Plan's long-term investment objectives. The following risk categories and definitions were considered in the development of this Investment Policy Statement:

**Volatility Risk:** Volatility Risk is the potential for loss in the value of the portfolio due to year-to-year fluctuations in return relative to the one-year expected return.

**Concentration Risk:** Concentration Risk is the potential for loss in the value of the portfolio due to a substantial overweight in any sector(s), sub-sector(s), industry(ies), or security(ies).

**Credit Risk:** Credit Risk is the potential for loss in the value of the portfolio due to a decline in the credit-worthiness of an investment.

**Inflation Risk:** Inflation Risk is the loss of purchasing power due to the decline in value of the monetary unit on which the investment is based.

**Liquidity Risk:** Liquidity Risk is the inability to sell an investment in a timely manner without offering a discount to its fair value.

The overall Investment Objective is **Balanced**:

- This objective offers the potential for both current income and capital appreciation, with corresponding allocations to fixed income and equities and, where appropriate, other asset classes.

## Time Horizon:

The time horizon of the Plan is greater than ten years.

## Investment Authority:

The investment authority has been delegated to the Investment Manager who will be responsible for the investment management of the Plan within the guidelines of this IPS.

# Investment Policy Statement

## Investment Restrictions and Special Instructions:

Accredited investor-only privately placed alternative investments will not be invested in by the Investment Manager.

The Investment Manager is restricted from purchasing investments in the following asset class(es): Hedge Funds.

Note: The Investment Manager may not be able to fully implement such restrictions when mutual funds and other pooled investment vehicles are utilized. Additionally, items such as market volatility, changes in company focus and foreign operating businesses result in a degree of subjectivity in classifications such as capitalization, sector or country. The Investment Manager intends to follow these restrictions as closely as possible given these constraints.

## Customized Asset Allocation:

The portfolio will be invested in accordance within the Policy Maximum and Minimum Range for each asset category described below. The asset allocation, Strategic Target, and Policy Maximum and Minimum Range have been established in accordance with the overall risk and return objectives of the portfolio.

Since the Plan's total portfolio is expected to be broadly diversified with respect to asset classes and asset class managers, the Investment Manager is allowed latitude in constructing the components of the total portfolio, consistent with its style of management.

Asset Class	Strategic Target	Policy Range
Cash	0.00%	0.00%-20.00%
Equity	42.00%	27.00%-63.00%
U.S. Large Cap	16.00%	8.00%-30.00%
U.S. Mid Cap	7.00%	0.00%-13.00%
U.S. Small Cap	4.00%	0.00%-10.00%
International - Developed	9.00%	0.00%-16.00%
Emerging Markets	6.00%	0.00%-12.00%
Fixed Income	49.00%	33.00%-59.00%
International Developed Bonds	4.00%	0.00%-10.00%
Investment Grade	40.00%	25.00%-51.00%
High Yield	5.00%	0.00%-12.00%
Real Estate	4.00%	0.00%-10.00%
Tangible Assets	5.00%	0.00%-12.00%

## Rebalancing Strategy:

Rebalancing the portfolio allocation with the Policy Strategic Target allocation ranges for the various asset classes serves the purpose of maintaining the risk and expected return of the portfolio within parameters stated in the Investment Policy Statement. Reallocations among asset classes and managers shall reflect the following considerations:

- 1) Generally allocated toward maintaining the strategic allocation targets over time, and/or
- 2) The Investment Manager will rebalance the portfolio with the asset allocation ranges stated herein when the risk and expected reward potential is perceived to be such that an asset class weighting should be tilted toward the approved policy maximum or minimum.

## Performance Benchmarks and Measurement:

Performance will be reviewed periodically.

Investment performance will be compared against a Policy benchmark based on the investment objective. The Policy benchmark against which the portfolio's performance will be measured is 50% S&P & 50% Barclays Aggregate.

# Investment Policy Statement

## Updating Information:

This Investment Policy Statement shall be reviewed at least once annually. This Investment Policy Statement may be modified in whole or in part at any time, and the changes shall be communicated to the Investment Manager in writing and signed by a duly appointed representative of the organization.

## Acknowledgement

This Investment Policy Statement is acknowledged and adopted as of the date below:

**SIGN  
HERE**

WEST BRIGHTON FIRE Protection Date  
DISTRICT 3.

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that a memorandum dated July 31, 2012 from Finance Director, Suzanne Zaso, regarding an agreement through December 31, 2012 with Outsource PC Services to provide technical database support services to the permit and property maintenance database utilized by the Fire Marshall with a maximum contract amount of \$500, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an agreement through December 31, 2012 with Outsource PC Services to provide technical database support services to the permit and property maintenance database utilized by the Fire Marshall with a maximum contract amount of \$500, said agreement subject to the review and approval of the Attorney to the Town.

Dated: August 8, 2012

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



SUZANNE ZASO, DIRECTOR OF FINANCE  
2300 ELMWOOD AVENUE  
ROCHESTER, NEW YORK 14618  
Phone (585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board  
Attn.: Finance and Administrative Services Committee  
From: Suzanne Zaso, Director of Finance  
Date: July 31, 2012  
Subject: Professional Services Agreement for Database Support

I am requesting the Your Honorable Town Board authorize the Town Supervisor to execute a professional services agreement with Outsource PC Services to provide technical database support to the permit and property maintenance database utilized by the Fire Marshal's Office. This contract will remain in effect until December 31, 2012 at a rate of \$50 per hour with a maximum contract amount of \$500.

I would be happy to respond to any questions that members of the Committee or other members of the Town Board may have regarding this matter.

CC: C. Roth  
K. Gordon

## AGREEMENT

THIS AGREEMENT, made \_\_\_\_\_, in the year 2012, by and between the Town of Brighton, a municipal corporation, with offices at 2300 Elmwood Avenue, Rochester, New York 14618, hereinafter referred to as the "Town", and **Outsource PC**, with offices at (or residing at) 24 Quaker Drive, Rochester, NY, 14623., hereinafter referred to as the "Contractor".

## WITNESSETH

WHEREAS, the Town of Brighton is desirous of obtaining the services of the Contractor to perform the scope of services set forth in Section I hereof; and

WHEREAS, the Contractor is willing and able and qualified to perform such services.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. The Contractor hereby agrees to perform the following services for the Town of Brighton: technical database services, as directed by the Fire Marshal.

2. The term of this agreement shall be from execution to 12/31/2012. This contract may be terminated by the Town of Brighton upon written notice to the Contractor.

3. The Town hereby agrees to pay the Contractor a sum in full satisfaction of all expenses and compensation due the Contractor not to exceed FIVE HUNDRED DOLLARS (\$500). Said sum shall be paid as follows:

\$50.00 PER HOUR.

Payment by the Town for the sum(s) herein contracted for shall be made upon the submission of an invoice(s) and properly executed Town of Brighton claim vouchers, supported with such information and documentation necessary to substantiate the claim, approved by the Commissioner of Public Works, or by his/her designee, audited by the Director of Finance of the Town of Brighton, and approved

for payment by the Town Board. If this contract is terminated by the Town pursuant to paragraph 2, the Contractor will be paid a pro rata share of the contract amount based upon the proportion of its satisfactory performance of the contract at the time of termination to the total performance required by this contract.

4. Upon the completion of the work required hereunder by the Contractor, title to all work performed shall vest in the Town of Brighton.

5. This contract shall be deemed executory only to the extent of funds available and the Town shall incur no liability beyond the funds budgeted therefor.

6. The Contractor agrees that it will not assign, transfer, convey, sublet or otherwise dispose of this contract or its right, title or interest therein, nor any part thereof, nor any money which are or will become due and payable thereunder without the prior written consent of the Town of Brighton.

7. The Contractor covenants and agrees that it will conduct itself consistent with its status, said status being that of an independent contractor, and that its employees or agents will neither hold themselves out nor claim to be an officer or employee of the Town of Brighton, not make claim to any rights accruing thereto, including, but not limited to, Workers' Compensation, unemployment benefits, Social Security or retirement membership or credit.

8. The Contractor agrees that in carrying out its activities under the terms of this agreement that it shall not discriminate against any person due to such person's race, color, creed, sex or national origin, and that at all times it will abide by the applicable provisions of the Human Rights Law of the State of New York as set forth in Section 290-301 of the Executive Law of the State of New York.

9. The Contractor agrees to indemnify, defend and hold the Town of Brighton harmless from and against any claims or causes of action, including reasonable attorney's fees, which may be asserted against the Town or any of its officers and/or employees, and arising out of this agreement or out of services which the Contractor may perform for the Town pursuant to this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

TOWN OF BRIGHTON

By: \_\_\_\_\_  
William W. Moehle, Supervisor

By: \_\_\_\_\_  
*[Signature]*  
John Haley  
[Print Name]

126-64-4390  
\_\_\_\_\_  
Fed. I.D.# or Social Security #



At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that correspondence dated August 1, 2012 from Town Engineer, Michael E. Guyon, P.E., regarding a sidewalk easement agreement, a stormsewer easement agreement and a storm drainage maintenance agreement in connection with the ARC of Monroe County, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a sidewalk easement agreement, a stormsewer easement agreement and a storm drainage maintenance agreement in connection with the ARC of Monroe County, said agreements subject to the review and approval by the Attorney to the Town.

Dated: August 8, 2012

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



# Town of Brighton

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE \* ROCHESTER, NEW YORK 14618 \* PHONE (585)784-5250 \* FAX (585)784-5368

August 1, 2012

The Honorable Town of Brighton Town Board  
Town of Brighton  
2300 Elmwood Ave.  
Rochester, New York 14618

Re: ARC of Monroe County  
Proposed Easements

Dear Supervisor Moehle and Town Board Members:

The above referenced project includes three easement agreements between the owner and the Town of Brighton. These agreements include a sidewalk easement agreement along the west side of West Henrietta Road, a stormsewer easement agreement, and a storm drainage maintenance agreement. Town staff has reviewed the easement language, maps and descriptions and find them acceptable.

I am requesting that the Town Board authorize the Supervisor to endorse these easements and the corresponding TP 584 forms

As always, your consideration of matters such as this is greatly appreciated.

Respectfully,

Michael E. Guyon, P.E.  
Department of Public Works

Cc: Tim Keef  
Ramsey Boehner  
Kenneth W Gordon

## **SIDEWALK EASEMENT**

THIS INDENTURE, made this 15<sup>th</sup> day of August, 2012 by and between NYSARC, INC. Monroe County Chapter, as the owner of property known as 2657 West Henrietta Road, Rochester, New York 14623, Tax account number 148.16-1.19.1 situate in the Town of Brighton, Monroe County, New York, and all other individuals and corporations who may execute this instrument, first parties, and the Town Board of the Town of Brighton, a municipal corporation with offices at 2300 Elmwood Avenue, Rochester, Monroe County, New York, 14618, second parties,

### **WITNESSETH:**

That the parties of the first part in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid to them by the parties of the second part hereby grant and release to the parties of the second part, their successors and assigns, a permanent right of way, easement and privilege in, along and over a strip of land to be used for sidewalk purposes as specified herein and which land and easement are more particularly described as follows:

### **SEE SCHEDULE "A" ATTACHED**

to have and to hold the premises herein granted unto the parties of the second part, their successors and assigns, with the following rights and privileges:

1. The perpetual easement granted hereunder is for the purpose of constructing and maintaining a sidewalk, over which all members of the public may traverse at all times, as determined by the second parties, their successors or assigns, who shall have the right to enter upon said premises for the purposes aforesaid.
2. The second parties do hereby agree to indemnify and hold harmless the first parties, their successors and assigns, from loss or damage resulting from its exercise of its rights under this easement, except such damages as are due to the gross negligence of the first parties, their agents, servants, employees, grantees, successors and assigns. Conversely, the first

parties agree to indemnify and hold harmless , their successors and assigns, from loss or damage resulting from the gross negligence of the first parties, their agents, servants, employees, grantees, successors and assigns, except such loss or damage as is caused by the gross negligence of the second parties, or their agents, servants, employees, grantees, successors or assigns.

3. The first parties, hereby reserve the right to plant or maintain lawns or other embellishments over the unpaved areas within the said easement, and when it is necessary for the second parties, agents or contractors to enter thereon for maintaining, replacing or repairing any portion of the sidewalk or other appurtenances, they shall, and by acceptance of this easement, do agree to restore the property of the first parties to the same condition as before such work is or was done insofar as it is practicable and reasonable to do. The second parties, their successors, assigns, agents or contractors, may at any time remove all obstructions from the areas of the easement, including trimming or removal of trees and shrubs, which they reasonably determine are interfering with the operation or maintenance of the sidewalk or part thereof without liability to the first parties, except as provided for in Paragraph 2.
  
4. The parties of the second part, their successors, assigns, agents or contractors may, at any time exercise the rights and privileges granted herein. Said rights and privileges do not convey or infer a duty by the parties of the second part, their successors, assigns or contractors to remove or replace trees or shrubs that, in the opinion of the grantee, do not interfere with or obstruct the use of the sidewalk. Furthermore, it shall not be the duty of the parties of the second part, their successors, assigns, agents or contractors to perform routine property maintenance of the easement area outlined herein or maintain said area in a fashion that would typically be performed by the party of the first part in the normal course of the upkeep of the property. The parties of the second part agree to maintain the sidewalk in good repair.

5. The parties of the first part reserve the full use and enjoyment of the said premises except for the purposes herein granted to the parties of the second part. The parties of the first part covenant that the parties of the second part shall quietly enjoy this easement and first parties warrant the title to same.

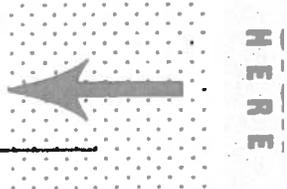
IN WITNESS WHEREOF, the parties hereto have set their hands and seals and/or caused its corporate seal to be hereunto affixed, and these premises to be signed by its duly authorized officer, all as of the day and year first above written.

NYSARC Inc. Monroe County Chapter

By: Barbara S. Wale  
President

TOWN OF BRIGHTON

By: \_\_\_\_\_



STATE OF NEW YORK)

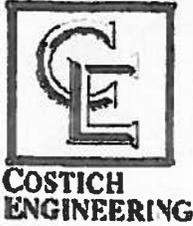
ss:

COUNTY OF MONROE)

On this 1<sup>st</sup> day of August, 2012, before me, the undersigned, personally appeared Barbara S. Wale, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within this instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Maureen K. Hellem

Notary Public  
MAUREEN K. HELLEMS  
Notary Public - State Of New York  
Commission #01HE6017994  
Monroe County  
Commission Expires 12/20/20 14



Project No. 4867  
January 17, 2012  
Page 1 of 1  
Revised: 8/01/2012

**2657 WEST HENRIETTA ROAD (TAX ACCT. NO. 148.16-01-19.1)  
PROPOSED PERMANENT PUBLIC SIDEWALK EASEMENT**

All that tract or parcel of land situate in the Town of Brighton, County of Monroe, State of New York, all as shown on a map entitled "Site and Pavement Marking Plan", prepared by Costich Engineering, P.C., having Drawing No. 4867-CA110, dated 11/22/2011, last revised 7/06/2012 and being more particularly bounded and described as follows:

Beginning at a point located on the westerly bounds of West Henrietta Road (NYS Route 15), said point being the common easterly property corner of Tax Parcel #148-16-01-19.1 to the north and Tax Parcel #148.16-01-18.1 to the south; thence

1. S85°49'00"W, a distance of 21.92 feet to a point; thence
2. N19°59'15"E, a distance of 207.48 feet to a point; thence
3. N86°29'40"E, a distance of 21.81 feet to a point; thence
4. S19°59'15"W, along the westerly bounds of West Henrietta Road, a distance of 207.19 feet to the point and place of beginning.

f:\jobs\4867\descriptions\2012-08-01 description of proposed sidewalk easement docx

**STORM DRAINAGE MAINTENANCE AGREEMENT**  
**(REDEVELOPMENT PROJECT)**

THIS AGREEMENT is made as of the 1st day of August, 2012 by and between the TOWN OF BRIGHTON (the "Town") and The ARC of Monroe County , having offices at 2060 Brighton-Henrietta Town Road , Rochester, N.Y. 14623, (the "Sponsor").

WHEREAS, the Sponsor is the owner of property located at 2657 West Henrietta Road Brighton, New York 14618, bearing tax ID number(s) 148.160-01-19.1 , or any address or tax ID number subsequently assigned to the (resubdivided) property (the "Site"); and,

WHEREAS, the Sponsor is obligated to comply with Federal, State and local regulations regarding stormwater quantity and quality mitigation, inclusive of *Chapter 215, Stormwater Management of the Town Code of the Town of Brighton*; and,

WHEREAS, the Town and the Sponsor mutually desire to provide stormwater quantity attenuation and enhanced stormwater quality mitigation measures in conjunction with the redevelopment of the Site, specifically, the installation of on site best management practices and connection to a storm drainage system to an underground detention system and a CDS© Water Quality unit downstream of the detention area (the "Improvements"); and,

WHEREAS, the proper performance of the Improvements require connection to the storm drainage system within the Town of Brighton right of way adjoining the Site, and will allow such a connection at the expense of the Sponsor; and,

WHEREAS, the Sponsor will incorporate the Improvements into the scope of Site work associated with the construction of new building with related parking and site improvements at their sole expense; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties hereto as set forth herein, it is agreed as follows:

**1. The Improvements:**

The work shall consist of installing a storm drainage system to an underground detention system and a CDS© Water Quality unit downstream of the detention area, the connection to the connection to the Town of Brighton drainage system along and all incidental and necessary appurtenances as described within the engineering report, depicted upon the project plans as designed by Costich Engineering.

**2. Maintenance**

During the term of this Agreement, the Sponsor shall bear all responsibility, including, but not limited to, the inspection, cleaning, flushing and all other maintenance procedures (the "maintenance") of the onsite *Treatment Units* necessary for the system(s) to operate in accordance with the manufacturers' required protocol for the Improvements. At a minimum, the maintenance shall be performed no less than once a year, between May 1<sup>st</sup> and May 31<sup>st</sup>

of each year. A detailed report certifying the extent of the maintenance procedures shall be provided to the Town DPW by June 15<sup>th</sup> of each year, prepared by a professional engineer licensed to practice in the State of New York or other professional qualified to perform such work.

### **3. The Costs of Improvements**

The costs of construction and/or installation of all Improvements shall be borne by the Sponsor.

### **4. No Liability**

The Town shall not be responsible for any loss or damage, incurred by the Sponsor or its agents, tenants, employees, contractors or invitees, in connection with this Agreement. Furthermore, no language contained herein shall be construed as the Town assuming any obligations of the Sponsor, relieving the Sponsor of their duties associated with the inspection, operation and/or maintenance of the system(s).

### **5. Indemnity**

The Sponsor shall indemnify and hold the Town harmless at all times from and after the date of this Agreement, including from all claims, damage, liability and expense, including legal fees, arising from, related to or in any way connected with the Agreement, except claims, damage, liability and expenses caused by a negligent, willful or wrongful act or omission on the part of the Town and/or any of its employees, agents or contractors.

### **6. Default**

If the Sponsor fails in the due performances of any of its obligations under the terms of this Agreement, the Town shall have the right to issue a notice of default in accordance with the following:

- A) After a twenty four (24) hour period from the issuance of written, facsimile or electronic notice for correction of an emergency maintenance situation(s) and remedial action has not been performed to the satisfaction of the Town by the Sponsor or its agent(s); and/or
- B) After a thirty (30) day period from the issuance of written, facsimile or electronic notice for correction of routine maintenance procedure(s) (including failure to properly perform the maintenance) and remedial action has not been performed to the satisfaction of the Town by the Sponsor or its agent(s);

In accordance with the above conditions, the Town may then issue written, facsimile or electronic notice for default and at its election, (a) cause the necessary maintenance to be performed immediately and to add the costs thereof to the property tax bill issued to the Sponsor for the Site, and/or (b) to sue for damages for such breach and to seek such legal and equitable remedies as may be available to it, including the right to recover all expenses including legal fees.

An emergency is defined as, but not necessarily limited to, a situation that presents an immediate threat to the well being of property and/or personal health of individuals and/or the general public. Routine is defined as, but not necessarily limited to, the maintenance and care, recommended or otherwise, of the system(s) for its ability to operate in accordance with the intended performance parameters. Pursuant to paragraph #4, the Town assumes none of the Sponsor's obligations with regards to maintaining the system.

The Sponsor shall provide below the name, title and contact information of the person in their employ who shall be notified in accordance with the terms and conditions of this paragraph, and may be reached twenty four hours a day. Sponsor shall be responsible to promptly inform the Town of any changes that may occur with regards to this information.

6. Default (continued)

CONTACT INFORMATION (please type or print all information)

NAME: Michael E. Parker

TITLE: Director of Facilities  
The Arc of Monroe County

MAILING ADDRESS: 2060 Brighton-Henrietta Town Road,  
Rochester, N.Y. 14623,

PHONE NUMBERS: Office : (585) 271-0660 ext. 1369  
Cell: (585) 414-5215 (cell)

FAX NUMBER: Fax: (585) 672-2215

E-MAIL ADDRESS: MParker@arcmonroe.org

7. Term

The Term of this agreement will commence upon execution by both Parties and will remain permanently in full force and effect from the date of this Agreement.

8. Successors and Assigns

The terms of this agreement shall be perpetually binding upon the Sponsor, their heirs, successors and all subsequent property owners. This agreement and the obligations thereof shall not be assigned, transferred or otherwise disposed of by the Sponsor.

9. Modifications

This document represents the full and complete agreement between the parties. No changes may be made to any of the terms of this Agreement, nor any provision revised or waived, except in writing signed by both parties.

10. Severability

If a court of competent jurisdiction finds any provisions of this agreement invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated as being invalid. All other provisions of this agreement shall remain in full and separate effect.

**11. Authorization**

The undersigned represent that they are authorized to execute this Agreement on behalf of the Town or the Sponsor, and that the Town and the Sponsor are authorized to enter into this Agreement and perform its obligations described herein.

**12. Filing**

The Sponsor shall file this document at the Monroe County Clerk's Office upon its execution and provide a copy of the date/time stamped filed document to the Town along with the transaction receipt from the County Clerk's Office.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and date first set forth above.

**SPONSOR**

Signature Barbara S. Wale

Name (printed) Barbara S. Wale

Title President / CEO

**TOWN OF BRIGHTON**

Signature \_\_\_\_\_

Name (printed) William W. Moehle

Title Town Supervisor



# STORM WATER DRAINAGE EASEMENT

THIS INDENTURE, made this 1<sup>st</sup> day of August, 2012 by and between **NYSARC, INC. Monroe County Chapter** as the owner of property known as 2657 West Henrietta Road, Rochester, New York 14623, Tax account number 148.16-1.19.1 situate in the Town of Brighton, Monroe County, New York, and all other individuals and corporations who may execute this instrument, first parties, and the Town Board of the Town of Brighton, a municipal corporation with offices at 2300 Elmwood Avenue, Rochester, Monroe County, New York, 14618, second parties,

## WITNESETH:

That the first parties in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid to them by the second parties hereby grant and release to the second parties, their successors or assigns, a permanent right of way, easement and privilege in, along and over a strip of land to be used for **storm water drainage purposes** as specified herein and which land and easement are more particularly described as follows:

### SEE SCHEDULE "A" ATTACHED

to have and to hold the premises herein granted unto the second parties, their successors or assigns, with the following rights and privileges:

1. The perpetual easement granted hereunder is for the purpose of continuing, constructing, laying, maintaining, replacing or improving underground storm sewer collection piping and/or channels of such sizes as from time to time may be determined by the second parties, their successors or assigns, together with all necessary connections and other appurtenances for conveying and conducting through said storm sewer collection piping and/or channels; and the second parties, their successors, assigns, agents or contractors, shall have the right to enter upon said premises for the purposes aforesaid.

2. **The second parties do hereby agree to indemnify and hold harmless the first parties, their agents, employees, grantees, successors or assigns, from loss or damage resulting from the exercise of its rights under this easement, except such damages as are due to the gross negligence of the first parties, their agents, employees, grantees, successors or assigns. Conversely, the first parties do hereby agree to indemnify and hold harmless the second parties, their agents, employees, grantees, successors or assigns, from loss or damage resulting from the exercise of its rights under this easement, except such damages as are due to the gross negligence of the second parties, their agents, employees, grantees, successors or assigns.**
  
3. **The first parties hereby reserve the right to pave, plant or maintain lawns, or other embellishments over underground pipes within the said easement, and when it is necessary for the second parties, agents or contractors to enter thereon for continuing, constructing, laying, maintaining, replacing or improving underground storm sewer collection piping and/or channels, connections or other appurtenances, they shall, and by acceptance of this easement, do agree to restore the property including but not limited to driveway, trees, shrubs, and utilities of the first parties to the same condition as before such work is or was done insofar as it is practicable and reasonable to do.**
  
4. **The second parties, their successors, assigns, agents or contractors may, at any time thereafter, remove trees or shrubs from the areas of the easement which they determine are interfering with the operation or maintenance of the storm sewer or drainage system or part thereof without liability to the first parties.**
  
5. **The second parties, their successors, assigns, agents or contractors may, at any time exercise the rights and privileges granted herein. Said rights and privileges do not convey or infer a duty by the second parties, their successors, assigns or contractors to remove or replace trees or shrubs that, in the opinion of the grantee, do not interfere with or obstruct the operation of the system. Furthermore, it shall not be the duty of the second parties, their successors,**

assigns, agents or contractors to perform routine property maintenance of the easement area outlined herein or maintain said area in a fashion that would typically be performed by the first parties in the normal course of the upkeep of the property

6. The first parties reserve the full use and enjoyment of the said premises except for the purposes herein granted to the second parties. The first parties covenant that the second parties shall quietly enjoy this easement and first parties warrant the title to same.

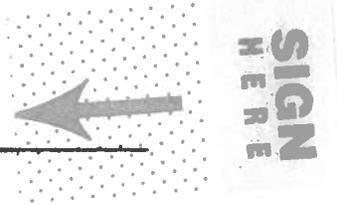
IN WITNESS WHEREOF, the parties hereto have set their hands and seals and/or caused its corporate seal to be hereunto affixed, and these premises to be signed by its duly authorized officer, all as of the day and year first above written.

**NYSARC, Inc, Monroe County Chapter**

By: Barbara S. Wade  
President

**TOWN OF BRIGHTON**

By: \_\_\_\_\_





Project No. 4867  
July 31, 2012  
Page 1 of 1  
Revised: 8/01/2012

**2657 WEST HENRIETTA ROAD (TAX ACCT. NO. 148.16-01-19.1)  
PROPOSED PERMANENT STORM SEWER EASEMENT**

All that tract or parcel of land situate in the Town of Brighton, County of Monroe, State of New York, all as shown on a map entitled "Utility Plan", prepared by Costich Engineering, P.C., having Drawing No. 4867-CA120, dated 11/22/2011, last revised 7/06/2012 and being more particularly bounded and described as follows:

Commencing at a point located on the westerly bounds of West Henrietta Road (NYS Route 15), said point being the common easterly property corner of Tax Parcel #148-16-01-19.1 to the north and Tax Parcel #148.16-01-18.1 to the south; thence

- A. S85°49'00"W, a distance of 471.75 feet to a point; thence
- B. N19°59'15"E, a distance of 461.26 feet to a point, said point being the point of beginning; thence
  - 1. N19°59'15"E, a distance of 5.45 feet to a point; thence
  - 2. N86°29'40"E, a distance of 15.00 feet to a point; thence
  - 3. S03°30'20"W, a distance of 5.00 feet to a point; thence
  - 4. S86°29'40"W, a distance of 17.17 feet to the point and place of beginning.

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated August 1, 2012 from Commissioner of Public Works, Timothy E Keef, P.E., regarding the establishment of a refuse district consisting of all of the properties located on Warren and Branch Avenues in the Town and the annexed informal petition, map, plan, report and negative declaration regarding the establishment of said district, be received and filed, and be it further

**RESOLVED AND ORDERED**, that the Town Board hereby sets a public hearing to be held on September 12, 2012 at 7:30 pm or as soon thereafter as said matter can be heard to consider the establishment of the above referenced refuse district, and it is further

**RESOLVED AND ORDERED**, that the Town Clerk shall publish once between August 23, 2012 and September 2, 2012 in the official newspaper of the Town a copy of this Resolution and Order as notice required pursuant to Town Law Section 209-d, and shall further post a copy of this Resolution and Order on the signboard of the Town during said same time period.

Dated: August 8, 2012

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



# Town of Brighton

MONROE COUNTY, NEW YORK

## DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618  
PHONE: (585) 784-5250 FAX: (585) 784-5368

August 1, 2012

Supervisor William Moehle  
and the Honorable Town Board  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

re: Establishment of Refuse District  
Warren and Branch Avenues

Dear Supervisor Moehle and Town Council Members:

Informal petitions have been received from the property owners of the above area requesting the establishment of a refuse district. Said petitions, the originals of which are on file in the Town Clerk's office, represent a majority of the property owners as well as 76% of the assessed value of the proposed district. It is recommended that you receive and file this communication, map, plan, report and negative declaration for the district supporting creation thereof on a benefits derived basis. It is further recommended that a public hearing be set for this matter. Please note that this matter is subject to a permissive referendum due to the informal nature of the petitions. If established, refuse collection services would begin January 2013.

Please do not hesitate to contact me if you have questions regarding this matter.

Very truly yours,

Timothy E. Keef, P.E.  
Commissioner of Public Works

TEK/wp

enclosures

cc: C. Roscoe  
M. Hussar  
D. Aman  
E. Ainsworth  
K. Gordon

TOWN OF BRIGHTON  
ASSESSOR'S OFFICE  
2300 ELMWOOD AVENUE  
ROCHESTER, NY 14618  
(585) 784-5215

DATE: July 19, 2012  
TAX ID#: 150.07-2-58, 59, 60, 66, 61, 65, 62, 64, 82.1, 63,  
150.10-2-36, 4,35, 34, 5, 33, 32, 6, 31, 7, 30, 8, 29, 9,  
28, 10, 27, 11, 26, 12, 25, 24, 113, 14, 15, 23, 17, 21,  
20, 150.07-2-75, 150.07-3-56, 55, 150.07-2-74,  
150.07-3-54, 150.07-2-73, 150.07-3-53, 52, 150.07-  
2-72, 150.07-3-51, 150.07-2-71, 70, 150.07-3-50,  
150.07-2-69, 150.07-3-49, 150.07-2-68, 150.07-3-48,  
47, 150.07-2-67, 150.07-3-46, 45, 150.07-2-57,  
150.07-3-44, 150.07-2-56, 150.07-3-43, 150.07-2-55,  
54, 150.07-3-41.1, 150.07-2-53, 52, 150.07-3-40,  
150.07-2-51, 150.07-3-39, 150.07-2-50, 150.07-3-  
42.1

ADDRESSES: 10, 20, 30, 35, 40, 45, 50, 55, 65, 66, Branch Avenue  
& 95, 100, 105, 115, 124, 125, 135, 144, 145, 154,  
155, 164, 165, 174, 175, 184, 185, 194, 195, 204,  
205, 215, 220, 224, 234, 235, 244, 245, 254, 264,  
265, 275, 284, 285, 294, 295, 305, 314, 315, 324,  
334, 335, 344, 345, 354, 355, 365, 374, 375, 385,  
394, 395, 404, 415, 434, 444, 445, 454, 464, 465,  
474, 475, 484, Warren  
Avenue & RVL on Warren Avenue

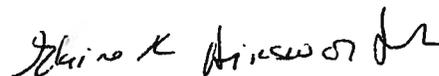
SPECIAL DISTRICT: Warren Ave & Branch Ave Refuse District

I, Elaine K. Ainsworth, Assessor, Town of Brighton, County of Monroe, State of New York, hereby certify that I have examined the petitions for the establishment of the Warren Ave & Branch Ave Refuse District, which petitions are dated May and June, 2012, and will be filed in the Town Clerk's Office in the Town of Brighton, County of Monroe, State of New York, and that:

- 1) The total assessed valuation of the real property within the parcels of the said special district is \$14, 177,000.00
- 2) The aggregate assessed valuation of the real property therein owned by the signers of said petitions is \$10,788,000.00
- 3) Said petition purports to be signed by the owners of more than one-half (1/2) the value of the real property within the area of the proposed extension of the district.

All as appears from the 2011 Assessment Roll, which is the latest completed assessment roll of the Town of Brighton, County of Monroe, State of New York, at the time of the signing of said petitions.

In witness thereof I have hereunto set my hand on this 19st day of July, 2012.



Elaine K. Ainsworth, IAO  
Town of Brighton Assessor



# *Town of Brighton*

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ★ ROCHESTER, NEW YORK 14618 ★ PHONE (585)784-5250 ★ FAX (585)784-5368

## **Map, Plan and Report** **Proposed Warren Ave & Branch Refuse District**

### **1. Introduction:**

Article 12 of the Town Law of the State of New York permits the Town to form special assessment districts to provide refuse collection and disposal services.

In-formal petitions for the establishment of the District have been received from owners of a majority of the properties in the proposed District, representing at least 76.1% of the assessed value within the proposed District. A comparison of the petitions received to the total are of the proposed District is attached.

### **2. Area of the Proposed District:**

The District is proposed to include all those properties shown on the attached map. A legal description of the proposed District is also attached.

### **3. Purpose of the Proposed District:**

The purpose of the proposed District is to provide for the equitable, public financing of the costs of providing services to remove and dispose of refuse and recyclables within the District.

### **4. District Charges:**

The charges of the proposed District will be assessed by the Town Board in proportion as nearly may be to the benefit which each parcel will derive therefrom. It is proposed that each parcel with a principal structure on it shall be considered as one unit for these purposes.

### **5. Indebtedness:**

The proposed District has no plans to issue any indebtedness to finance its activities.

### **6. Dated:**

7/20/12

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** ER-6-12

**Date:** July 25, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Brighton Town Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Warren Avenue & Branch Avenue Refuse District

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Creation of the Warren Avenue and Branch Avenue Refuse District to include 83 tax parcels on Warren Avenue and Branch Avenue.

**Location:** Warren Avenue and Branch Avenue (see map)

**Reasons Supporting This Determination:**

After considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant (Part I) and Town Staff (Part II) and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the Town of Brighton Town Board finds that the proposed action will not have a significant impact on the environment based on the following finding:

1. The requirements of the State Environmental Quality Review Law have been complied with.
2. The project is supported by the immediate community.
3. There will be no resources of value irreversibly lost.
4. There will be no impacts on the solid waste disposal system.

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that correspondence dated August 1, 2012 from Commissioner of Public Works, Timothy E Keef, P.E., regarding the establishment of a refuse district consisting of all of the properties located on Continental Drive with 2751 and 2781 Elmwood Avenue in the Town and the annexed formal petition, map, plan, report and negative declaration regarding the establishment of said district, be received and filed, and be it further

**RESOLVED AND ORDERED**, that the Town Board hereby sets a public hearing to be held on September 12, 2012 at 7:30 pm or as soon thereafter as said matter can be heard to consider the establishment of the above referenced refuse district, and it is further

**RESOLVED AND ORDERED**, that the Town Clerk shall publish once between August 23, 2012 and September 2, 2012 in the official newspaper of the Town a copy of this Resolution and Order as notice required pursuant to Town Law Section 193, and shall further post a copy of this Resolution and Order on the signboard of the Town during said same time period.

Dated: August 8, 2012

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



# Town of Brighton

MONROE COUNTY, NEW YORK

## DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618

PHONE: (585)784-5250 FAX: (585) 784-5368

August 1, 2012

Supervisor William Moehle  
and the Honorable Town Board  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

re: Establishment of Refuse District  
Continental Drive

Dear Supervisor Moehle and Town Council Members:

Formal petitions have been received from the property owners of the above area requesting the establishment of a refuse district. Said petitions, the originals of which are on file in the Town Clerk's office, represent a majority of the property owners as well as 88% of the assessed value of the proposed district. It is recommended that you receive and file this communication, map, plan, report and negative declaration for the district supporting creation thereof on an ad valorem basis. It is further recommended that a public hearing be set for this matter. Please note that this matter is not subject to a permissive referendum due to the formal nature of the petitions. If established, refuse collection services would begin January 2013.

Please do not hesitate to contact me if you have questions regarding this matter.

Very truly yours,

Timothy E. Keef, P.E.  
Commissioner of Public Works

TEK/wp

enclosures

cc: C. Roscoe  
M. Hussar  
D. Aman  
E. Ainsworth  
K. Gordon

TOWN OF BRIGHTON  
ASSESSOR'S OFFICE  
2300 ELMWOOD AVENUE  
ROCHESTER, NY 14618  
(585) 784-5215

DATE: July 19, 2012  
TAX ID#: 137.10-5-26, 9, 10, 25, 24, 11, 12, 23, 13,  
22, 14, 21, 15, 20, 19, 8, 27  
ADDRESSES: 1, 2, 14, 15, 25, 26, 36, 37, 46, 49,  
56, 59, 66, 73, 85 Continental Drive  
& 2751 and 2781 Elmwood Avenue

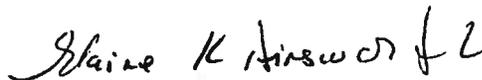
SPECIAL DISTRICT: Continental Drive Refuse District

I, Elaine K. Ainsworth, Assessor, Town of Brighton, County of Monroe, State of New York, hereby certify that I have examined the petitions for the establishment of the Continental Drive Refuse District, which petitions are dated May, 2012, and will be filed in the Town Clerk's Office in the Town of Brighton, County of Monroe, State of New York, and that:

- 1) The total assessed valuation of the real property within the parcels of the said special district is \$2,585,500.00.
- 2) The aggregate assessed valuation of the real property therein owned by the signers of said petitions is \$2,292,500.00.
- 3) Said petition purports to be signed by the owners of more than one-half (1/2) the value of the real property within the area of the proposed extension of the district.

All as appears from the 2011 Assessment Roll, which is the latest completed assessment roll of the Town of Brighton, County of Monroe, State of New York, at the time of the signing of said petitions.

In witness thereof I have hereunto set my hand on this 19th day of July, 2012.



Elaine K. Ainsworth, IAO  
Assessor  
Town of Brighton



# *Town of Brighton*

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ★ ROCHESTER, NEW YORK 14618 ★ PHONE (585)784-5250 ★ FAX (585)784-5368

## Map, Plan & Report Proposed Continental Drive Refuse District

### 1. Introduction

Article 12 of the Town Law of the State of New York permits the Town to form special assessment districts to provide refuse collection and disposal services.

Formal petitions for the establishment of the District have been received from the owners of substantial majority of properties in the proposed District, representing 88.7% of the assessed value within the proposed District. A comparison of the petitions received to the total area of the proposed District is attached.

### 2. Area of the Proposed District

The District is proposed to include all those properties shown on the attached map. A legal description of the proposed District is also attached.

### 3. Purpose of the Proposed District

The purpose of the proposed District is to provide for the equitable, public financing of the cost of providing services to remove and to dispose of refuse and recyclables within the District.

### 4. District Charges

The charges of the proposed District will be assessed by the Town Board in proportion as nearly may be to the benefit which each parcel will derive therefrom. It is proposed that each parcel with a principal structure on it shall be considered as one unit for these purposes.

### 5. Indebtedness

The proposed District has no plans to issue any indebtedness to finance its activities.

### 6. Dated: 7/10/12

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** ER-7-12

**Date:** July 25, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Brighton Town Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Continental Drive Refuse District

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Creation of the Continental Drive Refuse District to include 15 parcels on Continental Drive and two parcels on Elmwood Avenue.

**Location:** Continental Drive (see map)

**Reasons Supporting This Determination:**

After considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant (Part I) and Town Staff (Part II) and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the Town of Brighton Town Board finds that the proposed action will not have a significant impact on the environment based on the following finding:

1. The requirements of the State Environmental Quality Review Law have been complied with.
2. The project is supported by the immediate community.
3. There will be no resources of value irreversibly lost.
4. There will be no impacts on the solid waste disposal system.

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of August, 2012.

**PRESENT:**

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

**RESOLVED**, that correspondence dated August 2, 2012 from Commissioner of Public Works, Timothy E Keef, P.E., regarding the establishment of a sidewalk snow removal district consisting of 211 properties located on Bradford Road, Brooklawn Drive, Edgeview Lane, Northumberland Road, Roosevelt Road, Susquehanna Road, Troy Road and Wilmot Road, in the Town and the annexed informal petition, map, plan, report and negative declaration regarding the establishment of said district, be received and filed, and be it further

**RESOLVED AND ORDERED**, that the Town Board hereby sets a public hearing to be held on September 12, 2012 at 7:30 pm or as soon thereafter as said matter can be heard to consider the establishment of the above referenced district, and it is further

**RESOLVED AND ORDERED**, that the Town Clerk shall publish once between August 23, 2012 and September 2, 2012 in the official newspaper of the Town a copy of this Resolution and Order as notice required pursuant to Town Law Section 209-d, and shall further post a copy of this Resolution and Order on the signboard of the Town during said same time period.

Dated: August 8, 2012

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



# Town of Brighton

MONROE COUNTY, NEW YORK

## DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618  
PHONE: (585)784-5250 FAX: (585) 784-5368

August 2, 2012

Supervisor William Moehle  
and the Honorable Town Board  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

re: Establishment of Sidewalk Snow Removal District  
Rowlands Tract

Dear Supervisor Moehle and Town Council Members:

Informal petitions have been received from the property owners of the above area requesting the establishment of a sidewalk snow removal district. Said petitions, the originals of which are on file in the Town Clerk's office, represent a 76% majority of the property owners as well as 77% of the assessed value of the proposed district. It is recommended that you receive and file this communication, map, plan, report and negative declaration for the creation thereof on an ad valorem basis. It is further recommended that a public hearing be set for this matter. Please note that this matter is subject to a permissive referendum due to the informal nature of the petitions. Furthermore, and as previously discussed at the June Public Works Committee (PWC), the sidewalks in this neighborhood are four feet wide (versus the five foot wide sidewalks predominantly throughout other areas of Town). Presently, we do not have suitable equipment to plow these walks and none is budgeted for in 2013. If established, and as discussed with neighborhood representatives at said PWC meeting, snow removal services (as well as incurred costs to the properties) would not begin until a suitable sized tractor/plow are incorporated into the Highway Department's equipment fleet.

Please do not hesitate to contact me if you have questions regarding this matter.

Very truly yours,

Timothy E. Keef, P.E.  
Commissioner of Public Works

TEK/wp

enclosures

cc: C. Roscoe  
M. Hussar  
D. Aman  
E. Ainsworth  
K. Gordon

TOWN OF BRIGHTON  
ASSESSOR'S OFFICE  
2300 ELMWOOD AVENUE  
ROCHESTER, NY 14618  
(585) 784-5215

DATE: August 2, 2012  
SPECIAL DISTRICT: Rowlands Tract Sidewalk Snow Removal  
District

TAX ID#: 137.14-3-12, 137.14-3-13, 137.14-3-14, 137.14-3-46,  
137.14-3-45, 137.14-3-47, 137.14-3-71, 137.14-3-32,  
137.14-3-72, 137.14-3-31, 137.14-3-73, 137.14-3-30,  
137.14-3-74, 137.14-3-75, 137.14-3-29, 137.14-3-76,  
137.14-1-3, 137.14-1-35, 137.14-1-4, 137.14-1-34,  
137.14-1-33, 137.14-1-5, 137.14-1-32, 137.14-1-6,  
137.14-1-31, 137.14-1-7, 137.14-1-30, 137.14-1-8,  
137.14-1-29, 137.14-1-28, 137.14-1-9, 137.14-1-27,  
137.14-1-10, 137.14-1-11, 137.14-1-13, 137.14-1-15,  
137.14-1-14, 137.14-1-64, 137.14-1-65, 137.14-1-66,  
137.14-1-67, 137.14-1-68, 137.14-1-69, 137.14-1-70,  
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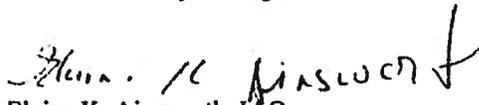
ADDRESSES: SEE ATTACHED TABLE

I, Elaine K. Ainsworth, Assessor, Town of Brighton, County of Monroe, State of New York, hereby certify that I have examined the petitions for the establishment of the Rowlands Tract Sidewalk Snow Removal District, which petitions are dated July and August 2011, and will be filed in the Town Clerk's Office in the Town of Brighton, County of Monroe, State of New York, and that:

- 1) The total assessed valuation of the real property within the parcels of the said special district is \$ **34,175,500**.
- 2) The aggregate assessed valuation of the real property therein owned by the signers of said petitions is \$ **26,399,500**.
- 3) Said petition purports to be signed by the owners of more than one-half (1/2) the value of the real property within the area of the proposed extension of the district.

All as appears from the 2010 Assessment Roll, which is the latest completed assessment roll of the Town of Brighton, County of Monroe, State of New York, at the time of the signing of said petitions.

In witness thereof I have hereunto set my hand on this 2nd day of August, 2012.

  
Elaine K. Ainsworth, LAO  
Town of Brighton Assessor

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** ER-5-12

**Date:** July 25, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Brighton Town Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Rowlands Tract Sidewalk Snow Removal District

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Creation of the Rowlands Tract Sidewalk Snow Removal District to include 211 properties on Bradford Road, Brooklawn Drive, Edgeview Lane, Northumberland Road, Roosevelt Road, Susquehanna Road, Troy Road, and Wilmot Road . The District will provide for the equitable, public financing of the cost of providing services to remove snow from public sidewalks within the proposed district.

**Location:** Eight streets bounded by Brooklawn Drive, Westfall Road and Monroe Avenue (see map)

**Reasons Supporting This Determination:**

After considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant (Part I) and Town Staff(Part II) and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the Town of Brighton Town Board finds that the proposed action will not have a significant impact on the environment based on the following finding:

1. The requirements of the State Environmental Quality Review Law have been complied with.
2. The project is supported by the immediate community.
3. There will be no resources of value irreversibly lost.