

111  
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  
OCTOBER 10, 2012

Present:

Supervisor William Moehle  
Councilmember James Vogel  
Councilmember Louise Novros  
Councilmember Jason DiPonzio  
Councilmember Christopher Werner  
Timothy Keef, Director of Public Works  
Mark Henderson, Chief of Police

Kenneth Gordon, Attorney for the Town  
Daniel Aman, Town Clerk  
Suzanne Zaso, Director of Finance  
Andrew Robinson, Budget Director  
Maryann Hussar, Assistant to the Supervisor

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

**RECOGNITIONS/PRESENTATIONS:**

National Friends of Library Week, October 21<sup>st</sup> – 27<sup>th</sup>  
Proclamation to the Friends of the Brighton Memorial Library Roberta Schwartz and  
Harriet Siegel accepting

**OPEN FORUM:**

Judy Schwartz  
Brijen Gupta

**APPROVAL OF AGENDA:**

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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

September 12, 2012 Town Board Meeting  
September 18, 2012 Special Town Board Meeting

Motion by Councilmember Christopher Werner seconded by Councilmember Louise Novros  
that the aforementioned minutes be approved and filed

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**PUBLIC HEARINGS:**

**MATTER RE:** Proposed local law to modify parking restrictions for Glen Road (see Resolution  
#9-27-12.01, letter dated August 15, 2012 from Timothy E. Keef listing details of  
proposed parking restriction modifications, aerial photograph of Glen Road, email  
communications from Glen Road residents; Dennis Adams, Ellen Adams, Debra  
Corea & Alyce Adams, and proposed Local Law of 2012 Parking Restrictions on  
Glen Road).

(Complete transcript under separate cover)

Motion by Councilmember Jason DiPonzio seconded by Councilmember Louise Novros that  
the Town Board approve the resolution as prepared by the Attorney for the Town as set forth in  
Exhibit No. 1 attached.

UPON ROLL CALL VOTE

Supervisor Moehle	Yes
Councilmember Vogel	No
Councilmember Novros	No
Councilmember DiPonzio	No
Councilmember Werner	No

MOTION DEFEATED

**MATTER RE:** Receive, file and adopt Negative Declaration associated with proposed Extension #97 to the Brighton Consolidated Sewer District along with approval to establish proposed extension for property located at 2930 Brighton Henrietta Townline Road (see Resolution #1 and corresponding documentation).

(Complete transcript under separate cover)

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner that the Town Board receive, file, and adopt the aforementioned document as set forth in Exhibit No. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Public Hearing to consider adoption of Supervisors 2013 Preliminary Operating and Capital Improvement Budgets for the Town.

(Complete transcript under separate cover)

Matter held

**MATTER RE:** Public Hearing to consider adoption of Assessment Rolls for Service Charges and Sewer Rent charges for proposed 2013 Special District Budgets.

(Complete Transcript under separate cover)

Matter held

**BIDS:**

**MATTER RE:** Approval to solicit for bids for construction services necessary to complete the preventative maintenance segment associated with the Corwin Road Bridge project. (see Resolution #2 and letter dated October 1, 2012 from Michael Guyon, P.E. Town Engineer).

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. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approval to solicit for bids for demolition services for farm buildings/structures deemed not suitable for restoration and/or reconstruction in Buckland Park (see Resolution #3, letter dated September 27, 2012 from Timothy Keef, P.E. Commissioner of Public Works and buildings/structures evaluation report).

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. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Robert A. Traver, Regional Director NY State DOT dated September 14, 2012 to Supervisor Re: Notification of Restricted Highway designation for Asphalt & PCC reconstruction areas on I-390, I-590, East River Road and Kendrick Road as will be evidenced by posted signs, signals or barriers placed along portions of said highways.

**FROM** Chris Mueller, Director, Government Relations, Time Warner Cable to Supervisor dated October 1, 2012 regarding existing channel changes and new channel additions.

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

Community Services – Next meeting 10/26 at 4:30PM at Brookside  
 Finance and Administrative Services – Next meeting 10/16 at 3:30PM in Stage Conference Room  
 Public Safety Services – Next meeting 11/13 at 8:00AM in Downstairs Meeting Room  
 Public Works Services – Next meeting 11/5 at 9:00AM in Downstairs Meeting Room

**NEW BUSINESS:**

**MATTER RE:** Reading and approval of claims

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio 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:** Bond Resolution to provide financing for various capital improvement projects and to supersede prior Bond Resolution (see letter memorandum dated October 9, 2012 from Suzanne Zaso, Director of Finance and Bond Resolution).

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Proposed Sidewalk Easement and corresponding Certificate of Exemption Form (TP-584) for Cortese Ford & Lincoln located at 2452 W. Henrietta Road (see Resolution #4, letter dated September 27, 2012 from Michael Guyon, P.E. Town Engineer and proposed Easement agreement).

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Relocation and adjustment of Town sanitary sewer pipes and appurtenances as referenced in the Winton Road Diverging Diamond project plans and grant approval for Supervisor to execute related NY State Department of Transportation HC 140 Utility Work Agreement Form (see NY State Resolution #10-10-12.9 and letter dated October 1, 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:** Budget transfer totaling \$33,850 to support a 2012 budgeted, Brighton Police Department vehicle purchase (see Resolution #5 and memorandum dated October 1, 2012 from Suzanne Zaso, Director of Finance).

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 9 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Budget appropriations to various Highway Department accounts with funds totaling \$46,000 received as unanticipated 2012 revenues from the County of Monroe for the Crittenden Road Re-Surfacing project (see Resolution #6 and letter dated September 21, 2012 from Amy Banker, Accountant, Department of Public Works Operations Center).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Receive and file request from Empire State College, dated October 4, 2012 to declare building located at 1915 South Clinton Avenue as dangerous and unsafe, and set November 14, 2012 for Public Hearing to consider demolition of same (see Resolution #7, letter dated October 4, 2012 from Timothy Keef, P.E. Commissioner of Public Works, and supporting Empire State College communications with supporting images).

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to receive and file the aforementioned request as set forth in Exhibit No. 11 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Receive and file Draft Environmental Impact Statement (DEIS) for the proposed Winfield Park project (see Resolution #8, letter dated October 5, 2012 from Ramsey Bohner, Town Planner and copy of DEIS)

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel to receive and file the aforementioned statement as set forth in Exhibit No. 12 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE TOWN CLERK:**

Voter Registration Events on Thursday, 10/11, 3:00PM-7:00PM in Town Hall Lobby; Saturday, 10/13, 12:00-4:00PM at Brighton Memorial Library; Saturday 10/13. 4:00PM-7:00PM in the Town Hall Lobby.

**EXECUTIVE SESSION:**

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to go into executive session at 10:05 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** 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 James Vogel seconded by Councilmember Christopher Werner 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 10<sup>th</sup> day of October 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 10th day of October, 2012.

**PRESENT:**

WILLIAM W. MOEHLE

Supervisor

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

Councilpersons

**WHEREAS** the Town Board previously received and filed correspondence dated August 15, 2012 from Commissioner of Public Works, Timothy E. Keef, P.E. regarding a proposed local law to modify parking restrictions for Glen Road, and

**WHEREAS** a public hearing was duly noticed and held on September 27, 2012 regarding said proposed local law to modify the parking restrictions for Glen Road, and

**WHEREAS** the Town Board at the public hearing received and reviewed certain testimony and evidence regarding said proposed parking modifications and the existing conditions and potential impacts of said modifications on access to the Town Park in proximity to Glen Road and upon access of safety services to Glen Road and the Town Park, now upon a determination that said parking restriction modifications would be in the best interest of the community and further serve the interests of public safety, it is hereby

**RESOLVED**, that the Town Board hereby adopts the local law of 2012, entitled "Parking Restrictions for Glen Road Local Law"; and be it further

**RESOLVED**, that the Town Board hereby directs the Town Clerk to file the Local Law with the Department of State.

Dated: October 10, 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	_____

LOCAL LAW OF 2012

PARKING RESTRICTIONS FOR GLEN ROAD LOCAL LAW§

Section 1. Title

This Local Law shall be known as the Parking Restrictions for Glen Road Local Law§ of the Town of Brighton.

Section 2. Purpose and Intent

It is the purpose and intent of this Local Law to modify the existing parking and parking restrictions currently in place along Glen Road to promote vehicle and pedestrian safety.

Section 3. Amendments to the Town Code

- A. Section 185-46 is hereby amended to delete the existing parking restrictions on Glen Road.
- B. Section 185-46 is hereby amended to add the following parking restrictions on Glen Road:

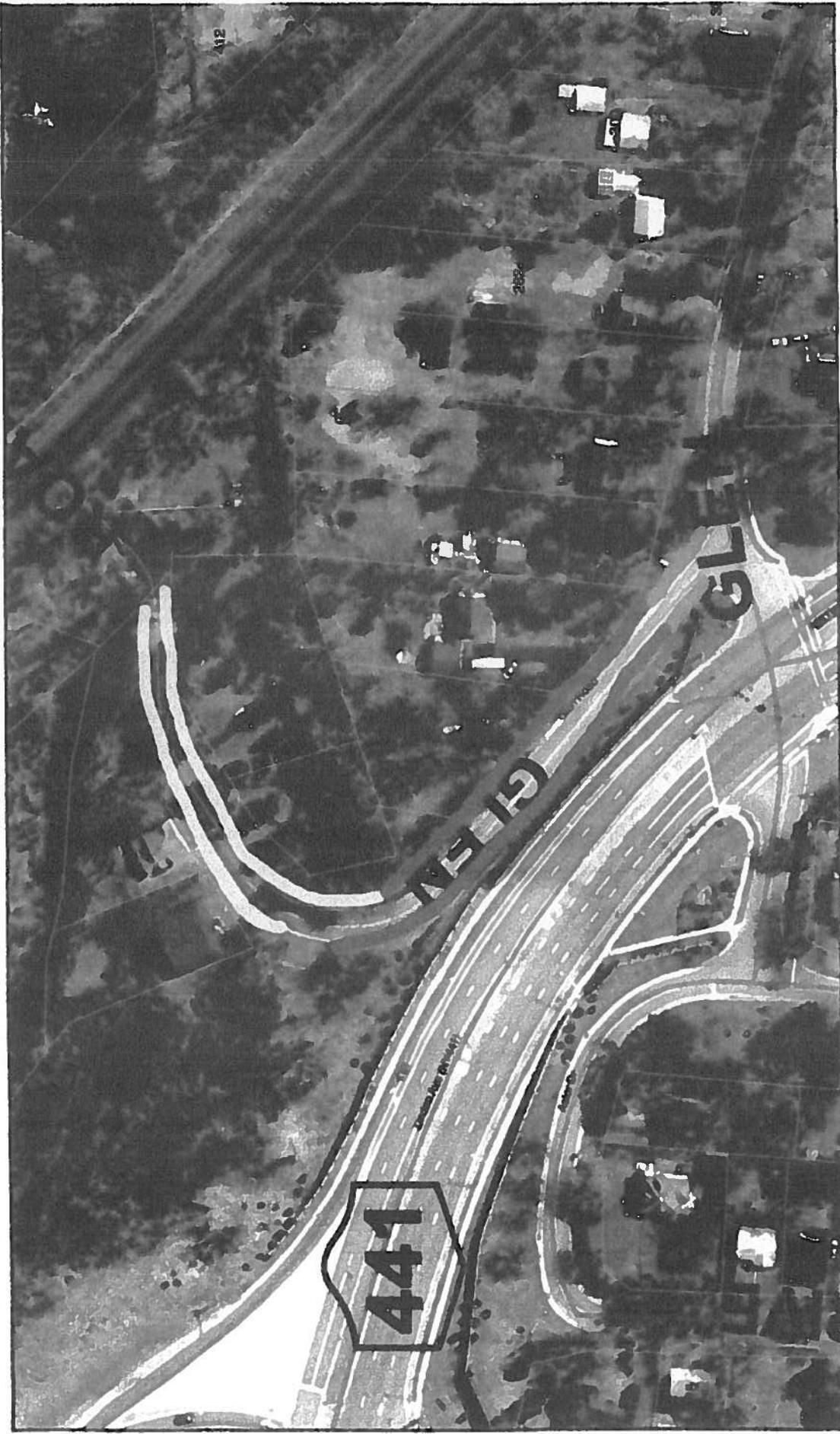
NAME OF STREET	SIDE	LOCATION
Glen Road	West	From the intersection of the east/west split of Glen Road, 60 feet generally west.
Glen Road	East	From the intersection of the east/west split of Glen Road, 75 feet generally west.
Glen Road	West	From the end of the dedicated roadway near the entrance to Corbett's Glen Park, 300 feet generally south.
Glen Road	East	From the end of the dedicated roadway, near the entrance to Corbett's Glen Park, 350 feet generally south.

Section 4. Severability

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

Section 5. Effective Date

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



Aerial Photography by Monroe County, 2005



1 inch = 112 feet



---

----- Original Message -----

**From:** [dicorea@aol.com](mailto:dicorea@aol.com)

**To:** [tim.keef@townofbrighton.org](mailto:tim.keef@townofbrighton.org) ; [james.vogel@townofbrighton.org](mailto:james.vogel@townofbrighton.org) ; [chris.werner@townofbrighton.org](mailto:chris.werner@townofbrighton.org) ; [louise.novros@townofbrighton.org](mailto:louise.novros@townofbrighton.org) ; [jason.diponzio@townofbrighton.org](mailto:jason.diponzio@townofbrighton.org) ; [william.moehle@townofbrighton.org](mailto:william.moehle@townofbrighton.org)

**Cc:** [dplato@aol.com](mailto:dplato@aol.com)

**Sent:** Monday, October 08, 2012 11:54 PM

**Subject:** Glen Road Parking

Dear Supervisor, Board Members, and Mr. Keef,

I appreciate that the Town Board decided to leave the public comment period on Glen Road parking open when you became aware of the diversity of opinions on the proposed changes. There is more I'd like to communicate about our views on the topic that seemed too personal to say at a hearing. I am hoping that understanding our perspective will enable you to make more informed decisions. Please include this into the public record.

Twenty six years ago when we moved to Glen Road we gained permission from the previous owners to walk with our family and dog in Corbett's Glen. We would have been able to benefit from our proximity to this beautiful area even without it becoming a town park. Nonetheless we joined with our neighbors and Brighton officials to preserve and protect Corbett's Glen and the surrounding area. Most people are unaware that the original deal negotiated by the Genesee Land Trust to purchase the Glen property required neighbors to come up with a substantial deposit to purchase the park. In addition to our significant donation, our household has dedicated time and effort for the greater good. The establishment of the Nature Park has given rise to unwelcome consequences, which we tolerate without complaint. Some of the occurrences are to be expected, like trash in our yard, frequent turn arounds in our driveway, and noise generated by yelling in the tunnel. More unpleasant events are strangers picnicking in our backyard, our mailbox disappearing, our handcrafted gate seen broken in the creek, amplified music in the tunnel, and limos and buses blocking the road. Given what we have to live with as the park becomes increasingly popular, the current proposed change, which would eliminate parking on both sides of the road near our home at #69 Glen Road, is one sacrifice too many.

We have a long, narrow driveway, which creates a bottleneck if an additional truck or car enters. Having access to parking in front of #66 or #44 has been vital, facilitating ease and efficiency for our family, friends, and workers. The varied circumstances, often irregular and unanticipated, which require us to utilize on-street parking are probably no different than most households (driveway sealers, landscape help, committee meetings, parties, holidays, home improvement or repair, out-of-town guests, etc.) In the past year both my husband and I had serious health issues. I have gained an appreciation for the flow of many visitors into our home to support us during our surgeries and/or treatment. It's not too hard to imagine a future where there could be a stream of visitors and aid or hospice workers taking shifts who would not want to block the ingress and egress of family cars. It could be very problematic if the proposal is passed. The only option would be to park up the street, where spaces are designated for park visitors and out of sight of our home. In the summer (and even today on a fall Monday afternoon) parking spaces are often filled. In the winter, walking that distance could be challenging and unpleasant for those not anticipating or dressed for such a trek. Sometimes it's treacherous to get from our door to the mailbox! We also would not like our guests to have to park up the street if they were delivering something like prepared meals (which occurred over a six week period this past February and

**March).** Notifying the police, as was suggested at the hearing, to let them know we have an illegally parked car in this scenario seems ludicrous. We believe the benefits of eliminating our access to all the available street parking adjacent to our home are outweighed by the disadvantages. It should be noted that portions of the property lines for #66 and #69 meet in the middle of Glen Road. I hope all preferences are honored in regard to what happens with the usage of the road.

We are sensitive to the impact on the privacy and views resulting from the close proximity of parked cars to our neighbors' porches or windows at #44 and #66 Glen Road. Therefore, the optimal solution may be to reserve those spaces for Residential Permit Parking only, if possible. This strategy would leave lower Glen Road free of parked vehicles most of the time, and discourage the idea that visitors could park there. It would also allow for signage indicating no parking beyond the blind curve and "turn around", which some feel is important. Even if it hasn't been done in Brighton before, it is not impossible.

If permit parking is not attainable, we feel strongly about retaining access to nearby street parking and request that parking on the west side, in front of #66 and/or #44 be allowed as it is currently.

It appears that all Glen Road residents that spoke at the last town board meeting were willing to have the parking on the east side of lower Glen Road (in front of #59) change from 'No parking 7am-7pm' to 'No Parking Anytime'. This has the potential to encourage more compliance and would support the bold, clear signage that has been put forth on the right hand side such as 'No Parking Beyond This Point'. In addition, to help decrease the desire of first time visitors to drive down the narrowing street, Mr. Keef suggested a sign indicating the distance to the park entrance, which I feel might be helpful.

Due to the overwhelming increase in park visitors this year, expanding the parking capacity in the Corbett's Glen Penfield Road lot or acquiring land from the Linden Tech Park for parking is also warranted. Please bring these ideas up for consideration, review, approval and inclusion in the next budget.

As in the past, we would like to be included when the staking of new signs will be determined. Please let us know when that will be.

Thank you for taking our needs and views into account.

Sincerely,

**Debra Corea**  
**69 Glen Road**  
**Rochester, NY 14610**  
**585-586-5669**  
**dlcorea@aol.com**

---

----- Original Message -----

**From:** Dennis Adams

**To:** Jim Vogel ; Christopher K. Werner ; Tim Keefe

**Cc:** Chris Urbanski ; Jen Meigs ; Ellen Adams ; David Platoff ; Blair Hornbuckle ; Alyce Adams

**Sent:** Sunday, October 07, 2012 5:04 PM

**Subject:** Still more about Glen Road parking

After quite a bit of email exchanges in our immediate neighborhood, no agreement. Two households still favor the proposal as-is, two don't.

I'm with Tim Keefe. Mixing careless pedestrians with confused drivers on the same part of the road is an unsafe situation. We should do everything we can to minimize this. A clearly marked end to parking before the turnaround looks like an obvious way to make it safer.

Dennis

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 10th day of October, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**WHEREAS**, a petition was previously received and filed requesting an extension of the Brighton Consolidated Sewer District (known as Extension No. 97) for the purpose of providing sewer service to the property known as and located at 2930 Brighton-Henrietta Townline Road (Tax ID No. 149.19-2-15); and

**WHEREAS**, a public hearing was duly called and held in such matter on October 10, 2012 and as the Town Board has given due deliberation to the matter; and

**WHEREAS**, the evidence offered at such public hearing requires that the Town Board make the determinations made herein; and

**NOW THEREFORE, BE IT ORDERED**, that it be and hereby is determined as follows: (1)that proposed Negative Declaration from Environmental Review Liaison Officer, Ramsey Boehner, dated October 10, 2012, regarding the environmental review pursuant to the State Environmental Quality Review Act of the proposed project known as Extension #97 to the Brighton Consolidated Sewer District be received and filed and approved by the Town Board; (2)that said petition is signed and acknowledged or authenticated as required by law and is otherwise sufficient, and that the petition complies with section 191 of the Town Law; (3) that all property and property owners benefited by the proposed extension are included within the limits of the proposed extension; (4) that it is in the public interest to grant the relief

sought therein; and be it further

**ORDERED**, that the said petition requesting that Brighton Consolidated Sewer District Extension #97 be established, and the same hereby is granted, with the costs thereof to be charged on a benefits derived basis; and be it further

**ORDERED**, that the Town Clerk be, and hereby is directed to record a certified copy of this Order in the office of the Clerk of the County of Monroe within ten days after the adoption of this Order.

Dated: October 10, 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	_____

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** ER-9-12

**Date:** October 10, 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:** Extension # 97 to the Brighton Consolidated Sewer District

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Extension of the Brighton Consolidated Sewer District to include  $\pm$ .16 acres of real property located at 2930 Brighton-Henrietta Town Line Road.

**Location:** 2930 Brighton-Henrietta Town Line Road

**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. Extension to the Brighton Consolidated Sewer District to include real property will not adversely impact the sanitary sewer system or the character of the community.
3. There will be no resources of value irreversibly lost

**For further information:**

**Contact Person:** Ramsey A. Bohner, Environmental Review Liaison Officer

**Address:** Town of Brighton  
2300 Elmwood Avenue  
Rochester, N.Y. 14618

**Telephone:** 585-784-5229

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 10th day of October, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated October 1, 2012 from Town Engineer, Michael E. Guyon, P.E., regarding authorization to solicit bids for construction services necessary to complete the preventive maintenance segment associated with the Corwin Road Bridge project, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes Town Engineer, Michael E. Guyon, P.E., to solicit bids for construction services necessary to complete the preventive maintenance segment associated with the Corwin Road Bridge project.

Dated: October 10, 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

October 1, 2012

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

Re: Corwin Road Bridge Preventive Maintenance Project  
Construction Bid Documents

Dear Councilperson Werner and Committee Members:

I am requesting authorization to solicit a request for bidders to provide those construction services necessary to complete the preventive maintenance associated with the Corwin Road Bridge project. We anticipate that the bid documents will be completed and available for the contractors review at the beginning of November and bids will be received in December 2012. LaBella Associates estimates the total project cost to be \$304,000.

Eighty percent of this project is federally funded. Furthermore, Marcheselli funding was obtained for the construction phase of the project and will fund an additional 15% of the construction cost. 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 October 2, 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 10th day of October, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that correspondence dated September 27, 2012 from Commissioner of Public Works, Timothy E. Keef, P.E., and the attached summary report regarding authorization to solicit bids for demolition services for structure #1 as so designated in said summary report and other ancillary structures rated "poor" in said report and deemed not suitable for restoration and/or reconstruction in Buckland Park, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes Commissioner of Public Works, Timothy E. Keef, P.E., to solicit bids for demolition services for structure #1 as so designated in said summary report and other ancillary structures rated "poor" in said report and deemed not suitable for restoration and/or reconstruction in Buckland Park.

Dated: October 10, 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

September 27, 2012

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

re: Authorization Request  
Solicit Bids for Farm Structure Demolition

Dear Chairman Werner and Committee Members:

As you may recall, the Town retained the services of Herrick-Saylor Engineers to perform an evaluation of the farm structures situated within Buckland Park. Eighteen structures were rated, receiving marks ranging from "excellent" to "poor". For your reference I have attached a summary sheet that reflects this information, inclusive of estimated costs. Prior to and since the report was completed in November of 2011, numerous discussions have occurred relative to the viability of preservation and reuse of these structures. The ensuing general consensus is not all of these structures are candidates for such, particularly the structures rated "poor", which is partially based upon the significant reconstruction/restoration costs associated with projects of this nature. As funds have been allocated in this year's budget for the express purpose of initiating demolition efforts of these structures, authorization is therefore requested to solicit bids for a contract to raze building #1, the framed house. It is also requested that other ancillary structures rated "poor" be authorized for demolition if the efforts to raze building #1 do not fully utilize the allotted funds budgeted for this purpose. The Parks, Recreation and Community Services Committee concurred with this proposal at their meeting this month, as did the Historic Preservation Commission. Proceeding with demolition efforts will also assist with further minimizing our exposure and liability associated with these structures. We will return to your Committee with a recommendation for award prior to doing so.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled October 2, 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

attachment

cc: M. Guyon  
J. LaVigne  
M. Hussar  
S. Zaso  
A. Banker

## Buckland Park Farm Structures Feasibility Study

Building	Rating System	Reconstruction Cost	Demolition Cost
#1 Framed House	Poor Condition	\$356,500	\$28,400
#2a Milking Barn	Poor Condition	\$92,900	\$31,500
#2 Silo	Excellent	-	-
#2b Metal Sided Pole Barn	Poor Condition	\$169,600	\$16,500
#3a Wood Storage	Poor Condition	\$20,400	\$1,900
#3 Infill Stable	Poor Condition	\$20,400	\$1,900
#3b Stable	Poor Condition	\$13,100	\$1,900
#3c Masonry Storage Barn	Excellent	\$21,200	-
#4 Metal Sided Pole Barn	Good Condition	\$74,200	-
#5 Milk Storage Shed	Poor Condition	\$5,700	\$1,000
#5 East Silo	Good Condition	\$15,500	-
#5 West Silo	Good Condition	\$31,800	-
#5 Main Metal Sided Barn	Good Condition	\$57,100	-
#5 North Feed Barn	Fair Condition	\$53,800	-
#5 South Milking Barn	Fair Condition	\$74,200	-
#6 Wood Frame Tenant House	Poor Condition	\$194,200	\$4,200
#7 Unknown Structure	Poor Condition	-	\$800
#8 Wood Corn Crib	Poor Condition	\$37,500	\$7,200

## Rating System

<u>Rating</u>	<u>Needs Repair</u>	<u>% of New Construction Cost</u>
Excellent	no	5%
Good	some	20%
Fair	considerable	50%
Poor	complete	100%

**Excellent:** Needs no repair. Up to 5% of new construction costs.

**Good:** Needs some repair. Up to 20% of new construction costs.

**Fair:** Needs considerable repair. Up to 50% of new construction costs.

**Poor:** Needs complete repair. Up to 100% of new construction costs.

(Repair costs would exceed new construction costs)

## CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

October 10, 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>197,355.05</u>
D - HIGHWAY		<u>113,509.90</u>
L - LIBRARY		<u>9,761.45</u>
SB - BUSINESS IMPROVM		<u>280.00</u>
SF - FIRE DIST		<u>1,956.43</u>
SP-PARKS DISTRICT		<u>175.00</u>
SS - SEWER DIST		<u>23,760.49</u>
TA - AGENCY TRUST		<u>3,067.59</u>
	TOTAL \$	<u>349,865.91</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

EXHIBIT 6

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 10<sup>th</sup> day of October, 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 2 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,

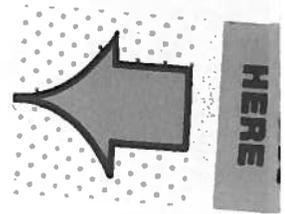
and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(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.

SECTION 15. The resolution heretofore adopted by the Town Board on August 8, 2012, with respect to the objects and purposes herein authorized is hereby repealed and of no further force and effect.

Duly put to vote as follows:



---

Willaim Moehle, Supervisor

---

Louise Novros, Councilmember

---

James R. Vogel, Councilmember

---

James S. DiPonzio, Councilmember

---

Christopher K. Werner, Councilmember

Members of the Town Board of  
Town of Brighton, Monroe County,  
New York

Dated: October 10, 2012



46  
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  
From: Suzanne Zaso, Director of Finance *Sz*  
Date: October 9, 2012  
Subject: Bond Resolution for \$624,600

I am recommending that Your Honorable Body adopt the enclosed Bond Resolution that provides financing for up to \$624,600 for the following projects:

- Replacement of Roof at Town Hall and Public Safety Wing – financing up to \$418,600
- 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 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 10th day of October, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated September 27, 2012 from Town Engineer, Michael E. Guyon, P.E., regarding a proposed Sidewalk Easement Agreement with Cortese Ford & Lincoln located at 2452 West Henrietta Road in the Town, and a copy of the proposed Sidewalk Easement Agreement, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute all necessary legal documents including the above referenced proposed Sidewalk Easement Agreement to secure said easement for the Town with the understanding that the proposed agreement has already been reviewed and approved by the Attorney to the Town.

Dated: October 10, 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	_____

**SIDEWALK EASEMENT**

THIS INDENTURE, made this 31 day of August, 2012 by and between 2452 W. HENRIETTA RD., LLC, a New York limited liability company, as the owner of property known as 2452 West Henrietta Road, Rochester, New York 14623, Tax I.D. 148.16-1-7.2, 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 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

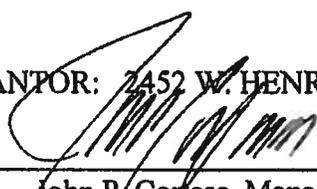
contractors to remove or replace trees or shrubs that, in the opinion of the grantee, do not interfere with or obstruct the use of the sidewalk. Furthermore, it shall not be the duty of the parties of the second part, their successors, assigns, agents or contractors to perform routine property maintenance 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.

Any person or party not the record owner of the above described property who executes this instrument does so for the sole purpose or purposes of subordinating mortgages recorded in the Monroe County Clerk's Office in Liber [Liber] of deeds at Page [Page] dated [Date Filed @ M.C.C.0.], owned by said person or party to the easement herein granted.

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.

GRANTOR: 2452 W. HENRIETTA RD., LLC

By: 

John P. Corlese, Manager





## SCHEDULE "A"

### 2452 WEST HENRIETTA ROAD PROPOSED 15' WIDE SIDEWALK EASEMENT

All that tract or parcel of land situate in the Town of Brighton, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at a point on the easterly bounds of West Henrietta Road – N.Y.S. Route 15 (66' R.O.W.), said point being on the common line between lands now or formerly owned by 2452 West Henrietta Road, LLC (T.A. # 148.16-1-7.2) to the north and lands now or formerly owned by 2500 West Henrietta Road, LLC (T.A. # 148.16-1-8.1) to the south; thence

1. N20°00'25"E, along said easterly bounds of West Henrietta Road – N.Y.S. Route 15, a distance of 158.87 feet to a point; thence
2. N19°40'25"E, along said easterly bounds of West Henrietta Road - N.Y.S. Route 15, a distance of 41.13 feet to a point on the common line between lands now or formerly owned by 2440 West Henrietta Road, LLC (T.A. # 148.16-1-7.1) to the north and lands now or formerly owned by 2452 West Henrietta Road, LLC (T.A. # 148.16-1-7.2) to the south; thence
3. S69°59'35"E, along said common line between lands now or formerly owned by 2440 West Henrietta Road, LLC (T.A. # 148.16-1-7.1) to the north and lands now or formerly owned by 2452 West Henrietta Road, LLC (T.A. # 148.16-1-7.2) to the south, a distance of 15.00 feet to a point; thence
4. S19°40'25"W, a distance of 41.09 feet to a point; thence
5. S20°00'25"W, a distance of 158.91 feet to a point on said common line between lands now or formerly owned by 2452 West Henrietta Road, LLC (T.A. # 148.16-1-7.2) to the north and lands now or formerly owned by 2500 West Henrietta Road, LLC (T.A. # 148.16-1-8.1) to the south; thence
6. N69°59'35"W, along said common line between lands now or formerly owned by 2452 West Henrietta Road, LLC (T.A. # 148.16-1-7.2) to the north and lands now or formerly owned by 2500 West Henrietta Road, LLC (T.A. # 148.16-1-8.1) to the south, a distance of 15.00 feet to the point and place of beginning.



# 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

September 27, 2012

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

Re: Cortese Ford & Lincoln  
Proposed Sidewalk Easement

Dear Supervisor Moehle and Town Board Members:

The above referenced project includes a sidewalk easement along West Henrietta Road between the owner and the Town of Brighton. A copy of the easement is attached for your reference. Town staff has reviewed the easement maps and descriptions and find them acceptable. The easement language has been forwarded to the Town attorney for review.

I am requesting that the Town Board at their October 10, 2012 meeting authorize the Supervisor to endorse these easements and the corresponding TP 584 forms once the easement language has been reviewed and approved by the Town Attorney.

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  
Kenneth W Gordon

Resolution Granting the State of New York Authority to Perform the Adjustment for the Owner and Agreeing to Maintain Facilities Adjusted Via State-let Contract

RESOLUTION

Resolution # 10-10-12-9

WHEREAS, the New York State Department of Transportation proposes the **Reconstruction of the Route 1590-Winton Road (County Road 98) Interchange, Town of Brighton, County of Monroe, P.I.N. 4590.07.311**, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the relocation and adjustment to sanitary sewer pipes and appurtenances, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

NOW, THEREFORE,

BE IT RESOLVED: That the Town of Brighton approves of the relocation of and adjustment to their sanitary sewer pipes and appurtenances and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Brighton will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that William Moehle has the authority to sign, with the concurrence of the Town Board, any and all documentation that may become necessary as a result of this project as it relates to the Town of Brighton, and

BE IT FURTHER RESOLVED: That the clerk of the Town of Brighton is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

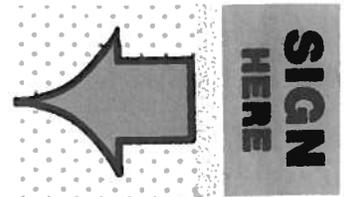
Moved By:  
Seconded By:  
Vote:

\*\*\*\*\*

I, \_\_\_\_\_, duly appointed and qualified \_\_\_\_\_, do hereby CERTIFY that the foregoing resolution was adopted at a meeting duly called and held in the office of \_\_\_\_\_, a quorum being present on the 10<sup>th</sup> day of October, and that said copy is a true, correct and compared copy of the original resolution so adopted and that the same has not been revoked or rescinded.

WITNESSETH, my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Name, title





# 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

October 1, 2012

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

Re: Winton Road Diverging Diamond Project  
NYSDOT Utility Adjustment Agreement

Dear Councilperson Werner and Committee Members:

The construction of the Diverging Diamond necessitated the relocation of the Town of Brighton's sanitary sewer. The NYSDOT has requested that the Town of Brighton pass a resolution granting New York State the authority to perform this utility adjustment. A copy of a sample resolution is attached for your reference.

I am requesting that the FASC recommend that the Town Board pass the above referenced resolution and authorize the Town Supervisor to sign the NYSDOT HC 140 form titled, "New York State Department of Transportation Utility Work Agreement".

As always, thank you for your consideration. I will be in attendance at your regularly scheduled October 2, 2012 meeting in the event that you have any questions regarding this matter.

Respectfully,

Michael E. Guyon, P.E.  
Town Engineer

Cc: Tim Keef, Commissioner of Public Works  
Suzanne 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 10th day of October, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated October 1, 2012 from Finance Director, Suzanne Zaso, regarding a budget transfer totaling \$33,850.00 to support a 2012 budgeted vehicle purchase by the Police Department, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes the transfer of \$20,000.00 from A.POLICE 3120 8.10 (NYS Retirement System Contributions) and \$13,850.00 A.POLICE 3120 8.40 (Medical/Dental Premiums) for a total of \$33,850.00 with the proceeds thereof to be transferred in the amount of \$28,000.00 into A. POLICE 3120 2.21 (autos) and \$5,850.00 into A. POLICE 3120 2.29 (vehicle set up).

Dated: October 10, 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: October 1, 2012  
Subject: Budget Transfer for Police Vehicle Purchase

I am recommending that the Town Board authorize a budget transfer totaling \$33,850 to enable the Police Department to purchase a new police patrol car. Chief Henderson requested three police vehicles in his 2013 budget request, but only one has been proposed to be funded in 2013, while one is proposed to be purchased with 2012 remaining appropriations and the third to be deferred.

I have reviewed the department's 2012 budget and anticipated remaining expenditures and find that sufficient funds are available under employee benefits to support this budget transfer. My formal recommendation to the Town Board is to authorize a budget transfer as follows:

From Account: A.POLCE.3120 8.10 (NYS Retirement System Contributions) \$20,000  
From Account: A.POLCE.3120 8.40 (Medical/Dental Premiums) \$13,850  
To Account: A.POLCE.3120 2.21 (autos) \$28,000  
To Account: A.POLCE.3120 2.29 (vehicle set-up) \$5,850

I will 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: M. Henderson

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 10th day of October, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that correspondence dated September 21, 2012 from DPW Accountant, Amy Banker, regarding budget appropriations totaling \$46,000.00 to various Highway Department accounts allocated from unanticipated revenues received by the Highway Department from the County of Monroe for resurfacing Crittenden Road, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes the budget appropriations detailed and specified in the above correspondence.

Dated: October 10, 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**  
**Department of Public Works Operations Center**

1941 Elmwood Ave.  
Rochester, NY 14620  
Phone: (585) 784-5280  
Fax: (585) 784-5385

September 21, 2012

Honorable Finance Committee  
Town of Brighton  
2300 Elmwood Ave  
Rochester, NY 14618

Re: Crittenden Road Re-Surfacing for Monroe County  
Revenues and Account Transfers

Honorable Members:

As you will recall from your approval earlier this year, the Town entered into an agreement with Monroe County to re-surface Crittenden Road as part of our Highway Operations.

The Town has realized revenues in the amount of \$46,736.07. These revenues were unanticipated in the 2012 Budget and it is recommended that \$46,000.00 be appropriated for: account D.HWY.5130 4.08 (vehicle parts), in the amount of \$16,000.00 and account D.HWY.5130 4.11 (maintenance supplies), in the amount of \$20,000.00, and account D.HWY.5130 4.65 (vehicle maintenance/repairs) in the amount of \$10,000.00 to cover unanticipated cost overages due to unforeseen vehicle repairs.

Shall I proceed?

Sincerely,



Amy Banker  
Accountant  
DPW Operations Center

cc: M. Hussar

S. Zaso

T. Keef

T. Anderson

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 10th day of October, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated October 4, 2012 from Commissioner of Public Works, Timothy E. Keef, P.E., regarding an unsafe structure located at 1915 South Clinton Avenue and correspondence dated October 4, 2012 from Empire State College as owner of the property requesting authorization to commence demolition pursuant to Chapter 51 of the Town Code, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby declares the structure described in the above correspondence and located at 1915 South Clinton Avenue dangerous and unsafe and hereby sets a public hearing concerning its demolition for November 14, 2012 at 7:30 p.m. prevailing time to be held at Brighton Town Hall, 2300 Elmwood Avenue within the Town of Brighton, pursuant to Chapter 51 of the Town Code; and be it further

**RESOLVED**, that the Town Board hereby directs the Town Clerk to publish and post such legal notice as is required by law.

Dated: October 10, 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

October 4, 2012

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

Re: Unsafe Building  
1915 South Clinton Avenue

Dear Supervisor Moehle and Town Council Members:

As you are aware, the above property has been unoccupied for an extended period of time and an attractive nuisance to various segments of the public. It has been a focal point of the Brighton Police Department at various times due to illicit activities and indigent persons illegally using the property. Being uninhabited, the utility services have long been discontinued resulting in the ongoing degradation of the building from a weather tight and structural perspective. The attached correspondence from Mr. R. Reimann of Empire State College further documents this. Therefore, it is recommended, pursuant to Chapter 51 of the Town Code, that the Town Board receive and file this communication, declare said building dangerous and unsafe, and set a public hearing for its demolition.

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

Very truly yours,

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

TEK/wp

attachment

cc: R. Boehner  
D. Aman  
K. Gordon  
J. Ellenbogen, ESC

STATE UNIVERSITY OF NEW YORK  
 EMPIRE STATE COLLEGE

October 4, 2012

Mr. Timothy Keef, PE  
Commissioner of Public Works  
Town of Brighton  
2300 Elmwood Avenue  
Brighton, NY 14618

**RE: Condition of 1915 South Clinton Avenue**

Dear Mr. Keef:

In compliance with Section 51-3 of the Town Code of the Town of Brighton, Empire State College request that the house located at 1915 South Clinton Avenue in the Town of Brighton be declared a nuisance, unsafe, and its removal necessary.

The greater property has a long history of attracting uninvited guests who use the property and house for various undesirable activities. The exterior of the house is over grown by vegetation, obscuring the view of the house from the street. There is an abundance of trash, consisting mainly of food and beverage containers, household items, and furniture spread throughout the rear of the house and within the woods surrounding the house. The front stair is unstable and broken glass is on the ground surrounding the house as all of the windows have been shattered.

The house was boarded up within the last year after a homeless man was found by our civil engineer walking the property. This man was ultimately removed from the property by the local police. During that same visit, an abundance of evidence of activity both on the grounds and within the house was detected. The engineer and the contractor who boarded up the house recounted the poor conditions inside the house alluding to physical evidence of drug use, defecation, and fire damage. The power to the house was cut long ago, so lights and sump pump are not functioning. The basement was stated to have standing water within with no means of removal aside from natural seepage.

For these reasons, the College feels that the house needs to be condemned in order to facilitate the safe removal of the house, which will eliminate a real hazard and potential threat to the lives and safety of local residents. I have attached photographs from a recent site visit to demonstrate the importance of the request.

Very truly yours,



R. Reimann  
Director of Facilities and College Code Enforcement Officer

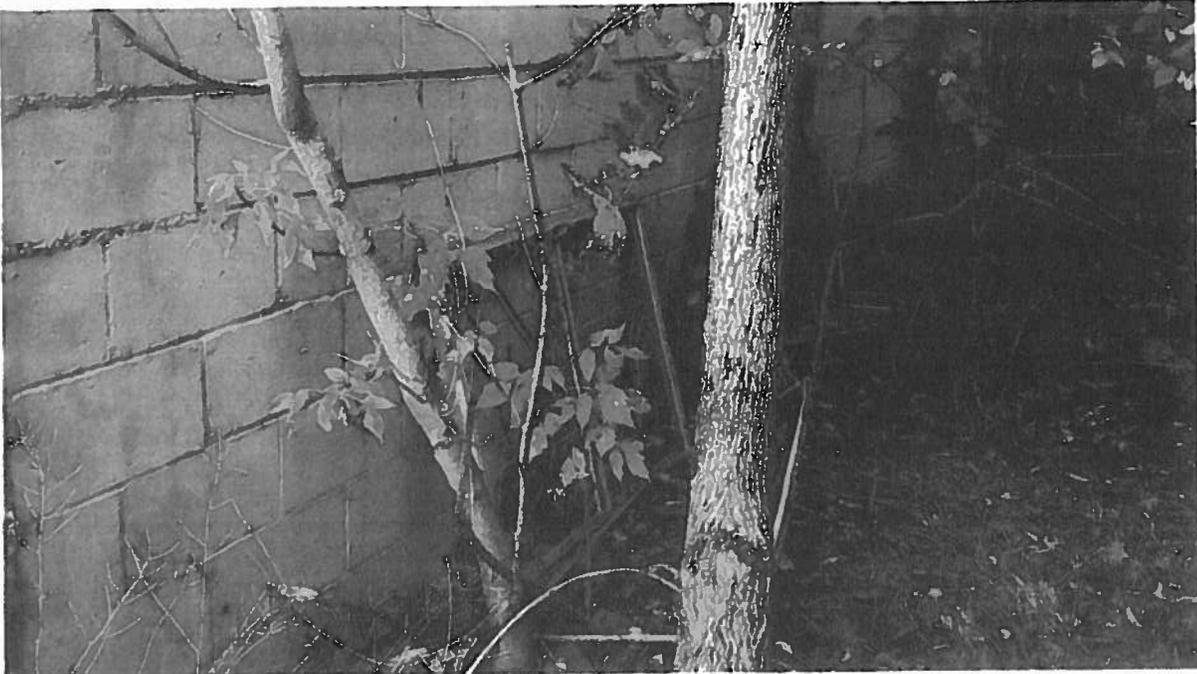
CC:  
P. Tucci  
J. Ellenbogen  
D. Henahan  
W. Moehle, Supervisor, Town of Brighton



**1915 South Clinton Avenue – Front Façade with Broken Windows and Overgrown Vegetation**



**Rear Porch with Evidence of Usage**



**Broken Glass along Garage Wall**



**Front Steps**



**Front Façade obscured by Bushes**



**South Side of House with Broken Windows and Overgrown Vegetation**

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 10th day of October, 2012.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that correspondence dated October 5, 2012 from Town Planner, Ramsey Boehner, acting as Environmental Review Liaison Officer, regarding the Draft Environmental Impact Statement from BME Associates on behalf of Brighton Business Park, LLC for the project known as Winfield Park and the attachments thereto, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby receives and files the Draft Environmental Impact Statement from BME Associates dated October 2, 2012 on behalf of Brighton Business Park, LLC for the project known as Winfield Park, and refers the document to the Public Works Committee for review and comment.

Dated: October 10, 2012

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



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

October 5, 2012

Honorable Town Board  
Town of Brighton  
2300 Elmwood Avenue  
Brighton, NY 14618

Re: Winfield Park Draft Environmental Impact Statement

Honorable Supervisor and Members:

I recommend that your Honorable Body, as lead agency, receive and file this letter, Michael A. Simon's letter of October 4<sup>th</sup> along with the Winfield Park Draft Environmental Impact Statement Narrative, Exhibits, Appendix and Plans.

Upon receipt of a submitted Draft Environmental Impact Statement (DEIS), the lead agency has 45 days to determine whether the document is adequate for public review in terms of scope and content. I further recommend that Town Board direct the Environmental Review Liaison Officer to forward the DEIS to Stantec for their assistance in reviewing the DEIS for completeness and adequacy for public review.

Respectfully Submitted

Ramsey A. Boehner  
Environmental Review Liaison Officer

cc: T. Keef



# BME | ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

October 4, 2012

Town of Brighton  
2300 Elmwood Ave.  
Brighton, NY 14618

Attn: Supervisor William Moehle and Town Board Members

**Re: Winfield Park  
Acceptance of Draft Environmental Impact Statement**

**9813P**

Dear Supervisor Moehle and Town Board Members:

On behalf of Brighton Business Park, LLC, we are pleased to submit for your acceptance the Draft Environmental Impact Statement (DEIS) for the proposed Winfield Park development located on Brighton-Henrietta Town Line Road. We have previously submitted a draft copy of the document to Town staff, consultant and several County agency's for their preliminary review. We received and have addressed comments provided by these entities, and are looking forward to working with the Town Board to complete the State Environmental Quality Review (SEQR) process.

As a brief project overview, the proposal is a  $\pm 132.9$  acre mixed use project generally located to the northeast of the intersection of Brighton-Henrietta Town Line Road and South Clinton Avenue. The proposal includes the development of 27.6 acres of Technology and Office Park Zoning District (TOP) lands; 12.4 acres of Office and Office Park District (BE-1) zoned lands along Brighton-Henrietta Town Line Road; and 92.9 acres of Planned Unit Development District (PUD) lands.

The Technology Office Park (TOP) District includes six (6) single-story buildings, comprising a total of 203,000 gross leasable square footage.

The Office and Office Park (BE-1) District contains two (2) two-story office buildings with an overall total of approximately 124,000 square feet of office space.

The Planned Unit Development (PUD) portion of the project includes a mix of 65 two-story attached townhomes, 66 single-family detached patio homes, 360 apartments contained within eight (8) four-story apartment buildings each with 45 units, and a  $\pm 4.3$  acre parcel to include four (4) 10-bed skilled nursing residences to be owned and operated by the St. John's Home. A  $\pm 11,000$  square foot Community Center will also be included within the PUD, and will include meeting/conference room, fitness room and gym, kitchenette and sitting areas, Winfield Park management offices, locker room/bathroom/shower facilities, and an outdoor pool to serve the Community. Within the

apartment portion of the Community, a  $\pm$ 1,500 square foot recycle, refuse, and mall center will be provided.

Enclosed are the following for your review:

- Twelve (12) copies of the DEIS Narrative
- Twelve (12) CD's which contain the DEIS Narrative, Exhibits and Plans
- Twelve (12) CD's which contain the Appendices
- Twelve (12) half scale Site Plans
- Three (3) sets of full scale Plans

Since the last time we appeared before the Board July 2011, there are two new Town Council members and a new Town Supervisor, and therefore, we would make ourselves available to meet with the Town Board to provide a background of the project history, and a brief overview of the relevant project changes since the initial application.

Please feel free to contact our office with any comments or questions you may have in this regard, and we thank you for your consideration of this proposal.

Sincerely,

**BME ASSOCIATES**



Michael A. Simon

MAS

Encl.

c: Ken Glazer  
Larry Glazer  
Jim P. Barbato  
Jim R. Barbato