

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  
January 23, 2013

**PRESENT:**

Supervisor William Moehle  
Councilmember James Vogel  
Councilmember Christopher Werner  
Councilmember Louise Novros  
Councilmember Jason DiPonzio  
Mark Henderson, Chief of Police  
Timothy Keef, Commissioner of Public Works  
Kenneth Gordon, Attorney for the Town  
Daniel Aman, Town Clerk  
Jerry LaVigne, Director of Recreation  
Suzanne Zaso, Director of Finance

**EXECUTIVE SESSION:**

Motion by Councilmember Louise Novros seconded by Councilmember Christopher Werner to go into executive session at 6:00 PM to discuss employment of particular people

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to come out of executive session at 7:04 PM

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**MEETING CALLED TO ORDER AT 7:10 PM:**

**OPEN FORUM:**

Arlene Vanderlin (Historic Brighton)  
Aaron Hiller  
Benyl Nussbaum  
Joan Nussbaum  
Judy Schwartz

**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:**

December 4, 2012 (Special Town Board Meeting)  
December 27, 2012  
January 2, 2013 (Organizational Meeting)

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to approve and file the aforementioned minutes

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

**PUBLIC HEARINGS:**

**MATTER RE:** Local Law No. 1 of 2013 "Prohibition within the Town of Brighton of Natural Gas and Petroleum Exploration and Extraction Activities, the Underground Storage of Natural Gas, and the Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes." (see copy of proposed Local Law; Planning Board Advisory Report from Ramsey A. Boehner, Executive Secretary, Planning Board, dated January 16, 2013; letter from Ramsey A. Boehner, Environmental Review Liaison Officer, dated January 17, 2013, with Negative Declaration )

(Complete Transcript under Separate Cover)  
(Communications under Separate Cover)

Motion by Councilmember Christopher Werner seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Negative Declaration issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law required when passing a local law such as the one relating to the extraction of natural gas or petroleum extraction, exploration and production waste described in the previous Matter Re.

Motion by Councilmember Jason DiPonzio seconded by Louise Novros that the Town Board adopt the Negative Declaration as prepared by Ramsay Boehner, the Environmental Review Liaison Officer, as set forth in Exhibit No. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Christopher Werner seconded by Councilmember Louise Novros that the Town Board adopt the Local Law No. 1 with the Negative Declaration as an amendment

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**BIDS:**

**MATTER RE:** Award contract for rental of bucket truck, with operator, to Arbor Tree, Inc. in the amount of \$89.48/hour, not to exceed 254 hours and \$22,728.00 (see Resolution #2; letter from Timothy E. Keef, Commissioner of Public Works/Highway Superintendent, dated January 11, 2013 with attachment)

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Tom Cochran, CEO and Executive Director, The United States Conference of Mayors, dated January 3, 2013 regarding Earned Income Tax Credit (EITC) Tool Kits

**FROM** Beryl Nusbaum, dated January 15, 2013, commenting on proposed speed bumps on Warren Avenue

**FROM** Rabbi Avi Kilimnick, dated January 18, 2013, enclosing letters written by 7<sup>th</sup> and 8<sup>th</sup> graders of Hillel Community Day School sharing their concern with Town sidewalk conditions in winter

**FROM** Lieutenant Governor Robert J. Duffy, dated January 11, 2013, expressing thanks to Supervisor Moehle for his kind words of introduction and for hosting the Lt. Governor's presentation in Town Hall

**FROM** Elizabeth A. Milliken expressing concern about potential issues relating to safety in traffic improvements being considered in the Warren/Crandon Way/Hibiscus

**FROM** Joan Nusbaum expressing concern about potential consequences to Hibiscus, Crandon Way and Coral of installing speed bumps on Warren Avenue

**FROM** Thomas Goodwin, Planning Manager, Monroe County Department of Planning and Development to Ramsey Boehner requesting information for use in Development Monitoring in Monroe County

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

Community Services – Next meeting 1/28 at 4:30 PM at Brookside

Finance and Administrative Services – Next meeting 2/5 at 3:30 PM in Stage Conference Room

Public Safety Services – Next meeting 2/12 at 8:00 AM in Downstairs Meeting Room

Public Works Services – Next meeting 2/4 at 9:00 AM in Downstairs Meeting Room

**NEW BUSINESS:**

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

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel that the Supervisor read and approve the payment of claims as set forth in Exhibit No. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Adopt Pedestrian and Bicycle Master Plan (see Resolution #9; letter from Michael Guyon, P.E., Town Engineer, dated January 18, 2013)

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize amendment to 2013 Police Department Operating Budget to provide appropriations for activation of Department-issued Apple Ipads (see Resolution #3; letter from Mark Henderson, Chief of Police, dated January 7, 2013)

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. 6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Accept donation of \$250.00 from the Trinity Reformed Church to be recorded as revenue to the 2013 Police Department Operating Budget (see Resolution #4; letter from Mark Henderson, Chief of Police, dated January 7, 2013, with attachments)

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. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize renewal of contract with Mayer Hardware for one year, through December 31, 2013, for provision of various hardware items used by the Town (see Resolution #5; letter from Timothy E. Keef, Commissioner of Public Works/ Highway Superintendent, dated January 14, 2013)

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 8 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize renewal extension of contract with Action Telephone through December 31, 2013, for provision of after-hours answering services for Sewer Department in amount not to exceed \$1,030.00 (see Resolution #6; letter from Timothy E. Keef, Commissioner of Public Works/ Highway Superintendent, dated January 11, 2013)

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. 9 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize support of proposed NYS Assembly Bills A.88 and A.824 re: foreclosure relief (see Resolution #7; letter from NYS Assemblyman Michael P. Kearns, dated January 2, 2013, with attachments)

MATTER HELD

**MATTER RE:** Authorize appointment of David C. Ryder, Esq. and Diane Richeson as members of the Conservation Board (see Resolution #8)

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. 10 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE TOWN CLERK:**

**MATTER RE:** Authorize amendment to 2013 Salary Schedule (see Resolution #10; memorandum from Suzanne Zaso, Director of Finance, dated January 22, 2013 and 2013 Salary Schedule for Town Officers and Employees)

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

**EXECUTIVE SESSION:**

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to go into executive session at 9:04 PM to discuss employment of particular people

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to come out of executive session at 11:06 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED:**

Motion by Councilmember Jason DiPonzio seconded by Councilmember Louise Novros to adjourn at 11:06 PM

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 23<sup>rd</sup> day of January 2013 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 23<sup>rd</sup> day of January, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**WHEREAS**, the Town Board duly scheduled a Public Hearing to be held on the 9<sup>th</sup> day of January 2013 at 7:30 p.m., to consider the adoption of a proposed Local Law of 2013 entitled "Prohibition within the Town of Brighton of Natural Gas and Petroleum Exploration and Extraction Activities, the Underground Storage of Natural Gas, and the Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes" for the Town of Brighton, Monroe County, New York; and

**WHEREAS**, such public hearing was duly called and held and was further continued on January 23, 2013 at 7:30 pm and all persons having an interest in the matter having had an opportunity to be heard; and

**WHEREAS**, the adoption of this Local Law is an unlisted action under the State Environmental Quality Review Act and the Town Board, as lead agency, has determined that the proposed action will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared; and

**WHEREAS**, as required by Sections 264 and 265 of the Town Law of the State of New York, the Town Clerks of the neighboring towns have been duly noticed of the proposed Local Law and have provided no comments relative to the same and the Monroe County Department of Planning and Development has also been duly noticed, pursuant to the General Municipal Law and has responded that it has "no comment" on the proposed Local Law, and as required by the Town Code Comprehensive Development Regulations, the Planning Board of the Town of Brighton has also been duly noticed and has provided comments in support of the adoption of the Local Law as being consistent with the Town's Comprehensive Development Regulations;

**WHEREAS**, based on the testimony and materials received at the public hearing, the Town Board deems it necessary and advisable to adopt the proposed Local Law for the reasons set forth in said Local Law.

**NOW, THEREFORE**, on motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_,

**BE IT RESOLVED**, that all written comments provided to the Town at the Public Hearings held respectively on January 9, 2013 and January 23, 2013 regarding the proposed Local Law and the correspondence dated January 23, 2013 from Monroe County Department of Planning and Development and the correspondence dated January 16, 2013 from Ramsey A. Boehner as Executive Secretary of the Planning Board and correspondence dated January 17, 2013 from Ramsey A. Boehner as Environmental Review Liaison Officer together with the attached Negative Declaration under SEQR, and the correspondence dated January 23, 2013 from Ramsey A. Boehner as Town Planner, all be received and filed;

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Brighton, pursuant to the provisions of Article 3 of the Municipal Home Rule Law of the State of New York, hereby adopts the Local Law #1 of 2013 entitled "Prohibition within the Town of Brighton of Natural Gas and Petroleum Exploration and Extraction Activities, the Underground Storage of Natural Gas, and the Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes" as attached hereto as Exhibit "A", and hereby amends its Comprehensive Development Regulations for the Town of Brighton, Monroe County, New York by adding a new Chapter 208 to said Comprehensive Development Ordinance to include the full text of the attached Exhibit "A"; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to cause a copy of such Local Law to be filed with the Department of State of the State of New York, as required by law.

Dated: January 23, 2013

|                               |        |       |
|-------------------------------|--------|-------|
| 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**

Local Law No. 1 of the year 2013.

A local law **"to effect a Prohibition Within The Town of Brighton of Natural Gas and Petroleum Exploration and Extraction Activities, The Underground Storage of Natural Gas, and The Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes."**

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

Section 1. TITLE

This Local Law shall be known as the:

**"Prohibition within the Town of Brighton of Natural Gas and Petroleum Exploration and Extraction Activities, the Underground Storage of Natural Gas, and the Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes"**

and shall amend the Code of the Town of Brighton Comprehensive Development Regulations, by adding a new Chapter 208 thereof, reading in its entirety as follows.

Section 2. AUTHORITY AND INTENT; FINDINGS; PURPOSE

A. This Local Law is intended and declared to be consistent with and is adopted pursuant to the authority granted to the Town Board under the New York State Constitution and the laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, Section 2(c)(6), 10; Municipal Home Rule Law § 10; Statute of Local Governments §10, Environmental Conservation Law § 17-1101 and § 27-0711; and Public Health Law §§ 228(2), (3).

This Local Law is a police power and land use regulation. This Local Law is intended, and is hereby declared, to address matters of local concern. It is further declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as, and is hereby declared to exercise, the permissive "incidental control" of land uses as are concerned with the

broad area of land use planning and the physical use of land and property within the Town, including physical externalities associated with certain herein-identified land uses, such as negative impacts on roadways, traffic congestion, and other deleterious impacts upon a community. This Law is not intended to regulate the operational processes of any business or industry. This Local Law is a law of general applicability and is intended and declared to promote the interests of the community as a whole.

As is consistent with law (including, without limitation NY ECL § 27-0711) this Local Law intends to, and hereby does, regulate certain land uses so as to promote the health and welfare of the citizens of the Town by, among other things, regulating or prohibiting the dumping, discharging, injection and disposal of materials herein defined as "Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes" on lands and in bodies of water within the Town. Further, this Local Law is intended and declared to protect drinking water supplies and is intended and declared to supplement and enhance, but not limit or impinge upon, the Safe Drinking Water Act and the Underground Injection Control programs administered by the Environmental Protection Agency. This Local Law is also intended and declared to impose conditions and restrictions on certain uses of property that are directly related and incidental to the use of property, with such conditions and restrictions being aimed at minimizing or precluding adverse impacts in and upon the Town that could result from certain uses of property that pose a unique risk of adverse impacts to, and effects upon, the comfort, peace, enjoyment, health and safety of residents and their property.

**B. The Town Board has found, determined, and made the following declarations of findings:**

- 1. Brighton takes great pride in and assigns great value to its residential character, parkland and open space, and scenic and other natural resources.**
- 2. Maintaining the quality of water resources within the Town is critical to protecting the natural environment of the Town, the general health and welfare of Town residents, and the local economy. Certain of the activities described in Section 6 of this Local Law have the potential to damage surface and ground water resources, in the event of (by way of example) human error, power outages, flooding or other natural disasters, or engineered materials and structures experiencing stresses beyond those for which they were designed. Water pollution is hazardous to the public health.**
- 3. Preservation of the Town's irreplaceable open space, air quality and water quality, and unique character, is of significant value to the inhabitants of the Town and its residents.**
- 4. The Town's rich natural environment is a valuable asset that creates a sense of identity and well-being for residents of the area. Preserving and protecting the scenic, recreational, and other natural resources of the Town is important for both a healthy environment and vibrant economy. Aesthetic issues are real and evoke strong reactions from people; they also deeply affect the way people feel about a place, and effect whether businesses or residents will want to locate within or visit a place.**

**The Town of Brighton has repeatedly demonstrated this by adopting its open space acquisitions and development plan, funding such plan through the overwhelming approval**

of a referendum to issue indebtedness for such principal, and implementing the plan most recently by acquiring approximately 72 acres of open space between Elmwood Avenue and Westfall Road in the Town.

5. Allowing the activities described in Section 6 of this Local Law could impair the existing character of the Town because, by their very nature, such activities have the potential to produce a combination of negative impacts upon the environment and people living in, or in proximity to, the areas or communities in which such activities are located. Such negative impacts may include, without limitation, traffic, noise, vibrations, fumes, damage to roadways, degradation of water quality, degradation of air quality, decreased availability of affordable housing, damage to and loss of open space, natural areas and scenic views, the fragmentation of natural communities and valuable wildlife and flora corridors and decreased recreational opportunities.
6. If one or more of the activities described in Section 6 of this Local Law are conducted within the Town, traffic generated thereby could be hazardous or inconvenient to the inhabitants of the Town and could be dangerous to pedestrians (especially children), cyclists, and motorists, and could result in traffic congestion that could delay emergency response times for medical emergencies, fires and accidents. Certain of the activities described in Section 6 of this Local Law typically involve a large volume of heavy vehicles and accidents involving heavy vehicles have greater potential for death or serious injuries and property damages than those involving smaller vehicles. An increased volume of heavy vehicular traffic may cause, contribute to, or create unsafe conditions for the traveling public and thus place a strain on emergency responders. Increased heavy vehicular traffic also tends to increase air pollution and noise levels, and decrease the quality of life and property values for those living nearby. Roads are a critical public resource and constitute a major investment of the public's money. The Town is not in a position to bear the high costs associated with the road use impacts that typically accompany many of the activities described in Section 6 of this Local Law.
7. If one or more of the activities described in Section 6 of this Local Law are conducted within the Town, the air pollution, dust, noise, vibrations, and odors generated thereby (whether onsite or by truck traffic to and from the proposed site of such activities) could be hazardous to the inhabitants of the Town. Air pollution is a known hazard to the public health.
8. If one or more of the activities described in Section 6 of this Local Law are conducted within the Town, noise, vibrations, seismic, subterranean, lateral and subjacent support impacts, and light pollution typically caused by such activities, could be hazardous or inconvenient to the inhabitants of the Town. Noise, traffic congestion, night time lighting, vibrations, and seismic and other impacts to subterranean surface support, can have negative effects on human health and wildlife.

9. The creation, generation, keeping, storage or disposal of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes (as that term is defined at Section 5 of this Local Law) within the Town could have a negative impact on the public health, safety and welfare of the inhabitants of the Town.
10. The high costs associated with the disposal of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes (as that term is defined at Section 5 of this Local Law) have in other localities resulted, and could in our Town result, in persons seeking to avoid such costs by depositing such material along roadways or in waterways, in vacant lots, on business sites, in the private dumpsters of others, or in other unauthorized places. Such activities could pose a hazard to the public health, safety, and welfare of the inhabitants of the Town.
11. Pipelines under 125 psi and less than 6" diameter are presently not regulated by the federal or New York state governments; yet such pipelines may pose many of the same dangers as larger or regulated lines when ruptured or impaired. In any event, such pipelines also require a clear zone for reasons of inspection, maintenance, and access.
12. The Town has been the home of limited light industrial activity, and the Town's Zoning Code does not permit heavy industrial activity nor has such activity been carried out in the Town. The Town Board believes it is appropriate to ensure that any industrial activity contemplated for the Town take place only if compatible with present land uses and with the Town's Comprehensive Plan.
13. Evaluation and determination of whether the activities described in Section 6 of this Local Law are appropriate for the Town is a legitimate goal of land use policy and laws; indeed, the exclusion of specified industrial uses is a legitimate and judicially recognized and supported goal of such laws.

**C. The purposes respecting this Local Law are as follows:**

1. Purposes. This Local Law is enacted so as to take proactive steps to protect and preserve the quality of the Town's air, water, historic resources, and other assets, and to protect and promote the health, safety, and welfare of the Town and its present and future residents. Without limiting the generality of the foregoing, this Local Law is intended and declared by the Town Board to:

- a. promote the purposes of planning and land use regulation by, among other things, preserving the roads and protecting limited and related fire, police, and other emergency response services in the Town;
- b. promote the health, safety and welfare of the Town, its present and future inhabitants, by preventing adverse public nuisances and/or land use impacts and effects that could result if the activities prohibited by Section 6 of this Local Law were allowed to be conducted within the Town;
- c. protect the Town's priceless and unique character, the preservation of which is of significant value to the inhabitants of the Town, by protecting it from adverse public nuisances and/or land use impacts and effects that could result if the activities prohibited by Section 6 of this Local Law were allowed to be conducted within the Town; and
- d. protect the Town's irreplaceable historic, scenic, and natural resources, and the Town's water and air quality, by protecting each and all of the same from adverse public nuisances and/or land use impacts and effects that could result if the activities prohibited by Section 6 of this Local Law were allowed to be conducted within the Town.

### **Section 3. DEFINITION OF THIS "LOCAL LAW," "THIS LAW," ETC., AND CONSTRUCTION OF TERM**

As used herein, the term "this Local Law" (or its equivalent) shall mean and refer to Town of Brighton Local Law No. 1 of 2013. As used in Section 2 of this Local Law, the terms "this Law," "this chapter," and "herein" shall mean and refer to this Local Law, as the same may be amended from time to time. The term "shall" is mandatory, and the term "may" is permissive. Any word that is gender-referenced shall be construed to include all genders and the neuter/neutral of such term. Capitalized words shall have the meanings ascribed to them whenever the meaning or context thereof so admits or requires. Defined words and phrases that are not capitalized shall be presumed to be capitalized and deemed defined words and phrases, unless the context thereof admits or requires otherwise.

### **Section 4. INTERPRETATION**

The statements of authority, intent, findings, and purpose are legislatively adopted along with the formal text of this Local Law. Such statements of authority, intent, findings, and purpose are intended and declared to be a material part of this Local Law, a legal guide to the administration and interpretation of this Local Law, and a part of the legislative history of this Local Law.

**Section 5. DEFINITIONS**

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

**Below-Regulatory Concern** - Radioactive material in a quantity or of a level that is distinguishable from background (as that phrase is defined at 10 CFR §20.1003), but which is below the regulation thresholds established by any regulatory agency otherwise having jurisdiction over such material in the Town.

**Gathering Line, Or Production Line** - Any system of pipelines (and other equipment such as drip stations, vent stations, pigging facilities, valve boxes, transfer pump stations, measuring and regulating equipment, yard and station piping, and cathodic protection equipment) used to move oil, gas, or liquids from a point of production, a treatment facility, or a storage area to a transmission line, which is exempt from the Federal Energy Regulatory Commission's jurisdiction under section 1(b) of the Natural Gas Act, and which does not meet the definition of a "Major utility transmission facility" under the Public Service Law of New York, Article 7, §120(2)(b).

**Injection Well** - A bored, drilled, or driven shaft whose depth is greater than the largest surface dimension, or a dug hole whose depth is greater than the largest surface dimension, through which fluids (which may or may not include semi-solids) are injected into the subsurface and less than ninety (90) percent of such fluids return to the surface within a period of ninety (90) days.

**Land Application Facility** - A site where any Natural Gas Exploration And/Or Petroleum Production Wastes are applied to the soil surface or injected into the upper layers of the soil.

**Natural Gas** - Methane and any gaseous substance, either combustible or non-combustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

**Natural Gas And/Or Petroleum Exploration Activities** - Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons, including prospecting, geophysical and geologic seismic surveying and sampling techniques, *but only to the extent* that such activities involve or employ core, rotary, or any other type of drilling or otherwise make any penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

Natural Gas And/Or Petroleum Extraction Activities - The digging or drilling of a well for the purposes of exploring for, developing, or producing natural gas, petroleum, or other subsurface hydrocarbons, including, without limitation, any and all forms of shale fracturing.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes - Any of the following in any form whether or not such items have been excepted or exempted from the coverage of any federal or state environmental protection laws, or have been excepted from any statutory or regulatory definition(s) of "industrial waste," "hazardous," or "toxic," and whether or not such substances are generally characterized as waste: (a) Below-Regulatory Concern radioactive material, or any radioactive material which is not Below-Regulatory Concern but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Town, whether naturally occurring or otherwise, and in any case relating to, arising in connection with, or produced by or incidental to the exploration for, the extraction or production of, or the processing, treatment, or transportation of, natural gas, petroleum, or any related hydrocarbons; (b) natural gas or petroleum drilling fluids; (c) natural gas or petroleum exploration, drilling, production or processing wastes; (d) natural gas or petroleum drilling treatment wastes (such as oils, frac fluids, produced water, brine, flowback, sediment, and/or any other liquid or semi-liquid material); (e) any chemical, waste oil, waste emulsified oil, mud, or sediment that was used or produced in the drilling, development, transportation, processing, or refining of natural gas or petroleum; (f) soil contaminated in the drilling, transportation, processing, or refining of natural gas or petroleum; (g) drill cuttings from natural gas or petroleum wells; or (h) any other wastes associated with the exploration, drilling, production, or treatment of natural gas or petroleum. This definition specifically intends to include some wastes that may otherwise be classified as "solid wastes which are not hazardous wastes" under 40 C.F.R. § 261.4(b). The definition of this Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes does not include (i) recognizable and non-recognizable food wastes.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Disposal/Storage Facility - Any of the following: (a) tanks of any construction (metal, fiberglass, concrete, etc.); (b) impoundments; (c) pits; (d) evaporation ponds; or (e) other facilities, in any case used for the storage or treatment of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes that: (i) are being held for initial use, (ii) have been used and/or are being held for subsequent reuse or recycling, (iii) are being held for treatment, or (iv) are being held for storage.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump - Land upon which Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes, or their residue or constituents before or after treatment, are deposited, disposed, discharged, injected, placed, buried or discarded, without any intention of further use.

**Natural Gas And/Or Petroleum Support Activities** - Shall mean and be any one or more of the following: (a) Natural Gas Compression Facility; (b) Natural Gas Processing Facility; (c) Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Disposal/Storage Facility; (d) Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump; (e) Land Application Facility; (f) Non-Regulated Pipelines; (g) Underground Injection; or (h) Underground Natural Gas Storage.

**Natural Gas Compression Facility** - Those facilities or combinations of facilities that move natural gas or petroleum from production fields or natural gas processing facilities in pipelines or into storage; the term shall include equipment for liquids separation, natural gas dehydration, and tanks for the storage of waste liquids and hydrocarbon liquids.

**Natural Gas Processing Facility** - Those facilities that separate and recover natural gas liquids (NGLs) and/or other non-methane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning or stripping gas; cooking and dehydration; residual refinement; treating or removing oil or condensate; removing water; separating NGLs; removing sulfur or carbon dioxide; fractionation of NGLs; and/or the capture of CO<sub>2</sub> separated from natural gas streams.

**Non-Regulated Pipelines** - Those pipelines that are exempt or otherwise excluded from regulation under federal and state laws regarding pipeline construction standards or reporting requirements, specifically including without limitation production lines and gathering lines.

**Person** - Any individual, public or private corporation for profit or not for profit, association, partnership, limited liability company, limited liability partnership, firm, trust, estate, and any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**Pipeline** - All parts of those physical facilities through which petroleum, gas, hazardous liquids, or chemicals move in transportation (including pipes, valves and other equipment and appurtenances attached to pipes, such as drip stations, vent stations, pigging facilities, valve boxes, transfer pump stations, measuring and regulating equipment, yard and station piping, and cathodic protection equipment), whether or not laid in a public or private easement or right of way within the Town. This includes, without limitation, gathering lines, production lines, and transmission lines.

**Radioactive Material** - Material in any form that emits radiation. This definition specifically includes NORM (naturally occurring radioactive material), but only if such naturally occurring material has been moved from its naturally occurring location through an industrial process. All such material is "radioactive material" for purposes hereof, whether or not it is otherwise exempt from licensing and regulatory control pursuant to the NYS Department of Labor, the US Nuclear Regulatory Commission, the US Environmental Protection Agency, the US Department of Energy, the US Department of Transportation, or any other regulatory agency.

**Radiation** - The spontaneous emission of particles (alpha, beta, neutrons) or photons (gamma) from the nucleus of unstable atoms as a result of radioactive decay.

**Subsurface** - Below the surface of the earth, or of a body of water, as the context may require.

**Town** - The Town of Brighton, Monroe County, New York.

**Town Board** - The Town Board of the Town.

**Transmission Line** - A pipeline that transports oil, gas, or water to end users as a public utility and which is subject to regulation either by: (a) the Federal Energy Regulatory Commission's jurisdiction under section 1(b) of the Natural Gas Act, or (b) as a "Major utility transmission facility" under the Public Service Law of New York, Article 7, §120(2)(b).

**Underground Injection** - Subsurface emplacement of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes, including without limitation, emplacement by or into an Injection Well.

**Underground Natural Gas Storage** - Subsurface storage, including without limitation in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location, whether for the purpose of load balancing the production of natural gas or for any other reason, including without limitation short-term, long-term, or intermittent storage for product quality, processing, or transportation purposes, or because of market conditions. Without limitation, this term includes compression and dehydration facilities, and associated pipelines.

**ZBA** - Zoning Board of Appeals of the Town

**Section 6. PROHIBITION WITHIN THE TOWN OF NATURAL GAS AND/OR PETROLEUM EXPLORATION ACTIVITIES, NATURAL GAS AND/OR PETROLEUM EXTRACTION ACTIVITIES, AND NATURAL GAS AND/OR PETROLEUM SUPPORT ACTIVITIES**

A. Subject to the provisions of sub-section B of this Section 6, below, it shall be unlawful for any person to use, cause, allow, or permit to be used, any land (including all surface and subsurface lands), body of water or waterway (whether upon or below-ground), building, or other structure located within the Town for any of the following: (i) any Natural Gas And/Or Petroleum Exploration Activities; (ii) any Natural Gas And/Or Petroleum Extraction Activities; or (iii) any Natural Gas And/Or Petroleum Support Activities.

B. The prohibitions set forth above in sub -section A of this Section 6, above, are not intended, and shall not be construed, to: (x) prevent or prohibit the right to use roadways in commerce or otherwise for travel; (y) prevent or prohibit the transmission of natural gas through utility pipes, lines, or similar appurtenances for the limited purpose of supplying natural gas to residents of or buildings located in the Town or to direct end users in adjoining municipalities in the ordinary course of business; or (z) prevent or prohibit the incidental or normal sale, storage, or use of lubricating oil, heating oil, gasoline, diesel fuel, kerosene, or propane in connection with legal residential, business, commercial, and other uses within the Town.

#### Section 7. PENALTIES.

A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than Five Thousand Dollars (\$5,000) or imprisonment for not more than 30 days, or both, for the first offense. Any subsequent offense within a twelve month period shall be punishable by a fine of not more than Ten Thousand Dollars (\$10,000) or imprisonment for a period of not more than 90 days, or both. For purposes of this Clause A., each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. In addition, an action or proceeding may be instituted in the name of the Town in any court of competent jurisdiction, to prevent, restrain, enjoin, correct, enforce, and/or abate any violation of, or non-conformance with, any provision or requirement of this Local Law. Additionally, any action may be so commenced to declare the rights of the Town and of any other Persons relative to any justiciable controversy arising from, under, or in relation to this Local Law, whether pertaining to its interpretation, application, legality, or enforceability, or otherwise. No such action or proceeding shall be commenced without the appropriate authorization from the Town Board. If equitable relief is requested in the form of an temporary restraining order, a temporary injunction, or an injunction, or by any other form of prohibition or similar relief, the Town shall not be required to post any bond or undertaking as a condition or requirement for or of such relief, and the Town shall not be required to prove or show a lack of an adequate remedy at law. No right, remedy, or penalty specified in this Section 7 shall be the or an exclusive remedy of the Town, and each remedy or penalty specified in this Section 7 shall be in addition to, and not in substitution for or in limitation of, any other remedies or penalties specified in this Local Law or permitted in equity or by any applicable law, rule, order, or regulation. Any remedy or penalty specified in this Local Law may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Section 7.

C. In addition, the Town's Chief of Police or Commissioner of Public Works, or either of their designees, may issue stop work orders or compliance notices relative to any violation of this Local Law. The failure of any Person to comply with any such notice or order shall be and be deemed a violation of any other applicable law or ordinance, including, without limitation, the Town's Comprehensive Development Regulations and its related rules and regulations, and the New York Executive Law, § 382, and, in each case, such non-compliance or violation may also be enforced as such.

D. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs incurred by the Town relative thereto, including attorneys', engineering, consulting, and experts' fees; provided, however, that any responsibility or liability therefor, and the amount thereof, shall be determined by a Court or other tribunal of competent jurisdiction, and this clause shall be interpreted, construed, and applied only to the maximum extent permitted by applicable law.

#### Section 8. 'GRANDFATHERING' OF LEGAL, PRE-EXISTING NON-CONFORMING USES.

Notwithstanding any provision hereof the contrary, any Natural Gas And/Or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this Local Law shall be subject to the following:

A. If, as of the effective date of this Local Law, substantive Natural Gas And/Or Petroleum Extraction Activities are occurring in the Town and those activities are in all respects being conducted in accordance with all applicable laws and regulations, including, without limitation, the possession of valid non-revoked permits for all matters for which permits are required, and including compliance with each, any, and any listed permit conditions, as are or may be required by the New York State Department of Environmental Conservation ("DEC"), and all other regulating local, state, and/or federal governments, bureaus, or agencies, then and only then such Activity shall be considered a pre-existing, non-conforming use and shall be allowed to continue, subject, however, to the provisions of sub-Clauses B and C of this Section 8. Natural Gas And/Or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this Local Law and which do not qualify for treatment under the preceding standard of this sub-Clause A of this Section 8 shall not be grandfathered (or be permitted to continue or deemed lawful pre-existing uses), and shall in all respects be prohibited as contemplated by Section 6 hereof.

B. Upon the depletion, closing, or reclamation of any well which is allowed to remain in operation after the effective date of this Local Law by virtue of sub-Clause A of this Section 8, or upon any other substantive cessation of Natural Gas And/Or Petroleum Extraction Activities for a period of more than twelve (12) months, then, and in either of such events, the pre-existing and/or non-conforming use status (and any related "grandfathering rights") of or relating to such activity shall terminate, and thereafter such Natural Gas And/Or Petroleum Extraction Activities shall in all respects be prohibited as contemplated by Section 6 hereof.

C. Notwithstanding any provision hereof to the contrary, the pre-existing, non-conforming status conferred and recognized by sub-Clause A of this Section 8 is not intended, and shall not be construed, to authorize or grandfather any Natural Gas And/Or Petroleum Extraction Activities

extending beyond whatever well bore is authorized in any DEC permit in existence as of the effective date of this Local Law. Any expansion, or attempted or purported expansion, of such well, whether as to its production, depth, horizon(s), or otherwise, shall not be grandfathered under sub-Clause A of this Section 8, and instead shall in all respects be prohibited as contemplated by Section 6 hereof. Any such 'grandfathered' and allowed lawful pre-existing uses shall not possess any right to expand such non-conforming use, whether above or below ground, and no such right shall be deemed, construed, or implied to exist.

**Section 9. CONFLICTING APPROVALS OR PERMITS WITHOUT FORCE OR EFFECT WITHIN THE TOWN.**

Except as contemplated by Section 10 of this Local Law, no permit or approval issued by any local agency, department, commission, or board shall be deemed to grant any rights, permissions, or approvals to undertake activities within the Town of Brighton when or to the extent that such activity or activities would violate the prohibition set forth at Section 6 of this Local Law.

**Section 10. HARDSHIP EXEMPTION.**

A. There is hereby established a mechanism by which persons aggrieved by a decision or determination of the Town's Code Enforcement Officer (or other administrative official or body charged with the enforcement of this Local Law) regarding Section 6 of this Local Law (or otherwise) may make appeal to the Zoning Board of Appeals for a Hardship Exemption from the provisions of said Section 6 (or any other provision or requirement of this Local Law). The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Code Enforcement Officer or other administrative official or body charged with the enforcement of this Local Law, after public notice and hearing and in accordance with the requirements of law and this Local Law, to consider applications for a Hardship Exemption from the provisions of Section 6 of this Local Law. Applicants for a Hardship Exemption should consult the succeeding provisions of this Section 10, as well as Section 11 of this Local Law, for a specification of application requirements and the procedural mechanisms involved in the consideration by the Zoning Board of Appeals of an application for a Hardship Exemption.

B. No such Hardship Exemption shall be granted by the Zoning Board of Appeals without a showing by the applicant that enforcement of Section 6 of this Local Law as to such applicant has caused an "unnecessary hardship." For purposes hereof, and in order to prove the existence of an unnecessary hardship for purposes hereof, the applicant must demonstrate to the Zoning Board of Appeal's satisfaction compliance with and/or proof of each of the following four standards or conditions: (i) that unless the applicant is granted a Hardship Exemption from the provisions of Section 6 of this Local Law the applicant cannot realize a reasonable rate of return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence; (ii) that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the neighborhood or other area in the vicinity of the applicant's property; (iii) that the alleged hardship has not been self-created; and (iv) that the requested Hardship Exemption, if granted, will not alter the essential character of the neighborhood or other area in the vicinity of the applicant's property in an adverse manner. For purposes of interpreting and applying the above four standards and matters of proof, the following shall apply:

1. *Reasonable Rate of Return.* In evaluating whether the applicant can realize a reasonable rate of return for purposes hereof, the Zoning Board of Appeals shall examine whether the site of the proposed project and all adjacent lands in common ownership, are incapable of producing a reasonable rate of return. No Hardship Exemption shall be granted unless, in addition to satisfying all other applicable provisions of this Local Law, the Zoning Board of Appeals finds that the applicant has clearly demonstrated, by detailed "dollar and cents" proof, the inability to obtain a reasonable return for the entire parcel (and not just the site of the proposed project) unless the applicant is granted a Hardship Exemption from the provisions of Section 6 of this Local Law.

2. *Unique Hardship.* No Hardship Exemption shall be granted unless, in addition to satisfying all other applicable provisions of this Local Law, the Zoning Board of Appeals finds that the entire parcel of land which the project is a part possesses unique characteristics that distinguish it from other properties in the neighborhood or other area in the vicinity of the applicant's property. The applicant must demonstrate the unique nature of parcel as a whole. The fact that the property is then unimproved, shall not be deemed sufficient to make the plight of the property unique or to contribute thereto. Exceptional topography is an example of a factor demonstrating the unique nature of the property.

3. *Self-Created Hardship.* The Zoning Board of Appeals may find that the applicant suffers from a self-created hardship in the event that the Board finds that (i) the applicant's inability to obtain a reasonable return on the property as a whole results from having paid too much or from a poor investment decision; (ii) the applicant previously divided the property and is left with only a portion which suffers from some unique condition for which relief is sought and which did not apply to the parcel as a whole; or (iii) when the applicant purchased the property applicant knew or should have known that the property was subject to this Local Law.

4. *Adverse Alteration of Essential Character of the Neighborhood or Other Area in Vicinity.* In making its determination of whether the proposed project will adversely affect the essential character of the neighborhood or other area in the vicinity of the applicant's property, the Zoning Board of Appeals shall take into account factors that are of vital importance to the citizens of the Town including without limitation: (i) the residential, and historic character and resources of the Town; (ii) the Town's irreplaceable open space, recreation, and historic sites; (iii) the extent of hazard to life or property that may result from the proposed project; (iv) health impacts; (v) the social and economic impacts of traffic, congestion, noise, dust, odors, emissions, solid waste generation, and other nuisances; (vi) the impact on property values; and (viii) whether the applicant will use a style of development that may result in degradation to the air quality, water quality, or historic, scenic, and natural resources of the Town.

C. In addition to any other application requirements from time to time established pursuant to this

Local Law, an application for any Hardship Exemption shall contain a narrative explaining what the application is for and how the project meets or exceeds all of the criteria for a Hardship Exemption. Such submissions shall include the following:

1. With respect to a claim that the applicant cannot realize a reasonable rate of return, the applicant shall provide financial evidence containing reasonable specification of the nature and factual particulars of such claim, including, at a minimum (as to the entire parcel of which the proposed project is a part): (a) the date(s) of acquisition of the property; (b) the purchase price; (c) present value of the property; (d) the amount of real estate taxes; (e) the amount of mortgages or liens and other expenses; (f) the asking price for the property when it had been offered for sale; (g) the costs of demolishing any existing structures on the property; (h) efforts to market the property; (i) a schedule of all other property in common ownership at either the date of the enactment of this Local Law or thereafter; and (j) "dollars and cents proof," such as appraisals, economic studies, and any other such evidence supporting the applicant's contention that the grant of a Hardship Exemption is appropriate. For purposes of this Local Law, common ownership means all other interests in property either located within the Town or contiguous to the Town that is held by any of the applicants (if more than one), whether such ownership is of a legal or equitable interest, in whole or in part, contiguous or not, and whether such property interest is held by any of the applicants through a legal or equitable interest in a(nother) corporation, partnership, trust, business, entity, association, fund, joint venture, or individually.
2. Environmental Assessment Form. A completed draft of a Long Form Environmental Assessment Form, Part I, regarding the proposed project. Any action in consideration of whether to deny, grant, or grant with conditions such application shall be and be deemed a Type I Action under SEQRA, including, without limitation, 6 NYCRR Part 617, § 617.4.
3. With respect to a claim that, if granted, the requested Hardship Exemption will not adversely alter the essential character of the neighborhood or other area in the vicinity of the applicant's property, the applicant must demonstrate that the proposed project will not materially adversely affect such essential character with regard to the physical, economic, social or environmental elements of such neighborhood or area. Examples of adverse impacts to the essential character of the neighborhood or other area include, without limitation, decreased quality or increased quantity of stormwater runoff, increased soil erosion, increased traffic or congestion, decreased road quality or roadway damages, increased noise, dust, odor and/or glare, reduced wildlife habitat, decreased air quality, decreased water quality, impairment of viewsheds, the creation of solid wastes, negative impacts on sustainability efforts, increased social costs, increased emergency response times, negative impacts to public infrastructure, decreased property values, and negative impacts on the health of area residents.

D. In addition to all other application requirements from time-to-time established pursuant to this Local Law, each application for a Hardship Exemption may also include one or more of the following enumerated reports, analyses, or supporting proofs or documents, and the like, whenever required by the Zoning Board of Appeals, any environmental review of such proposed review and/or

granting or denial of a Hardship Exemption application, or otherwise, so as to assist the Zoning Board of Appeals in determining whether a grant of the requested Hardship Exemption will adversely alter the essential character of the neighborhood or other area in the vicinity of the applicant's property and/or so as to assist the Zoning Board of Appeals in its determination of whether to deny, grant, or grant with conditions such application:

1. **Description of Surrounding Uses.** The approximate location of all neighboring residential, park or recreational areas, any environmental protection overlay districts designated by the Town, all wetlands, intermittent, seasonal and other streams, rivers, and waterways, significant natural communities, endangered and threatened species and species of concern, and historical or archeologically sensitive or mapped areas within a two (2) mile radius of the perimeter of the site of the proposed use.

2. **Traffic Impact Report.** A traffic impact report containing: (a) the proposed traffic circulation plan and the projected number of motor vehicle trips to enter or leave the site, as estimated for daily and peak hour traffic levels, if the Hardship Exemption is granted; (b) existing and proposed daily and peak traffic hour levels as road capacity levels; (c) a determination of the areas of impact of traffic to and from the proposed project; (d) the proposed traffic routes to the nearest intersection with an arterial highway, including gross weights and heights of vehicles; (e) the projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed project if the Hardship Exemption is granted; (f) the impact of this traffic upon existing abutting public and private ways in relation to existing road capacities; (g) a traffic impact analysis of the effects of the proposed project on the transportation network in the Town using passenger car equivalents if the Hardship Exemption is granted; (h) an articulation of the effects and impacts of the proposed project on traffic based on existing conditions and projected future background traffic on the state, county, and Town road system if the Hardship Exemption is granted; and (i) an evaluation of whether the resulting traffic conditions are likely to hinder the passage of police, fire, and emergency response vehicles, or degrade the quality of life or roadways, and/or otherwise contribute to hazardous traffic conditions if the Hardship Exemption is granted.

3. **Road Impact Report.** An evaluation of: (a) appropriate roadway geometry, including required road widths, bridge widths, starting and stopping sight distances, intersection sight distances, and horizontal and vertical curves along the proposed traffic routes; and (b) the adequacy of existing pavement structures along the proposed traffic routes to accommodate the full weight load of any trucks and construction vehicles likely to be used in connection with the proposed project if the Hardship Exemption is granted.

4. **Transportation Plan.** A description of ingress and egress through the proposed project site through which vehicles, equipment, and supplies will be delivered, including: (a) any temporary

or permanent access routes or points provided, or to be provided, during and after construction if the Hardship Exemption is granted; and (b) an identification of any roads, streets, intersections, bridges, and other facilities along the proposed traffic route that do not meet New York State Department of Transportation standards. Such plan shall describe any anticipated improvements to existing roads, bridges, or other infrastructure, any new road or access construction, measures which will be taken to avoid damaging any public or private roads, highways, culverts, or other ways or appurtenances, and the measures that will be taken to restore damaged public or private roads, highways, culverts, or other ways or appurtenances following construction and during operations should the Hardship Exemption be granted.

5. **Noise Impact Report.** A report that shall measure, project, factor, cover, and provide conclusions about, without limitation, low frequency, A-weighted, infrasound, pure tone, and repetitive/impulse noises, containing the following information, studies, or descriptions and conclusions: (a) a description of the existing audible conditions at the project site to identify a baseline sound presence and pre-existing ambient noise, including seasonal variation; (b) a description and map of sound producing features of the proposed project from any noise generating equipment and noise generating operations that will be conducted in connection with the proposed project site if the Hardship Exemption is granted, including noise impacts from vehicular traffic travelling within the Town and/or to and from, or in support of, the proposed project site; (c) with respect to the noise to be generated by construction and the proposed uses of the proposed project site, the range of noise levels and the tonal and frequency characteristics expected, together with a written explanation for the bases for any such expectations or conclusions; (d) a description and map of the existing land uses and structures, including any sensitive area sound receptors (e.g., residences, hospitals, libraries, schools, places of worship, parks, areas with outdoor workers, etc.) within one mile of the project parcel boundaries, which description shall include the location of the structure/land use, distances from the proposed project, and expected decibel readings for each receptor; and (e) a description of the project's proposed noise-control features, including any specific measures proposed to protect off-site persons and/or to mitigate noise impacts for sensitive area receptors.

6. **Visual Assessment.** A visual presentation of how the site of the proposed project will relate to and be compatible with the adjacent and neighboring areas, within a one mile radius of the perimeter of the site of the proposed project, if the Hardship Exemption is granted. This presentation shall include computerized photographic simulation showing the site during construction and fully developed which shows and/or demonstrates any visual impacts from at least four strategic vantage points within the said one mile radius. Color photographs of the proposed site from at least two locations accurately depicting the existing conditions shall be included. The study shall also indicate the color treatment of the facility's components and any visual screening incorporated into the project that is intended to lessen visual prominence.

7. **Report of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes and Other Wastes.** A report containing a description of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes and other solid wastes, industrial wastes, hazardous wastes, toxic and/or poisonous substances and pollutants (whether or not any such substances enjoy

exemption or definitional exceptions from state or federal laws otherwise intended to protect the public with respect to hazardous, toxic, or poisonous substances) expected to be produced, stored, injected, discarded, discharged, disposed, released, or maintained on the project site if the Hardship Exemption is granted.

8. **Compatible Uses Report.** A discussion of characteristics of the proposed project that may decrease the Town's and/or the neighborhood's (or other area's) suitability for other uses such as residential, commercial, historical, cultural, tourism, recreational, environmental or scenic uses if the Hardship Exemption is granted.

9. **Fiscal Impact Assessment.** An assessment describing the adverse effects and impacts on Town revenue and costs necessitated by additional public facility and service costs likely to be generated by the proposed project if the Hardship Exemption is granted.

10. **Fire Prevention, Equipment Failure and Emergency Response Report.** A report containing: (a) a description of the potential fire, equipment failures, and emergency scenarios associated with the proposed project that may require a response from fire, emergency medical services, police, or other emergency responders if the Hardship Exemption is granted; (b) an analysis of the worst case disaster associated with the proposed project if the Hardship Exemption is granted, together with an analysis of the impacts of such a disaster upon the health, safety, and welfare of the inhabitants of the Town and their property; (c) a designation of the specific agencies that would respond to potential fires, equipment failures, accidents, or other emergencies if the Hardship Exemption is granted; (d) a description of all emergency response training and equipment needed to respond to a fire, accident, equipment failure, or other emergency, including an assessment of the training and equipment available to local agencies; and (e) the approximate or exact location of all fire, police, and emergency response service facilities within a five mile radius of the perimeter of the site of the proposed use.

11. **Public Facilities and Services Assessment.** An assessment describing: (a) whether current Town public facilities and services, including water supplies, sewer capacity, fire protection, school services, recreation facilities, police protection, roads and stormwater facilities, are adequate for the proposed project (taking into account all other uses that have been permitted or are currently operating in the Town) if the Hardship Exemption is granted; (b) a comparison of the capacity of the public services and facilities to the maximum projected demand that may result from the proposed project if the Hardship Exemption is granted (in determining the effect and impact of the proposed project on fire, police, and emergency services, the review shall take into consideration response times and the number and location of available apparatus and fire, police, and emergency service stations that are manned by full time professional service personnel; and where applicable a calculation of response times shall also include the time it takes volunteer emergency personnel to get to their stations); and (c) if the Hardship Exemption is granted, a review of the impacts of the proposed project upon the safety of all children going to and from school by car, bus, bicycle, and walking during and outside of school zone hours, including an analysis of whether existing or proposed safety measures, such as signaled cross walks, elevated sidewalks, signage, traffic controls, traffic management or calming plans, and green space buffers for pedestrians or bicyclists, including an analysis of whether any walking or bicycle trails or routes overlap, cross, or run alongside intended traffic routes; each and all so as to mitigate or help prevent accidents.

12. **Property Value Assessment.** A property value analysis showing the impact upon adjoining property values, prepared by a licensed appraiser in accordance with industry standards, regarding the potential impact of the project if the Hardship Exemption is granted.

13. **Health Impact Assessment.** A human health impact assessment identifying ways in which the proposed project could adversely affect the health of Town residents if the Hardship Exemption is granted, and a priority list of recommendations to minimize the potential health impacts of the proposed project. The health impact assessment shall include: (a) a risk assessment of the possible impacts of chemical exposure(s) on the health of residents, including the Chemical Abstract Service number of all chemicals proposed to be used or generated at the project site; (b) an assessment of possible health effects due to industrial operations in non-heavy industrial use areas; and (c) an assessment of possible health effects due to community changes, including the presence of an industrial activity in a previously non-heavy industrial area, declining property values, impacts to the education system, and the impacts and effects of any sudden changes in population numbers, demographics, and customs (if any).

E. To the extent any of the information, data, studies, reports, and the like, referenced above in this Section 10 have been prepared or submitted to the State of New York (or other government or governmental department, agency, or authority) in relation to any permit application, unit or spacing authorization, or any related environmental review, or otherwise, the Zoning Board of Appeals may accept such previously prepared materials in lieu of any of the above items which may be so requested or mandated. However, nothing shall prevent the Zoning Board of Appeals from requiring updates, supplemental information, or site-specific analyses relative to such proposed use within the Town or such application for a Hardship Exemption.

#### **Section 11. HARDSHIP EXEMPTION APPLICATION & REVIEW PROCEDURES**

A. Every application for a Hardship Exemption shall be submitted in writing, upon forms from time-to-time established, approved, or prescribed by the Zoning Board of Appeals, and shall be signed by the applicant. If the applicant is not the owner of the property involved, the owner of the property shall none-the-less attest to the accuracy of the statements and representations made in the application, and both the applicant and the owner shall certify that he (or she or it) has undertaken due diligence with respect to the accuracy of the matters contained in the application. Copies of applications and supporting documentation shall be filed with the Zoning Board of Appeals as required by the Zoning Board of Appeals. The application shall be accompanied by a fee in the amount set from time to time by resolution of the Town Board. The applicant shall pay, in addition to the application fee, all reasonable, direct cost of the Town's review. The Town will advise the applicant prior to engaging persons to assist in the review. The Zoning Board of Appeals (ZBA) is hereby authorized to adopt rules and regulations for the conduct of hearings on applications for Hardship Exemptions, consistent with this Local Law and other legal or state statutes or requirements.

B. In evaluating an application for a Hardship Exemption, the Zoning Board of Appeals shall comply with any applicable provisions of Article 9 of the Environmental Conservation Law, and its implementing regulations as codified in Title 6, Part 617 of the New York Codes Rules and Regulations, known as the State Environmental Quality Review Act (SEQRA), as the same may from

time-to-time be amended.

C. The Zoning Board of Appeals shall hold a hearing on all applications for a Hardship Exemption within 62 days of the filing of a complete application therefor. Said 62 day period may be extended by mutual agreement of the Zoning Board of Appeals and the applicant, or whenever required by law, including but not limited to the completion of any required SEQRA procedures. Public notice of the hearing shall be given at least five days prior to the date thereof by publication in the Town's official newspaper. The Zoning Board of Appeals may adjourn or continue such public hearing from time-to-time. The cost of sending or publishing any notices relating to any application shall be borne by the applicant, and shall be paid to the Town prior to the hearing. At least ten days before any hearing upon any application, the Zoning Board of Appeals shall mail notices to all adjacent property owners and such other notices that may be required by Sections 239-l, 239-m, and/or 239-n of the NYS General Municipal Law or other applicable provisions of law, rules or regulation.

D. In addition to such other procedures as may be required by applicable law, the following shall apply with respect to the conduct of hearings regarding applications for Hardship Exemptions: (a) the burden of proof shall remain with the applicant to show that he (or she or it) has satisfied the conditions, requirements, and proofs necessary to qualify for a Hardship Exemption, and the burden shall never shift to the Town; (b) any party may appear in person or by agent or by attorney; (c) no decision or determination shall be made except upon consideration of the record as a whole and as supported by and in accordance with substantial evidence; (d) all evidence shall be made a part of the record; and (e) official notice may be taken of all facts of which judicial notice could be taken and of other facts within the specialized knowledge of the Zoning Board of Appeals. When official notice is taken of a material fact not appearing in the evidence or in the record, and it is one of which judicial notice could be taken, every party shall be given notice thereof and shall, upon timely requires, be afforded an opportunity prior to decision to support or dispute the fact or its materiality.

E. Decisions by the Zoning Board of Appeals on applications for a Hardship Exemption shall be made within 62 days from the close of the public hearing on such matter. The time within which the Zoning Board of Appeals must render its decision may, however, be extended by mutual consent of the applicant and the Zoning Board of Appeals, or whenever required by law, including but not limited to the completion of any required SEQRA procedures. The final decision on such matter shall be made by written order signed by the Secretary or Chair of the Zoning Board of Appeals. Such decision shall state the findings of fact that were the basis for the Zoning Board's determination. The Zoning Board of Appeal's decision as to each application for a Hardship Exemption shall be filed in the office of the Town Clerk no later than five business days after the day such decision is rendered, and shall be made a public record.

F. The Zoning Board of Appeals, in the granting of Hardship Exemptions, shall grant only the minimum level of exemption that it shall deem necessary and adequate to allow an economically beneficial use of the property, while at the same time preserving and protecting the essential character of the neighborhood and the health, safety, and welfare of the community.

G. The Zoning Board of Appeals, in the granting of Hardship Exemptions, shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed project. Such conditions shall be consistent with the spirit and intent of this Local Law, and shall be imposed for the purpose of minimizing any adverse impact such Hardship Exemption may have on the neighborhood or other area in the vicinity of the applicant's property. Such conditions may include, but are not limited to, landscaping, lighting, access and egress, signs, screening, location and layout of buildings, and limitations upon the use or characteristics of the use which are reasonably related to the public health, safety, and general welfare and/or as may be necessary to carry out the intent of this Local Law. If the applicant refuses to accept such requirements and conditions, the Hardship Exemption shall be denied. No action in violation of the requirements of Section 6 of this Local Law shall be conducted under or pursuant to any Hardship Exemption unless in strict compliance with any conditions and/or restrictions stated in such decision or order granting such Hardship Exemption.

H. Any person aggrieved by a decision of the Zoning Board of Appeals with respect to an application for a Hardship Exemption may apply to the Supreme Court of the State of New York in Monroe County for review by proceedings under Article 78 of the Civil Practice Law and Rules. Such proceedings must be instituted no later than thirty (30) days after the filing of the Zoning Board of Appeals decision in the Town Clerk's office.

I. Any grant by the Zoning Board of Appeals of a Hardship Exemption shall expire if a building permit for the proposed project is not obtained by the applicant within one hundred twenty (120) days from the date of the decision granting such Hardship Exemption.

J. Whenever the Zoning Board of Appeals denies an application for a Hardship Exemption, the Zoning Board of Appeals shall refuse to hold further hearings on such application, or a substantially similar application, by the same property owner or his successors or assigns for a period of one year following such denial, unless the Zoning Board of Appeals shall find and determine from the information supplied that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare and that, accordingly, reconsideration is justified.

K. The procedural and other requirements of this Section 11 shall be interpreted and applied to the fullest extent permitted by applicable law, and the Constitutional standards of due process. To the extent any such procedural or other requirement is held or deemed inapplicable, unconstitutional, or *ultra vires*, then, and in such event, such procedural or other requirement shall be interpreted and enforced to the extent permitted, and no other listed procedural or other requirement shall be affected thereby.

**Section 12. SEVERABILITY.**

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed herefrom, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

**Section 13. SUPERSEDING INTENT AND EFFECT.**

During the time this Local Law is in effect, it is the specific intent of the Town Board, to supersede any inconsistent provisions of any and all other local ordinances, local laws, or local resolutions of the Town of Brighton.

**Section 14. GENERAL PROVISIONS**

A. The Commissioner of Public Works or the Commissioner's designee is hereby designated the Code Enforcement Officer for purposes of interpreting and enforcing this Local Law. The Town Board reserves the right, by resolution, to change or designate additional enforcement officers.

B. The section and other headings and titles to clauses and phrases in this Local Law are for convenience only and shall not be used or construed to limit or define the scope or application of the clauses and phrases so following such headings or titles. Each section of this Local Law, whether in the nature of a preamble or otherwise, is a material part of this Local Law.

**Section 15. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the New York Department of State.

## State Environmental Quality Review

**NEGATIVE DECLARATION**

## Notice of Determination of Non-Significance

**Project Number:** ER-1-13**Date:** 01-23-13

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:** Local Law #1 of 2013**SEQR Status:** Unlisted**Conditioned Negative Declaration:** No

**Description of Action:** Local Law #1 of 2013 to effect a prohibition of natural gas and petroleum exploration and extraction activities, the underground storage of natural gas, and the disposal of natural gas or petroleum extraction, exploration and production wastes within the Town of Brighton.

**Location:** Entire Town**Reasons Supporting This Determination:**

After considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the 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 proposed Local Law will help to ensure the protection of air, land and water resources within the town.
3. There are no anticipated negative impacts from adoption of the proposed Local Law.
4. The proposed Local Law is consistent with the intent of the Comprehensive Development Regulations and the aims of the Comprehensive Plan. The purpose of the proposed Local Law is "to take proactive steps to protect and preserve the quality of the town's air, water, historic resources and other assets and to protect and promote the health, safety and welfare of the town and its present and future residents."

**For Further Information:**

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

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

**Telephone: (585) 784-5250**



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

January 16, 2013

Honorable Town Board  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, N.Y. 14618

RE: Advisory report regarding a local law "to effect a prohibition within the Town of Brighton of natural gas and petroleum exploration and extraction activities, the underground storage of natural gas and the disposal of natural gas or petroleum extraction, exploration and production waste

Dear Board Members:

At the January 16, 2013 Planning Board meeting, the Planning Board reviewed the proposed code amendments referenced above. The Planning Board offers the following findings:

1. The proposed amendment is consistent with the intent of the Comprehensive Development Regulations and the aims of the Comprehensive Plan. The intent of the Comprehensive Development Regulations and the Comprehensive Plan is to protect and promote the public health, safety and general welfare of the inhabitants of the Town of Brighton.
2. All lands and all zoning districts within the Town of Brighton are subjected to the proposed amendment.
3. It appears that the proposed amendment will not have any effect on the other regulations of the Code.

Respectfully,

Ramsey A. Boehner  
Executive Secretary  
Planning Board





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

January 17, 2013

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

Re: Negative Declaration- Local law "to effect a prohibition within the Town of Brighton of natural gas and petroleum exploration and extraction activities, the underground storage of natural gas and the disposal of natural gas or petroleum extraction, exploration and production waste "

Honorable Supervisor and Members:

I recommend that your Honorable Body receive and file this letter and the attached negative declaration for the Local law "to effect a prohibition within the Town of Brighton of natural gas and petroleum exploration and extraction activities, the underground storage of natural gas and the disposal of natural gas or petroleum extraction, exploration and production waste." Based on documentation prepared by Town staff, it has been determine that the proposed amendment to the Code will not result in any adverse environmental impacts. It is also recommended that the Town Board adopt the attached negative declaration.

Respectfully Submitted

Ramsey A. Boehner  
Environmental Review Liaison Officer

cc: T. Keef  
attachment





# Department of Planning and Development

Monroe County, New York

**Maggie Brooks**  
*County Executive*

**Judy A. Seil**  
*Director*

**To:** Town of Brighton Town Board

**From:** Renee Casler, Planner II

**Date:** January 23, 21013

**Subject:** Local Law #1 of 2013: Enact Local Law Prohibiting Natural Gas & Petroleum Exploration, Extraction, Storage & Waste Disposal  
MCDP&D Response to Development Review Referral (BH13-1Z)

**Review Authority and Response:**

General Municipal Law:  Section 239-m (Zoning)  
 Approval  Modification  Disapproval  Comment  No Comment

Section 239-n (Subdivision)  
 Approval  Modification  Disapproval  Comment  No Comment

County Charter:  Section C5-4.A (Airport)  
 Approval  Approval with Conditions  Disapproval

Section C5-4.C (Advisory Review)  
 Approval  Modification  Disapproval  Comment  No Comment

**Referred to the Development Review Committee (DRC) (If yes, DRC Project Review Report attached):**

Yes  No

**MCDP&D Comments:**

The Monroe County Department of Planning and Development has reviewed this application and does not have any comment. Please refer to the attached Project Review Report for the complete list of Development Review Committee comments.

If you have any questions regarding this review, please contact me at (585) 753-2026 or [rcasler@monroecounty.gov](mailto:rcasler@monroecounty.gov).

Attachment

xc: Development Review Committee

PROJECT REVIEW REPORT  
Monroe County Development Review Committee

January 23, 2013

Subject: Attachment to File BH13-1Z

The Monroe County Development Review Committee (DRC) has reviewed the subject application and has identified the following points that require appropriate action PRIOR TO SUBMISSION OF FINAL PLANS FOR APPROVAL.

(NOTE: The letter in parentheses following each comment identifies the DRC member listed at the bottom of the page making the comment. Questions should be addressed to the appropriate DRC agency.)

1. The following agencies reviewed this project and have no comments. (A)
2. This project was not sent to the following agencies for review. (C, D)
3. This project was sent to the following agencies; however, their response has not been received by our office in time for inclusion in this report. When our office receives these agencies' comments they will be sent out as an addendum. (B)

(A) - Monroe County Department of Health, Jeff Kosmala, 753-5470

(B) - Monroe County Department of Transportation, Thomas Cesario, 753-7711

(C) - New York State Department of Environmental Conservation, Division of Environmental Permits, 226-5400

(D) - New York State Department of Transportation, David Goehring, 272-3300

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 23<sup>rd</sup> day of January, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated January 11, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding the award of a contract for rental of a bucket truck with operator to Arbor Tree, Inc. for a price of \$89.48/hour not to exceed 254 hours for a total of \$22,728.00 as the lowest, responsible and responsive bidder, together with the attached bid tabulation, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a contract with Arbor Tree, Inc. for rental of a bucket truck with operator for a price of \$89.48/hour not to exceed 254 hours for a total of \$22,728.00 , subject to the review and approval of any such contract by the Attorney to the Town.

Dated: January 23, 2013

|                                      |        |       |
|--------------------------------------|--------|-------|
| 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

January 11, 2013

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

re: Award of Contract  
Rental of Bucket Truck with Operator

Dear Chairman Werner and Committee Members:

I recommend that a bid be awarded for the above equipment rental to the low, responsive bidder, Arbor Tree, Inc., in the base bid amount of \$89.48/hour, not to exceed 254 hours and \$22,728.00.

The bid was publicly advertized and publicly opened, all as required by law. A copy of the bid tabulation is attached for your reference. Funds are available in the 2013 budget, A.DPW 8560 4.43 account, for this purpose.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled January 15, 2013 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: T. Anderson  
A. Banker  
S. Zaso  
M. Hussar  
K. Gordon



STATE OF NEW YORK  
Monroe County

STATE OF NEW YORK  
Monroe County

Leslie Smith being duly sworn, deposes and saith that she  
Is the bookkeeper for  
**BRIGHTON-PITTSFORD POST**  
Newspaper  
Published in the Town of Pittsford, County and State  
A foresaid and that a notice of which the  
Annexed is a printed copy, was published in the said  
Paper at once in each week  
commencing on the

20TH DAY OF DECEMBER, 2012  
Ending on  
20<sup>TH</sup> DAY OF DECEMBER 2012

*Leslie Smith*

oreman of the Publisher subscribed and Sworn to before me on this  
21<sup>ST</sup> DAY OF DECEMBER

*Barbara S. Connelly*  
Notary Public, State of NY

*[Signature]*

32535674

BARBARA S. CONNELLY  
Notary Public In The State Of New York  
Monroe County  
Commission Expires Jan 21, 2014

**LEGAL NOTICE  
ADVERTISEMENT FOR BIDS**

The Town of Brighton, Monroe County, New York will receive sealed bids for:

**RENTAL OF A BUCKET TRUCK/  
WITH QUALIFIED OPERATOR  
(2013)**

Sealed Bids will be received and bids publicly opened and read at the following place and time:

Place:  
Town of Brighton  
Dept. of Public Works  
2300 Elmwood Avenue  
Rochester, New York 14618

Date:  
Tuesday January 8, 2013

Time:  
9:30 A.M. Local Time

The work consists of one contract for the furnishing of the services of a bucket truck with 65' arm, with qualified operator, for use by the Town in the trimming and removal of street trees. The foregoing is a general outline of work only and shall not be construed as a complete description of the work to be performed under the contract. Specifications are available for inspection at the above location and may be obtained there. Bids must be made in writing on the forms furnished.

The Town of Brighton is exempt under New York State Tax law, and therefore, no sales tax on the cost of materials incorporated into the project shall be included in the bid.

All prices bid shall be good for a period of sixty (60) days after opening. The Town of Brighton reserves the right to consider bids for sixty (60) days after their receipt before awarding any contract. The Town of Brighton further reserves the right to reject any and all bids, and to accept any Proposal or individual item or items, which it may deem to be the most favorable to its best interests.

A noncollusive bidding certificate shall be included with each bid.

The attention of the Bidder is called to the requirements as to the conditions of employment and the minimum wage rates to be paid under this contract.

Dated: December 20, 2012  
Town of Brighton

Timothy E. Keel, P.E.  
Commissioner of Public Works  
(585)784-5223  
Dc 20  
02535674

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

January 23, 2013

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>927,716.64</u>   |
| D - HIGHWAY           |          | <u>169,710.01</u>   |
| H - CAPITAL           |          | <u>3,061.67</u>     |
| L - LIBRARY           |          | <u>15,606.64</u>    |
| SF - FIRE DIST        |          | <u>561.28</u>       |
| SR-REFUSE DISTRICT    |          | <u>65,429.02</u>    |
| SS - SEWER DIST       |          | <u>131,109.01</u>   |
| TA - AGENCY TRUST     |          | <u>5,796.88</u>     |
| TE - EXPENDABLE TRUST |          | <u>20,889.60</u>    |
|                       | TOTAL \$ | <u>1,339,880.75</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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 23<sup>rd</sup> day of January, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**WHEREAS**, the Town Board previously appointed a Pedestrian and Bicycle Master Plan Task Force, and retained consultants, in order to develop a Pedestrian and Bicycle Master Plan for Brighton, with the goal of making Brighton a more sustainable community, one that is more effectively and safely able to achieve the long-term economic, environmental, health and social benefits of active transportation; and

**WHEREAS**, the Committee held three public meetings and created an online questionnaire to solicit citizen input to its Plan, and received significant input incorporated into the proposed Plan; and

**WHEREAS**, the Town Board desires to adopt the proposed Plan and strive to meet the recommendations contained therein, in order to achieve the community goals of safe active transportation, which will enhance the sustainability, health, business conditions and safety of Brighton and its residents; it is therefore

**RESOLVED**, that correspondence dated January 18, 2013 from Town Engineer Michael E. Guyon, P.E. regarding adoption of the Comprehensive Pedestrian and Bicycle Master Plan along with a copy of the Comprehensive Pedestrian and Bicycle Master Plan, dated January 2013, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby adopts the Comprehensive Pedestrian and Bicycle Master Plan, dated January 2013, as received

and filed with the Town.

Dated: January 23, 2013

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 23<sup>rd</sup> day of January, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated January 7, 2013 from Chief of Police Mark T. Henderson regarding an amendment to the 2013 operating budget of the Police Department by increasing appropriations by \$1,500.00 in account A.POLICE.3125.4.22 (Telephone Service Charges) to allow for the activation of Verizon's 3G Network on the three department issued Apple Ipads to be fully funded with funds from the Forfeited Property account A.889.JSTCE, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the amendment to the 2013 operating budget of the Police Department by increasing appropriations by \$1,500.00 in account A.POLICE.3125.4.22 (Telephone Service Charges) to allow for the activation of Verizon's 3G Network on the three department issued Apple Ipads to be fully funded with funds from the Forfeited Property account A.889.JSTCE.

Dated: January 23, 2013

|                                      |        |       |
|--------------------------------------|--------|-------|
| 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

**POLICE DEPARTMENT**  
2300 Elmwood Avenue  
Rochester, New York 14618-2196



**Mark T. Henderson**  
Chief of Police

Emergency 911  
Administrative (585) 784-5150  
Fax: (585) 784-5151

January 7, 2013

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

**RE: Appropriation of Funds**

Dear Board Members:

The police department requests that an amendment be approved to the 2013 operating budget to provide sufficient appropriations for the activation of Verizon's 3g Network on the three department-issued Apple Ipads.

I propose that the proceeds of forfeited property be used as the funding source. I request that appropriations in account A.POLCE.3125.4.22 (Telephone Service Charges) be increased by \$1,500.00. These expenditures are to be fully supported with Forfeited Property account A.889.JSTCE. I have consulted with the U.S. Attorney's Office and they concur that the use of asset forfeiture funds for this purpose is appropriate.

Thank you for your consideration and I would be happy to answer any questions you may have regarding this request.

Respectfully,

Mark T. Henderson  
Chief of Police

jpo:MTH

EXHIBIT NO. 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 23<sup>rd</sup> day of January, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated January 7, 2013 from Chief of Police Mark T. Henderson regarding a donation of \$250.00 from the Trinity Reformed Church, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby gratefully accepts the generous donation of \$250.00 from the Trinity Reformed Church and directs that the same be recorded as revenue to the 2013 Police Department's operating budget under A.POLICE.3120.2705 (Gifts and Donations).

Dated: January 23, 2013

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



**Mark T. Henderson**  
Chief of Police

# Town of Brighton

**POLICE DEPARTMENT**  
2300 Elmwood Avenue  
Rochester, New York 14618-2196



Emergency 911  
Administrative (585) 784-5150  
Fax: (585) 784-5151

January 7, 2013

Honorable Town Board  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

Dear Board Members:

Recently, the Police Department received a donation of \$250.00 from the Trinity Reformed Church.

I request that the Town Board authorize the acceptance of this gift, and that the donation be recorded as revenue to the 2013 Police Department Operating Budget under A.POLCE.3120.2705 Gifts and Donations. I have attached a copy of my letter to the Association expressing the department's gratitude for this generous donation.

Sincerely,

Mark T. Henderson  
Chief of Police

A handwritten signature in black ink that reads "Mark T. Henderson". The signature is written in a cursive style.

MTH:dm  
attachment



# Town of Brighton

**POLICE DEPARTMENT**  
2300 Elmwood Avenue  
Rochester, New York 14618-2196



**Mark T. Henderson**  
Chief of Police

Emergency 911  
Administrative (585) 784-5150  
Fax: (585) 784-5151

January 7, 2013

Trinity Reformed Church  
909 Landing Road North  
Rochester, NY 14625

Dear Church Members:

I am writing to express my sincere appreciation for your thoughtful and generous donation to the Brighton Police Department.

While it is not necessary to make direct donations to the department for services provided, your thoughtfulness and consideration help instill a strong community-oriented attitude in our officers. In keeping with the spirit of your donation, your \$250.00 donation will be used to support community service functions.

On behalf of the entire Brighton Police Department, I wish to thank you for your thoughtfulness and generosity.

Sincerely,

A handwritten signature in black ink that reads "Mark T. Henderson". The signature is written in a cursive style with a long horizontal line extending to the right.

Mark T. Henderson  
Chief of Police

MTH:dm



January 2, 2013

Chief Mark Henderson  
Town of Brighton Police Department  
2300 Elmwood Avenue  
Rochester, NY 14618

Dear Chief Henderson:

Thank you for participating in AAA's 2012 Community Traffic Safety Program. Your community has received one of the highest awards. Congratulations!

Brighton, NY has met the criteria for a Gold Award, given to communities that implement programs and projects that demonstrate superior effort at addressing local traffic safety issues.

As we have done in the past, we would like to present this award at AAA's Annual Crossing Guard Breakfast in June. We have yet to finalize a date and details, but I will be in touch once we get closer to the ceremony.

If you have any questions or would like any information from me in the meantime, please do not hesitate to contact me. I can be reached at 315-453-5904 or [ddibble@nyaaa.com](mailto:ddibble@nyaaa.com)

Congratulations again! I look forward to seeing you in June.

Sincerely,

A handwritten signature in cursive that reads "Diana R. Dibble".

Diana R. Dibble, APR  
Public Affairs Manager

cc: Sergeant David Swancott

C: SUPERVISOR MOEHLE

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 23<sup>rd</sup> day of January, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

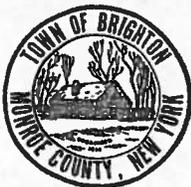
Councilpersons

**RESOLVED**, that correspondence dated January 14, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a one year extension of the Town's contract with Mayer Hardware through December 31, 2013 for the provision of various hardware items used by the Town, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a one year extension of the Town's contract with Mayer Hardware through December 31, 2013 for the provision of various hardware items used by the Town.

Dated: January 23, 2013

|                                      |        |       |
|--------------------------------------|--------|-------|
| 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

January 14, 2013

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

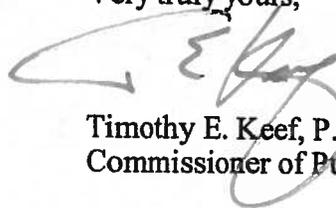
re: Renewal of Contract  
Mayer Hardware

Dear Chairman Werner and Committee Members:

As allowed for in our current agreement with Mayer Hardware, I recommend that the above agreement be renewed for one year in accordance with the terms and conditions of said agreement. The current contract, which provides for the provision of various hardware items used by the Town, would then be renewed through December 31, 2013.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled January 15, 2013 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: T. Anderson  
S. Zaso  
A. Banker  
K. Hall

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 23<sup>rd</sup> day of January, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated January 11, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a one year extension of the Town's contract with Action Telephone through December 31, 2013 for the provision of after hours answering services for the Sewer Department for an amount not to exceed \$1,030.00, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a one year extension of the Town's contract with Action Telephone through December 31, 2013 for the provision of after hours answering services for the Sewer Department for an amount not to exceed \$1,030.00.

Dated: January 23, 2013

|                                      |        |       |
|--------------------------------------|--------|-------|
| 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

January 11, 2013

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

re: Contract Renewal Extension  
Provisions of 24/7 Answering Services for Sewer Department

Dear Chairman Werner and Committee Members:

Per our current agreement with Action Telephone, it is recommended that the contract be extended through December 31, 2013 in accordance with the terms of said agreement for the provision of after hours answering services in an amount not to exceed \$1,030.00, expiring on December 31, 2013. Funds have been included in this year's budget for this service. This particular vendor has provided quality service in prior years for incoming calls after normal working hours and on weekends, and has consistently performed in the capacity intended.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled January 15, 2013 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: T. Anderson  
S. Zimmer  
S. Zaso  
A. Banker  
C. Infantino

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 23<sup>rd</sup> day of January, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that the Town Board hereby appoints to the Conservation Board David C. Ryder, Esq. for a term commencing immediately and terminating on June 30, 2014 and Diane Richeson for a term commencing May 1, 2013 and terminating June 30, 2014.

Dated: January 23, 2013

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 23<sup>rd</sup> day of January, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated January 22, 2013 from Finance Director Suzanne Zaso regarding amendment of the 2013 salary schedule and a copy of the amended 2013 salary schedule be received and filed, and be it further

**RESOLVED**, that the Town Board hereby adopts the amended 2013 salary schedule as received and filed.

Dated: January 23, 2013

|                                      |        |       |
|--------------------------------------|--------|-------|
| 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  
From: Suzanne Zaso, Director of Finance   
Date: January 22, 2013  
Subject: 2013 Salary Schedule for Town Officers and Employees

Attached is an amended 2013 salary schedule for Town officers and employees to replace the schedule received by the Town Board at their organizational meeting of January 2, 2013. Please note that this schedule is subject to further action which the Town Board may take from time to time pursuant to Section 27 of the Town Law.

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

**Town of Brighton**  
**2013 Salaried Employees**  
*for the January 2, 2013 Organizational Meeting*

| <b>Department</b>    | <b>Title</b>                          | <b>Name</b>             | <b>1/1/2013<br/>Annual<br/>Salary</b> |
|----------------------|---------------------------------------|-------------------------|---------------------------------------|
| Town Council:        | Councilperson                         | DiPonzio, Jason S.      | 21,515.000                            |
|                      | Councilperson                         | Werner, Christopher K.  | 21,515.000                            |
|                      | Councilperson                         | Novros, Louise          | 21,515.000                            |
|                      | Councilperson                         | Vogel, James R.         | 21,515.000                            |
| Justice:             | Clerk to Town Justice                 | Schiller, Mary J.       | 52,416.000                            |
|                      | Clerk to Town Justice (Administrator) | Burdett, Dianne W.      | 62,608.000                            |
|                      | Office Clerk II                       | Schirmer, June E.       | 45,154.200                            |
|                      | Office Clerk III                      | Kellenberger-Warax, Mai | 39,130.000                            |
|                      | Town Justice                          | Falk, John A.           | 50,024.000                            |
|                      | Town Justice                          | Morris, Karen L.        | 50,024.000                            |
| Supervisor:          | Assistant to the Supervisor           | Hussar, Mary Ann        | 61,401.600                            |
|                      | Town Supervisor                       | Moehle, William W.      | 94,298.000                            |
| Finance:             | Budget Officer                        | Robinson, Andrew C.     | 56,729.400                            |
|                      | Director of Finance                   | Zaso, Suzanne E.        | 93,910.330                            |
|                      | Sr Account Clerk                      | Rosario, Jose D.        | 45,154.200                            |
| Rec of Taxes:        | Deputy Receiver of Taxes              | Lull, Margaret G.       | 35,508.200                            |
|                      | Receiver of Taxes                     | Aman, Daniel E.         | 25,709.000                            |
| Assessor:            | Assessor                              | Ainsworth, Elaine       | 81,363.550                            |
|                      | Office Clerk II                       | Morris, Renee L.        | 45,154.200                            |
| Town Clerk:          | Deputy Town Clerk/Rec of Taxes        | Marcus, David G.        | 54,371.200                            |
|                      | Town Clerk/Receiver                   | Aman, Daniel E.         | 52,077.000                            |
| Public Works:        | Commissioner DPW                      | Keef, Timothy E.        | 98,852.940                            |
|                      | Engineering Assistant                 | Mineker, Eric C.        | 43,188.600                            |
|                      | Junior Engineer                       | Roscoe, Chad J.         | 59,150.000                            |
|                      | Office Clerk III                      | Major, Lekya T.         | 39,130.000                            |
|                      | Town Engineer                         | Guyon, Michael E.       | 93,420.600                            |
| Facility Operations: | Laborer                               | Catracchia, Laura L.    | 33,550.400                            |
|                      | Maintenance Mechanic                  | Hall, Kevin L.          | 51,604.800                            |
|                      | S/S Facilities Administrator          | Hall, Kevin L.          | 5,603.000                             |
| Info Systems:        | Coordinator of Data Processing        | Wentworth, Susan A.     | 78,603.200                            |

**Town of Brighton**  
**2013 Salaried Employees**  
*for the January 2, 2013 Organizational Meeting*

| <b>Department</b>      | <b>Title</b>                  | <b>Name</b>         | <b>1/1/2013<br/>Annual<br/>Salary</b> |
|------------------------|-------------------------------|---------------------|---------------------------------------|
| Police:                | Chief                         | Henderson, Mark     | 130,208.000                           |
|                        | Captain                       | Cline, Robert       | 113,226.000                           |
|                        | Captain                       | Principe, William   | 113,226.000                           |
|                        | Lieutenant                    | Catholdi, Charles   | 100,298.000                           |
|                        | Lieutenant                    | Ward, Ronald        | 100,298.000                           |
|                        | Sergeant                      | Bruzda, Walter      | 92,014.000                            |
|                        | Sergeant                      | Desain, Michael     | 92,014.000                            |
|                        | Sergeant                      | Fisher, Robert      | 92,014.000                            |
|                        | Sergeant                      | Molisani, David     | 92,014.000                            |
|                        | Sergeant                      | Swancott, David     | 92,014.000                            |
|                        | Sergeant                      | Wagner, Christopher | 92,014.000                            |
|                        | Police Officer (Investigator) | Ciulla, Gary        | 82,412.000                            |
|                        | Police Officer (Investigator) | Dennis, Kevin       | 82,412.000                            |
|                        | Police Officer (Investigator) | Karch, Timothy      | 82,412.000                            |
|                        | Police Officer (Investigator) | Liberatore, Mark    | 82,412.000                            |
|                        | Police Officer                | Caraballo, Jose     | 80,013.000                            |
|                        | Police Officer                | Cecere, Brian       | 80,013.000                            |
|                        | Police Officer                | Corey, Scott        | 80,013.000                            |
|                        | Police Officer                | DeNero, James       | 80,013.000                            |
|                        | Police Officer                | Flora, Cal          | 59,610.000                            |
|                        | Police Officer                | Hillier, Lisa       | 80,013.000                            |
|                        | Police Officer                | Hoffman, Jeffrey    | 69,977.000                            |
|                        | Police Officer                | Houseman, Shawn     | 80,013.000                            |
|                        | Police Officer                | Hunt, Stephen       | 80,013.000                            |
|                        | Police Officer                | Kaiser, Heidi       | 59,610.000                            |
|                        | Police Officer                | Keller, Justin      | 80,013.000                            |
|                        | Police Officer                | Knutowicz, Julie    | 80,013.000                            |
|                        | Police Officer                | Laubacher, Allison  | 80,013.000                            |
|                        | Police Officer                | Lehigh, Ryan        | 80,013.000                            |
|                        | Police Officer                | Montes, Julio       | 80,013.000                            |
|                        | Police Officer                | Romach, Michael     | 80,013.000                            |
|                        | Police Officer                | Ruffalo, Jeffrey    | 80,013.000                            |
|                        | Police Officer                | Shafer, James       | 80,013.000                            |
|                        | Police Officer                | Skidmore, Mark      | 80,013.000                            |
| Police Officer         | Steve, Brad                   | 80,013.000          |                                       |
| Police Officer         | Stickles, Renee               | 80,013.000          |                                       |
| Police Officer         | Tumbiolo, James               | 80,013.000          |                                       |
| Police Officer         | Woodard, Keith                | 59,610.000          |                                       |
| Administrative Analyst | O'Brien, John P.              | 62,608.000          |                                       |
| Clerk I                | Saucke, Jean M.               | 43,188.600          |                                       |
| Clerk III              | Ost, Susan                    | 39,130.000          |                                       |

**Town of Brighton**  
**2013 Salaried Employees**  
*for the January 2, 2013 Organizational Meeting*

| <b>Department</b>                         | <b>Title</b>                       | <b>Name</b>              | <b>1/1/2013<br/>Annual<br/>Salary</b> |
|---|------------------------------------|--------------------------|---------------------------------------|
| Police:                                   | Office Clerk II                    | Monaghan, Diane          | 45,154.200                            |
|   | Office Clerk II                    | Rampello, Joyce C.       | 45,154.200                            |
|   | Office Clerk III                   | Pike, Jacquelyn A.       | 32,177.600                            |
|   | School Traffic Guard               | Cohen, Robert L.         | 10,466.000                            |
|   | School Traffic Guard               | Coppeta, Jill M.         | 10,466.000                            |
|   | School Traffic Guard               | Wamp, Marilyn            | 10,466.000                            |
|   | School Traffic Guard               | Harrison-Bayer, Linda G. | 10,466.000                            |
|   | School Traffic Guard               | Lyons, Barbara A.        | 10,466.000                            |
|   | School Traffic Guard               | McGee, Edward J.         | 10,466.000                            |
|   | School Traffic Guard               | O'Neill, Lauren A.       | 10,466.000                            |
|   | School Traffic Guard               | Penberg, Victoria E.     | 10,466.000                            |
|   | School Traffic Guard               | Pollock, Michael E.      | 10,466.000                            |
|   | School Traffic Guard               | Wedel, Beverly K.        | 10,466.000                            |
| Fire Protection:                          | Fire Marshal                       | Roth, Christopher A.     | 68,777.800                            |
|   | Fire Protection Dist Administrator | Roth, Christopher A.     | 4,458.000                             |
| Highway Super:                            | Deputy Highway Superintendent      | Anderson, Timothy J.     | 89,793.600                            |
|   | Highway Superintendent             | Keef, Timothy E.         | 11,406.110                            |
| Highway:                                  | Accountant                         | Banker, Amy J.           | 59,150.000                            |
|   | Engineering Assistant              | Garcia, Evert F.         | 51,833.600                            |
|   | Foreman (Roads)                    | Heinsbergen, Ernest P.   | 88,434.000                            |
|   | Foreman (Roads)                    | Springer, Peter D.       | 90,826.920                            |
| Sr. Citizen Program:<br>Recreation Admin: | Sr. Citizen Program Specialist     | McGory, Nancy A.         | 55,000.400                            |
|   | Assistant Recreation Director      | Beeman, Matthew S.       | 62,608.000                            |
|   | Assistant Recreation Director      | Cotter, Rebecca J.       | 62,608.000                            |
|   | Clerk II                           | Legasse, Mary L.         | 45,154.200                            |
|   | Director of Parks & Rec            | Lavigne, Gerard J.       | 94,145.650                            |
|   | Office Clerk III                   | Sumner, Melissa A.       | 39,130.000                            |
|   | Pool Recreation Supervisor         | Kogler, Katie E.         | 52,416.000                            |
| Library:                                  | Account Clerk Typist               | Dufresne, Anne B.        | 39,139.000                            |
|   | Administrative Analyst             | Dutcher, Kathryn         | 52,622.000                            |
|   | Librarian I                        | Schaeffer, Elissa A.     | 47,394.000                            |
|   | Librarian II                       | Bashore, Matthew L.      | 61,670.000                            |
|   | Librarian II                       | Fretz, Lynne K.          | 61,670.000                            |
|   | Librarian II                       | Viviani, Deena M.        | 58,821.000                            |
|   | Librarian II                       | Yerkes, Kory A.          | 53,133.000                            |
|   | Library Aide                       | Drumm, Rebecca A.        | 26,613.000                            |

**Town of Brighton**  
**2013 Salaried Employees**  
*for the January 2, 2013 Organizational Meeting*

| <b>Department</b>  | <b>Title</b>                 | <b>Name</b>               | <b>1/1/2013<br/>Annual<br/>Salary</b> |
|--------------------|------------------------------|---------------------------|---------------------------------------|
| Library:           | Library Aide                 | Montean, Gail A.          | 26,613.000                            |
|                    | Library Clerk                | Mancuso, Jennifer L.      | 34,460.000                            |
|                    | Library Director III         | Ries-Taggart, Jennifer T. | 98,851.000                            |
|                    | Network Technician           | Sanna, Dominick M.        | 49,133.000                            |
|                    | Sr Library Clerk             | Rosenberg, Judy           | 41,506.000                            |
| Historian:         | Historian PT                 | Lanphear, Mary Jo         | 4,464.000                             |
| Building/Planning: | Associate Planner            | Boehner, Ramsey A.        | 86,650.200                            |
|                    | Building Inspector           | Bailey, Edward            | 49,067.200                            |
|                    | Office Clerk II              | Petri, Mary E.            | 45,154.200                            |
|                    | Planner                      | Distefano, Richard        | 62,608.000                            |
|                    | Planning Technician          | White, Paul R.            | 55,000.400                            |
| Sewer:             | Sewer Construction Inspector | Zimmer, Stephen           | 82,711.800                            |