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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
April 10, 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
Rebecca Cotter, Assistant Director of Recreation
Andrew Robinson, Budget Director
Mary Ann Hussar, Assistant to the Supervisor

EXECUTIVE SESSION:

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to go into executive session at 6:46 PM to discuss a matter of tax certiorari litigation

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to come out of executive session at 6:57 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING CALLED TO ORDER AT 7:03 PM:

RECOGNITIONS/PRESENTATIONS:

2013 National Library Week April 14th – 20th Proclamation Presentation - Jennifer Reis-Taggart, Director- Brighton Memorial Library accepting

April 7-14, 2013 National Days of Remembrance – Proclamation Presentation - Daphne Futerman, Chairperson- Center for Holocaust Awareness and Information Committee accepting

OPEN FORUM:

Judy Schwartz
Paul Holahan
Marge Alaimo

APPROVAL OF AGENDA:

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to approve the agenda with the addition of two additional items of New Business

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Proposed Elector Initiated Dissolution Plan for the West Brighton Fire Protection District (see Resolution #1 and communications received from David Harding dated March 18 2013; Robert Haefner dated March 28, 2013;

Brighton Volunteer Ambulance response to the Monroe County EMS Study;
and Tim Czpranski dated April 9, 2013)

(Complete transcript under separate cover)

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. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PETITIONS:

MATTER RE: Receive and file petition of newly formed group, Our Land Committee, whose purpose is to support the Town's efforts to purchase the land on Winton and Westfall Roads currently owned by Faith Temple.

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to receive and file petition

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

BIDS:

MATTER RE: Authorize approval to solicit for proposals to provide fiscal advisor professional services (see Resolution #2 and memorandum dated March 29, 2013 from Suzanne Zaso, Director of Finance).

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Chris Mueller, Dir. of Gov't Relations, Time Warner Cable dated April 1, 2013 to Supervisor regarding soon to expire channels that may or may not be renewed.

FROM David Mancuso, Marketing & Communications Mgr. YWCA to Supervisor dated April 8, 2013 regarding the upcoming Stand Against Racism event taking place April 26, 2013.

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Parks and Recreation Community Services—Next meeting 4/29 at 4:40 PM at Brookside
Finance and Administrative Services-Next meeting 4/23 at 3:30 PM in Stage Conference Room

Public Safety Services-Next meeting 5/13 at 8:00 AM in Downstairs Meeting Room

Public Works Services-Next meeting 5/3 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 for payment the claims as set forth in Exhibit No. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval for Supervisor to execute agreement with Pogel, Schubmehl & Ferrara, LLC to provide Appraisal Consultation services related to a certiorari litigation matter (see Resolution #3, letter dated March 26, 2013 from Elaine Ainsworth, Assessor).

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval for Supervisor to execute renewal agreement with Leightronix to provide Video-on-demand and live Video-streaming professional services for the period April 25, 2013 – April 24, 2014 (see Resolution #4 and memorandum dated March 26, 2013 from MaryAnn Hussar, Assistant to the Supervisor).

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: Approval to extend existing agreement with Sensenigs Landscape Supply Co. for one-year to provide Landfill Contracting Services for 2013 (see Resolution #5, and letter dated March 28, 2013 from Timothy Keef, P.E. Commissioner of Public Works)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Jerry Peterson Landscaping to provide Arborist Consulting Services for 2013 (see Resolution #6, letter dated March 28, 2013 from Timothy Keef, P.E. Commissioner of Public Works and bid results summary information).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Pro Construction Co., to provide Sidewalk Replacement/Repair Services for 2013 (see Resolution #7, letter dated April 1, 2013 and bid results summary information).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval for Supervisor to execute Memorandum of Agreement between the Town, CSEA and/or Teamsters to implement ten (10) hour working days during the 2013 Summer Season (see Resolution #8 and letter dated April 1, 2013 from Timothy Keef, P.E. Commissioner of Public Works).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize required plans and documents associated with the proposed Incentive Zoning Application for property at 1285 E. Henrietta Road, be submitted to the Planning Board and the Public Safety Committee for their examination and recommendations (see Resolution #9 and letter dated April 3, 2013 from Ramsey Boehner, Town Planner).

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. 10 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval of proposed Sewer Overflow Response Plan and implementation of same (see Resolution #10 and letter dated April 3, 2013 from Timothy Keef, P.E. Commissioner of Public Works).

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 11 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set May 8, 2013 for Public Hearing to consider proposed speed limit reductions on Hibiscus Drive, Coral Way, and Crandon Way (see Resolution #11 and letter dated April 3, 2013 from Timothy Keef, P.E. Commissioner of Public Works).

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 12 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize supervisor to execute Settlement Agreement with Kilsyth, LLC regarding certiorari litigation for property located at 3161 East Avenue and 3165 East Avenue

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. 13 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize supervisor to execute Settlement Agreement with Brookdale Living Communities of New York regarding certiorari litigation for property located at 2001 South Clinton Avenue

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 14 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

EXECUTIVE SESSION:

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to go into executive session at 10:06 PM to discuss matters of litigation relating to the West Brighton Fire Protection District

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Louise Novros seconded by Councilmember Christopher Werner to come out of executive session at 10:30 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to adjourn at 10:31 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 10th day of April, 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 10th day of April, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

WHEREAS, a proposed dissolution of the West Brighton Fire Protection District was properly initiated by petition of electors pursuant to Section 779 of the General Municipal Law of the State of New York, and

WHEREAS, a majority of the electors voting at a referendum held on August 8, 2012 voted in favor of dissolution of the West Brighton Fire Protection District, and

WHEREAS, the Town Board of the Town of Brighton as the Commissioners of the West Brighton Fire Protection District met within thirty days after certification of the favorable vote, and

WHEREAS, pursuant to Section 782 of the General Municipal Law, the Town Board approved on February 27, 2013 the Proposed Elector Initiated Dissolution Plan for the West Brighton Fire Protection District and set a public hearing on said proposed plan for April 10, 2013 at 7:30 pm at the Brighton Town Hall, 2300 Elmwood Avenue in the Town of Brighton, County of Monroe, State of New York; and

WHEREAS, within five business days after the approval of the Proposed Elector Initiated Dissolution Plan, the Town Clerk

1. caused a copy of the proposed Elector Initiated Dissolution Plan, along with a descriptive summary thereof, to be displayed and

readily accessible to the public for inspection at the West Brighton Firehouse, 2695 West Henrietta Road, and at Monroe Community College, 1000 East Henrietta Road both of which locations are in the West Brighton Fire Protection District;

2. caused the proposed Elector Initiated Dissolution Plan, along with a descriptive summary thereof and a reference to the public places within the West Brighton Fire Protection District where a copy thereof may be examined, to be displayed on the Town's website; and
3. arranged to be published a descriptive summary of the proposed Elector Initiated Dissolution Plan and a reference to the public places within the West Brighton Fire Protection District where a copy thereof may be examined, at least once each week for four successive weeks in the Democrat and Chronicle, a newspaper of general circulation within the District; and

WHEREAS, the Town Clerk published on March 21, 2013 in the Henrietta Post, which newspaper has a general circulation within the West Brighton Fire Protection District, and the Brighton Pittsford Post, and displayed on the Town website notice of the public hearing to be held on April 10, 2013 as referenced above along with a descriptive summary of the proposed Elector Initiated Dissolution Plan, and a reference to the public places within the West Brighton Fire Protection District where a copy of such plan may be examined, and

WHEREAS, said public hearing was conducted at Brighton Town Hall, 2300 Elmwood Avenue on April 10, 2013 commencing at 7:30 pm or as soon thereafter as it was practicable to begin and all persons wishing to be heard had an opportunity to speak on the proposed Elector Initiated Dissolution Plan for the West Brighton Fire Protection District, and said hearing having now been completed, it is hereby

RESOLVED, that the Town Board hereby amends the proposed Elector Initiated Dissolution Plan by deleting the word "vested" from the last sentence of paragraph 1 of Section "G" and by deleting and replacing

Section "J" of said plan in its entirety and substituting the following Section "J" in its place to read as follows:

J. **TERMS FOR DISPOSITION OF THE WEST BRIGHTON FIRE PROTECTION DISTRICT'S ASSETS AND DISPOSITION OF ITS LIABILITIES AND INDEBTEDNESS INCLUDING THE LEVY AND COLLECTION OF NECESSARY TAXES AND ASSESSMENTS**

All of the assets of the West Brighton Fire Protection District including those assets acquired from and through the West Brighton Fire Department, Inc. will be transferred to the Henrietta Fire District for the purpose of providing fire protection services. All of the liabilities and indebtedness of the West Brighton Fire Protection District will be paid out of the accounts and funds of the West Brighton Fire Protection District before the transfer of said funds and assets to the Henrietta Fire District. All of the funds held by the West Brighton Fire Protection District in its LOSAP account will be distributed to the beneficiaries of the West Brighton Fire Protection District LOSAP in amounts sufficient to fully satisfy all benefits of the members of the plan. The Henrietta Fire District and Town of Brighton will establish a Special Taxing Zone pursuant to Section 176(27) of the Town Law of the State of New York with the same geographic boundaries as the former West Brighton Fire Protection District. Said Special Taxing Zone will be utilized by the Henrietta Fire Commissioners to allocate the start up and transitional costs of establishing and maintaining a Henrietta fire protection response in the West Brighton Area to all those taxpayers and only those taxpayers who will be benefitted and will enjoy the benefits such fire protection. Such costs shall not include charges and costs which primarily benefit the Henrietta Fire District in general nor property in other portions of the Henrietta Fire District not included in the Zone. Within the Special Taxing Zone, the funds and proceeds of other assets, acquired by the Henrietta Fire District from the West Brighton Fire Department and the West Brighton Fire Protection District will be used to offset the tax rate imposed on the owners of property within the Special Taxing Zone dollar for dollar and no funds shall be collected by the Henrietta Fire District from the owners of property in the Special Taxing Zone until all of the transferred funds have been consumed to offset said fire operation expenses that primarily benefit only such property and property owners that are within the Special Taxing Zone. However, nothing herein shall preclude the imposition of District taxes on property owners within the zone for charges and costs which benefit the entire Henrietta Fire District including the Special Taxing Zone, on a pro rata basis over the entire District, nor will it preclude the Henrietta Fire District from appropriating funds for the acquisition, repair and/or maintenance of real property, fixtures, vehicles or equipment, located within or primarily serving the Special Taxing Zone, if such appropriation is made from funds then available within the assets of the Zone. Once the funds acquired from the West Brighton Fire Department and

West Brighton Fire Protection District are exhausted, the Henrietta Fire Commissioners will take action to abolish the Special Taxing Zone and the taxpayers of said Special Taxing Zone will be taxed at the same rate as the other portions of the Henrietta Fire District not included in the zone.

and it is further

RESOLVED, that the Town Board hereby approves the proposed Elector Initiated Dissolution Plan as amended above as the final Elector Initiated Dissolution Plan for the West Brighton Fire Protection District, and it is further

RESOLVED, that the Town Board hereby directs the Town Clerk no later than five business days from today to:

a). cause a copy of the amended version of the proposed Elector Initiated Dissolution Plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the West Brighton Fire Protection District; and

b). cause the amended version of the proposed Elector Initiated Dissolution Plan, along with a descriptive summary thereof and a reference to the public place or places within the entity where a copy thereof may be examined, to be displayed on the Town's website

and it is further

RESOLVED, that the effective date of dissolution will be as set forth in the amended version of the proposed Elector Initiated Dissolution Plan and will be contingent upon a final non-appealable Court Order directing the transfer of assets held by the West Brighton Fire Department to the Henrietta Fire District, and it is further

RESOLVED, that the West Brighton Fire Protection District shall continue to operate and be governed until the effective date of

dissolution in the same manner as it is presently operating including the continuation of fire protection services provided under contract by the City of Rochester Fire Department.

Dated: April 10, 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 10th day of April, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated March 29, 2013 from Director of Finance Suzanne Zaso regarding a request to solicit proposals to provide fiscal advisor services to the Town, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Director of Finance to solicit proposals to provide fiscal advisor services to the Town.

Dated: April 10, 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
Attn.: Finance and Administrative Services Committee
From: Suzanne Zaso, Director of Finance 
Date: March 29, 2013
Subject: Request for Proposals for Fiscal Advisor Services

I am requesting Town Board authorization of the Finance Office to seek outside proposals for professional fiscal advisor services as the current contract that Town is engaged in will expire in June 2013.

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

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

April 10, 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>130,940.56</u>
D - HIGHWAY	<u>82,817.71</u>
L - LIBRARY	<u>417.84</u>
SA - AMBULANCE DIST	<u>482.61</u>
SF - FIRE DIST	<u>2,015.00</u>
SS - SEWER DIST	<u>14,156.75</u>
TA - AGENCY TRUST	<u>5,251.47</u>
TOTAL	\$ <u>236,081.94</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 10th day of April, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated March 26, 2013 from Town Assessor Elaine Ainsworth regarding a request to authorize the Supervisor to execute an addendum to the Professional Services Agreement with Pogel, Schubmehl & Ferrara, LLC to provide additional appraisal consultation services in connection with a certiorari litigation matter, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an addendum to the Professional Services Agreement with Pogel, Schubmehl & Ferrara, LLC to provide additional appraisal consultation services in connection with a certiorari litigation matter.

Dated: April 10, 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
ASSESSOR'S OFFICE
2300 Elmwood Avenue
Rochester, NY 14618
(585) 784-5216

March 26, 2013

To: Supervisor Moehle
Honorable Town Board Members
Finance Committee Members

Suzanne Zaso, Director of Finance

From: Elaine Ainsworth, Assessor

Re: Appraisal consultation
Eastbrooke

Elaine Ainsworth

Tom Fink, Town Certiorari Attorney, has asked for approval to engage Robert Pogel, Real Property Appraiser with Pogel, Schubmehl & Ferrara, LLC, to review the petitioner's appraisal and drawn comparisons between his Eastbrooke appraisal and that of the petitioner for the Eastbrooke certiorari litigation.

Valuing Condominium projects is complicated—condos are not generally built as rental units but must be appraised that way. The value range difference between the petitioner's appraisal and our appraisal—which supports our assessment--runs between 5 and 7 million dollars for each year in litigation—starting with the 2008 assessment rolls.

Robert Pogel has submitted his proposal for that work, attached. The funding for the assessor's budget line, A.Assor.1355.4.54 Appraisal Fees.

Pogel, Schubmehl & Ferrara, LLC

Real Estate Appraisal Services

2509 Browncroft Blvd., Rochester, New York 14625 (585) 381-5600, Fax: (585) 381-5696

Robert G. Pogel, SRPA
Craig P. Schubmehl, NYS Cert
Stephen V. Ferrara, SRA

March 26, 2013

Ms. Elaine K. Ainsworth, IAO, Assessor
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

RE: Eastbrooke

Dear Elaine:

Pursuant to your request, I have prepared an estimate for the cost of reviewing the petitioner's appraisal. A complete review of the report, inclusive of time spent with Tom Fink who is representing the town in this matter, would not exceed 10 hours. The hourly rate for the review would be \$200 per hour with the total cost for the review not to exceed \$2,000. This represents the maximum cost, and I will make every effort to keep my fee for this endeavor under that amount.

I would also like to point out the fact that this fee quote is for the review only of the petitioner's appraisal and does not include any pre-trial conference, court testimony or possible future updates of my original appraisal.

If you have any questions in this regard, please feel free to contact me.

Very truly yours,

POGEL, SCHUBMEHL & FERRARA, LLC


Robert G. Pogel, SRPA

RGP/clm

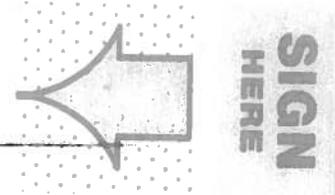
TOWN OF BRIGHTON
ASSESSOR'S OFFICE
2300 Elmwood Avenue
Rochester, NY 14618
(585) 784-5216

Addendum to December 2010 Professional Services Agreement
Between
Town of Brighton and Robert G. Pogel, SRPA of Pogel, Schubmehl & Ferrara, LLC

The Town of Brighton extends the above referenced Professional Services Agreement, copy herewith, to include a complete review of the report by the petitioner's appraisal in the Eastbrooke Certiorari, for an amount not to exceed \$2,000 (Two Thousand Dollars and 00/100)—all as described in the proposal from Robert G. Pogel, dated March 26, 2013, and made a part of this agreement.

Town of Brighton

By: _____
William Moehle, Supervisor



Pogel, Schubmehl & Ferrara, LLC
Robert G. Pogel

By: _____
Robert G. Pogel

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of April, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that a memorandum dated March 26, 2013 from Assistant to the Supervisor Mary Ann Hussar regarding a request to authorize the Supervisor to execute an extension to the Town's existing contract with Leightronix to provide Video-on-demand and live Video-streaming professional services for the period April 25, 2013 to April 24, 2014 at a cost of \$4,788.00, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an extension to the Town's existing contract with Leightronix to provide Video-on-demand and live Video-streaming professional services for the period April 25, 2013 to April 24, 2014 at a cost of \$4,788.00, subject to the review and approval of the extension agreement by the Attorney to the Town.

Dated: April 10, 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	_____



MARYANN HUSSAR Assistant to the Supervisor
2300 Elmwood Avenue
Rochester, NY 14618

MEMORANDUM

TO: Members of the Finance and Services Committee
The Honorable Town Board

FROM: MaryAnn Hussar, Assistant to the Supervisor *Mah*

Date: March 26, 2013

Subject: Approval to renew agreement with Leightronix Services Inc. to provide Video on-demand and live streaming professional services for the period April 25, 2013 –April 24, 2014.

The Town's current agreement with Leightronix Services Inc. is due to expire on April 25, 2013. We have recently learned that the Leightronix hardware the Town currently owns that enables these services, are all proprietary/vendor specific to Leightronix.

However, we did solicit for proposals and pricing that was quoted to us either required replacement hardware to be purchased at a significant additional cost and/or they were unable to meet start-up time requirements.

Therefore;

- Since this hardware has been found not to be compatible with any other service provider
- Our financial investment made on this hardware is fairly recent
- In order to contract with another service provider, it would require an additional financial investment in new hardware,

I request approval to renew our current agreement with Leightronix Services Inc. Pricing for these services to be \$4,788.00, which reflects a decrease of \$12.00 from the previous agreement term. The Cable budget for 2013 has funds budgeted for this service in A.CABLE.8060 4.41.

Provided Services from Leightronix Services Inc. will be as required by the Town and will include, but will not be limited to the following:

- Web Media Hosting Services
- Video-on-demand Services
- Live video streaming services
- Archived Video web storage

Thank you.

c.c. Susan Wentworth, IT Coordinator

mah



MARYANN HUSSAR Assistant to the Supervisor
2300 Elmwood Avenue
Rochester, NY 14618

MEMORANDUM

TO: Members of the Finance and Services Committee
The Honorable Town Board

FROM: MaryAnn Hussar

Date: March 6, 2013

Subject: Approval to request proposals to provide Video on-demand and live streaming professional services for the period April 25, 2013 –April 24, 2014.

The Town's current agreement with Leightronix Services Inc. is due to expire on April 25, 2013. Since the Town is desirous in continuing to outsource these services to an outside contractor/provider, I request authorization at this time to solicit for proposals for these services.

These Services will be as required by the Town and will include, but will not be limited to the following:

- Web Media Hosting Services
- Video-on-demand Services
- Live video streaming services
- Archived Video web storage

Thank you.

c.c. Susan Wentworth, IT Coordinator

mah

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of April, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated March 28, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the extension for one year of the Town's existing agreement with Sensenigs Landscape Supply Company, Inc. to provide Landfill Contracting Services for 2013, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the extension for one year of the Town's existing agreement with Sensenigs Landscape Supply Company, Inc. to provide Landfill Contracting Services for 2013 as provided for in the existing agreement with Sensenigs Landscape Supply.

Dated: April 10, 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

March 28, 2013

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

re: Landfill Contracting Services 2013
Recommendation of Agreement Renewal

Dear Chairperson Werner and Committee Members:

As you will recall the Town previously entered into an agreement with Sensenigs Landscape Supply of Geneva, New York, for the above services. Based upon the past year's performance, anticipated 2013 revenues from this contract are anticipated to be approximately \$15,000.00. It is recommended that said agreement be renewed for an additional year, as permissible per the current agreement, subject to the unit prices indicated therein.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled April 2, 2013 meeting in the event that you have any questions regarding this matter.

Sincerely,

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

TEK/wpd

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



Town of Brighton

FILE COPY

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618

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

March 19, 2013

Mr. Justin Sensenig
Sensenig's Landscape Supply
1516 State Routes 5 & 20
Geneva, New York 14456

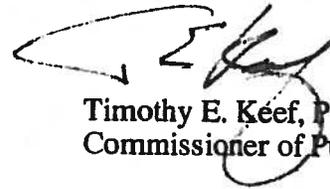
re: Yard Waste Processing Services Contract

Gentlemen:

As you are aware, the current contract for the above services allows for its renewal and extension annually. The Town will recommend doing so if you are in agreement with such a recommendation. Please advise if you concur with this proposal and, if you do, acknowledge below, returning to my attention.

Thank you for your attention to this matter and do not hesitate to contact me if you have any questions regarding this communication. We look forward to continuing our relationship.

Very truly yours,



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

TEK/wp

cc: T. Anderson

By signing below, Sensenig's Landscape Supply agrees to a one year extension of the current contract with the Town of Brighton for the processing of yard waste as specified therein, the same terms and conditions apply:

Authorized Representative of Sensenig's Landscape Supply

Date

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of April, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated March 28, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the Supervisor to execute a professional services agreement with Jerry Peterson Landscaping to provide arborist consulting services for 2013 at an hourly rate of \$78.00 for a cost not to exceed \$5,000.00, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a professional services agreement with Jerry Peterson Landscaping to provide arborist consulting services for 2013 at an hourly rate of \$78.00 for a cost not to exceed \$5,000.00, subject to the review and approval of the form of the professional services agreement by the Attorney to the Town.

Dated: April 10, 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

March 28, 2013

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

re: Arborist Consulting Services 2013
Recommendation of Award

Dear Chairman Werner and Committee Members:

Pursuant to previous authorization, requests for proposals were solicited from three firms for the above services, Ted Collins Tree and Landscape, Urban Forestry, LLC and Jerry Peterson. Ted Collins Tree and Landscape and Jerry Peterson responded as attached. Based upon the hourly rates provided from the proposers (\$82.00/hour and \$78.00/hour, respectively), it is recommended that an agreement be entered into with Jerry Peterson with provisions for additional services as contained therein as necessary to perform the evaluations, not exceeding \$5,000.00. Funds to provide this service have been included in the 2013 budget.

As always, thank you for your consideration. I will be in attendance at your regular scheduled April 2, 2013 meeting in the event that you have any questions regarding this matter.

Sincerely,

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

TEK/wpd

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



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

3/26/2013

Tim Keef, P.E.
Commissioner of Public Work
2300 Elmwood Avenue
Rochester, NY 14618

Re: RPF for Town Arborist

Dear Commissioner of Public Work:

On March 7, 2013 the Town of Brighton, DPW sent out RFP's for the "Tree Evaluations for 2013" with possible extensions through 2016. The Town received two (2) Proposals, one from Ted Collins Tree & Landscape and the other from Jerry Peterson, both of whom are well qualified for the job. The chart below compares the two proposals side by side allowing the Town to make a clear choice.

Tree Evaluation for 2013		
Company Name	<i>Ted Collins Tree & Landscaping</i>	<i>Jerry Peterson</i>
Resume included	<i>Robert E. Howard</i>	<i>Jerry Peterson</i>
Fully Burdened (per hr)	<i>\$82 (inspections, reports)</i>	<i>\$78 (inspections, reports)</i>
Resistograph fee (per tree)	<i>\$275 (interpret results)</i>	<i>\$200 (non-recording) \$320 (recording)</i>
Travel Time fee (per hr)	<i>\$45</i>	<i>Waived</i>
Three (3) year extension	<i>Can be renewed on an annual basis with cost of living adjustment each year</i>	<i>2014 - \$78 2015 - \$80 2016 - \$80 Resistograph rate will remain the same.</i>

Based upon the received proposals, I would recommend Jerry Peterson to be awarded the contract for the Tree Evaluation for the Town of Brighton. Attached are the original proposals for your own personal review.

Sincerely,

Chad Roscoe
Junior Engineer

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of April, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated April 1, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the Supervisor to execute an agreement with Pro Construction of Bergen, New York as the lowest responsive and responsible bidder to provide sidewalk replacement and repair services for 20,500 square feet of sidewalks for 2013 for a cost not to exceed \$176,380 and to further authorize the Supervisor to execute change orders not exceeding 10% in total of the base contract amount, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with Pro Construction of Bergen, New York as the lowest responsive and responsible bidder to provide sidewalk replacement and repair services for 20,500 square feet of sidewalks for 2013 for a cost not to exceed \$176,380 and further authorizes the Supervisor to execute change orders not exceeding 10% in total of the base contract amount without further action by the Town Board, subject to the review and approval of the form of the agreement by the Attorney to the Town.

Dated: April 10, 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

April 1, 2013

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

re: Award of Bid 2013 Sidewalk Replacement Program

Dear Chairperson Werner and Committee Members:

The above bid was publicly advertized and publicly opened on March 27, 2013, all as required by law. A copy of the advertisement and of the bid tabulation are attached for your reference. Based upon the bid submittals, the following is recommended:

- 1) that the above bid be awarded for the referenced work to the low, responsible and responsive bidder, Pro Construction of Bergen, New York for the unit prices bid and for a total not to exceed \$176,380.00;
- 2) that the Supervisor be authorized to execute an agreement with the bidder for this contract; and
- 3) that the Supervisor be authorized to execute change orders not exceeding 10% in total of the base contract amount in the event it becomes necessary to do so.

Funds are available from the 2013 budget in the Sidewalk District account (SK.SWLKD.5411.265) and in the Townwide sidewalk account (A.DPW.5410.449). Furthermore, as the unit prices bid are below those used in preparing the 2013 budget, it is proposed to repair an additional amount of sidewalk than previously anticipated for the same total cost (20,500 SF rather than 15,000 SF as budgeted).

As always, thank you for your consideration. I will be in attendance at your regularly scheduled April 2, 2013 in the event that you have any questions regarding this matter.

Sincerely,

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

rsc:wpd

attachments

cc: S. Zaso
C. Roscoe
T. Anderson
A. Banker

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of April, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated April 1, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the Supervisor to execute a Memorandum of Agreement between the Town, CSEA and the Teamsters to allow for and implement a ten hour work day from May 20, 2013 up to and including August 30, 2013, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Memorandum of Agreement between the Town, CSEA and the Teamsters to allow for and implement a ten hour work day from May 20, 2013 up to and including August 30, 2013, subject to the review and approval of the form of the MOA by the Attorney to the Town.

Dated: April 10, 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

April 2, 2013

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

Re: Proposed Ten Hour Days Memorandum of Agreement (MOA)
CSEA and Teamsters Union
2013 Season

Dear Supervisor Moehle and Town Council Members:

As discussed at today's FASC meeting, it is recommended that the ten hour day be considered again for the upcoming 2013 seasonal summer period at the DPW Operations Center. Last year's ten hour day efforts assisted greatly with the Highway Department's road maintenance program, as it did with the Sewer Department's MCC South Campus Sanitary Sewer Project. This year's ten hour day period is proposed to begin May 20th and end August 30th. If you and the Honorable Town Board concur I request:

- 1) Your endorsement of this action for the upcoming time period as noted; and,
- 2) That the Supervisor be authorized to execute the attached MOA with CSEA , as well as an MOA with the Teamsters Union.

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

Very truly yours,

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

TEK/wp

attachment

cc: T. Anderson
E. Heinsbergen
S. Zimmer
M. Hussar
K. Gordon

2013

MEMORANDUM OF AGREEMENT
BETWEEN
TOWN OF BRIGHTON
AND
CSEA, LOCAL 1000 AFSCME
MONROE COUNTY LOCAL 828

It is hereby agreed between the parties hereto to adopt and institute the following provisions relative to the accounting of time during a trial of a 10 hour work day during the period 5/20/13 to 8/30/13 (the "Trial Period"). The start and end time for work each day during the stated trial period shall be 6:30 AM and 4:30 PM, respectively. The holiday weeks of 5/27/13 to 5/31/13 and 7/1/13 to 7/5/13 will be worked as noted further herein.

Article VIII, section 1 of the collective bargaining agreement ("CBA") shall remain in full force and effect. This M.O.A. is intended to supplement the collective bargaining agreement and to clarify the treatment of certain paid leave during the Trial Period and during that trial period only.

Article VIII, section 5 of the CBA is modified to describe the "weekends", for which sewer department standby is to be paid, to include the following Fridays within the above referenced period of 2013: May 24, 31; June 7, 14, 21, 28; July 5, 12, 19, 26; August 2, 9, 16, 23, 30. Employees assigned to standby on those weekends will: receive two hours pay at time and one-half for those Fridays, rather than the one and one half hours pay at time and one half provided by contract; and, one and one half hours pay at time and one half for the standby on those Thursdays immediately preceding those Fridays.

The holidays and associated respective holiday weeks that fall within the trial period (i.e. Memorial Day and Independence Day) shall be worked and paid as follows:

Five eight hour days totaling forty hours for the week, with the designated holiday being observed as denoted on the Town's holiday schedule for 2013. During these weeks, the terms and conditions of the CBA shall be in effect. The start and end time for work each day during the holiday weeks shall be 6:30 AM and 3:00 PM, respectively.

Article IX, section 4 of the CBA is modified to clarify that the floating holidays shall total forty (40) hours. Article IX, section 5 of the CBA is modified to describe pay, for floating holidays taken in the Trial Period, as being ten (10) hours. One-half day floating holidays taken in the Trial Period would be paid at 5 hours. If, at the end of the Trial Period, an employee has any fractional floating holidays remaining (i.e., less than 4 hours), this

fraction shall be taken in one incident, at the beginning or end of the work day, on or before 11/30/13, and at a time of mutual convenience. The Town shall post, during the week of 9/16/13, a listing of employees with any fractional holidays remaining.

Article X of the CBA is modified to restate the sick leave entitlements as the product of the number of days described times eight hours. Article X, section 5 of the CBA is modified to describe pay, for each day of sick leave taken in the Trial Period, as being ten (10) hours. Days, for the purposes of section 6 of Article X of the CBA, shall be counted as 10 hours during the Trial period.

Article XIV, section 1 of the CBA is modified to clarify that the personal days shall total sixteen (16) hours. Pay, for each day of personal leave taken in the Trial Period, shall be ten (10) hours. Pay, for each half-day of personal leave taken in the Trial Period, shall be five (5) hours. If, at the end of the Trial Period, an employee has any fractional personal leave remaining (i.e., less than 4 hours), this fraction shall be taken in one incident, at the beginning or end of the work day, on or before 11/30/13, and at a time of mutual convenience. The Town shall post, during the week of 9/16/13, a listing of employees with any fractional personal leave remaining.

Article XV, section 1, of the CBA is modified to restate the vacation eligibility as the product of the number of days described times eight hours. Pay, for each day of vacation taken in the Trial Period, shall be ten (10) hours. Pay, for each half-day of vacation taken in the Trial Period, shall be five (5) hours. If, at the end of the Trial Period, an employee has any fractional vacation time remaining (i.e., less than 4 hours), this fraction shall be taken in one incident, at the beginning or end of the work day, on or before 11/30/13, and at a time of mutual convenience. The Town shall post, during the week of 9/16/13, a listing of employees with any fractional vacation remaining.

Furthermore, in order to efficiently execute the scope and services provided by the Operations Center, fractional time shall not be utilized in conjunction with one half days of vacation time, one half days of personal time or any other one half day(s) increments.

This Memorandum of Agreement shall expire December 31, 2013.

Civil Service Employees Association

Date

Town of Brighton

Date

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of April, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated April 3, 2013 from Town Planner Ramsey A. Boehner regarding a request to authorize the Town Planner to inform the applicant for a proposed incentive zoning application for property located at 1285 East Henrietta Road to submit the required plans and documents to the Planning Board for its review and report pursuant to Town Code Section 209-5.B and C and to also forward the application to the Public Safety Committee for its review and comment, be received and filed, and be it further

RESOLVED, that the Town Board hereby finds the proposed incentive zoning application for property located at 1285 East Henrietta Road is worthy of further consideration pursuant to Town code Section 209-5B and directs the Town Planner to inform the applicant for a proposed incentive zoning application for a Dunkin Donuts at 1285 East Henrietta Road to submit the required plans and documents to the Planning Board for its review and report pursuant to Town Code 209-5.B and C and to also forward the proposal to the Public Safety Committee for its review and comment.

Dated: April 10, 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

April 3, 2013

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

RE: Proposed Incentive Zoning Application for Dunkin Donuts at 1285 E. Henrietta Road

Honorable Supervisor and Members;

On February 27, 2013, the above referenced application was received and filed by the Town Board.

Pursuant to Section 209-5.B. of the Comprehensive Development Regulation, the Town Board should determine if the application is worthy of further consideration. If the Town Board deems the application worthy of further review, I recommend that your Honorable Body authorize me to inform the applicant to submit the required plans and documents to the Planning Board for their review and report pursuant to 209-5.C. of the Comprehensive Development Regulations. I also recommend that the entire proposal be reviewed by the Public Safety Committee for their examination and recommendations.

Respectfully submitted,

Ramsey A. Boehner
Town Planner

Cc: Tim Keef, P.E., Commissioner of Public Works
Kenneth W. Gordon, Town Attorney



At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of April, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated April 3, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the approval and implementation of the Sewer Overflow Response Plan as required by state law, together with a copy of said Plan, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the approval and implementation of the Town of Brighton Sewer Overflow Response Plan.

Dated: April 10, 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

April 3, 2013

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

re: Sewer Overflow Response Plan

Dear Supervisor Moehle and Town Council Members:

Pursuant to State legislation enacted last year, Sewage Pollution Right to Know Act, the Town, as well as other municipalities throughout the State, must comply with regards to notification and reporting in response to discharges of raw, untreated sanitary waste to surface waters. For your further reference I have attached correspondence from the Monroe County Department of Environmental Services that provides some further clarification of this matter. The attached Sewer Overflow Response Plan was developed by Steve Zimmer of the Sewer Department that addresses our compliance with this legislation and has been presented to the Public Works Committee for consideration. Therefore, I am requesting that the Town Board take action to approve this plan and that it be implemented as required by said legislation.

As always, I look forward to your consideration in matters such as this.

Very truly yours,

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

TEK/wp

attachment

cc: S. Zimmer
T. Anderson
M. Guyon
K. Gordon



Department of Environmental Services

Monroe County, New York

Maggie Brooks
County Executive

Michael J. Garland, P.E.
Director

March 14, 2013

RECEIVED
MAR 18 2013

Mr. Tim Keef
Commissioner of Public Works
2300 Elmwood Avenue
Rochester, NY 14618

TOWN OF BRIGHTON
DEPT. OF PUBLIC WORKS

Re: Sewage Pollution Right to Know Act

Dear Mr. Keef:

TIM

Last summer Governor Andrew Cuomo signed legislation requiring publically owned treatment works (POTWs) and sewer collection system operators to notify the public when partially or untreated sewage is discharged. The law affects both permitted POTWs (required to maintain a SPDES Permit) and Satellite Collection Systems. New York State defines Satellite Collection Systems as sewer collection systems that discharge to a permitted POTW. Town and village sewer collection systems which are not maintained by Monroe County Pure Waters and discharge to either the Frank E. Van Lare or the Northwest Quadrant wastewater treatment plant are considered Satellite Collection Systems.

The newly signed legislation titled "*Sewage Pollution Right to Know Act*," is anticipated to go into effect on May 13, 2013, and will be known as the *Sewage Right to Know Law*. We've highlighted some details of this legislation:

❖ **Mandatory sewage release reporting and notification:**

- ◆ **Immediately, but in no case later than two hours after discovery, including CSOs, report discharges to both the NYS Department of Environmental Conservation (NYSDEC) & the local Health Department.**

- **Reporting to the NYSDEC & local Health Department, at a minimum, must include the following information:**

1. The volume and treated state of the discharge.
2. The date and time of the discharge.
3. The expected duration of the discharge.
4. A brief description of the steps being taken to contain the discharge.
5. Location of the discharge with maximum level of specificity possible.
6. Reason for the discharge.

- ◆ **As soon as possible, but within four hours of the discharge, the POTW or Satellite Collection System operator must notify the local Health Department, chief elected official or their authorized designee of the municipality where the discharge occurred and any surrounding municipalities that may be impacted by the discharge.**

- Notification must also be reported (in the same time-frame, less than four hours after discharge has occurred) to the general public via appropriate electronic media including but not limited to electronic mail or voice communication.
 - Notification to the public is for discharges that may present a threat to public health, considering the potential for exposure and other relevant factors.
 - NYSDEC is considering using the NY-Alert emergency notification system maintained by the State Office of Emergency Management for public notification.
- ❖ Details on each discharge will be expeditiously posted on the NYSDEC and NYS Department of Health websites. The NYSDEC will generate an annual report on all discharges and the details of each discharge.

Your municipality has received or soon will receive a Collection System Survey from the NYSDEC. The NYSDEC is gathering critical information about the current state of collection system infrastructure which will be used to help them develop and implement the Sewage Right to Know Law and work to increase wastewater infrastructure funding. The survey asks you to list the POTW where your wastewater is treated. Below is the information on Monroe County Pure Waters' POTWs:

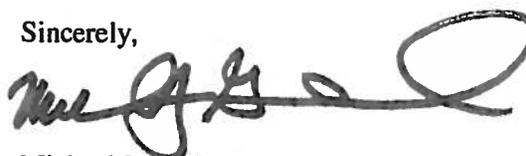
Frank E. Van Lare WWTP: SPDES # NY 0028339
Northwest Quadrant WWTP: SPDES # NY 0028231

We encourage you and your staff to review this new legislation prior to its effective date on May 13, 2013. The NYSDEC is currently in the process of developing the regulations for the new legislation. Below is a link to the NYS Senate website with more details on the new law, NYS Senate Bill S6268D-2011:

<http://open.nysenate.gov/legislation/bill/S6268D-2011>

Once the new regulations are finalized, our department will coordinate a meeting this spring to review them with Satellite Collection System operators. Please feel free to contact Bill Putt from Monroe County DES at 753-7568 or bputt@monroecounty.gov if you have any further questions.

Sincerely,



Michael J. Garland, P.E.
Director of Environmental Services

xc: B. Putt, MCDES
T. Posella Jr., MCDES
D. Smith, MCDES
J. Felsen, MCDPH

Sewer Overflow Response Plan



Sewer Overflow Response Plan (SORP)

Prepared By:

Steve Zimmer
1941 Elmwood Ave
Brighton, NY 14620
Phone: (585) 784-5289
Fax: (585) 784-5385

Sewer Overflow Response Plan

Approved On: _____

Amended On: _____

Sewer System Owner:

Town of Brighton Sewer District
1941 Elmwood Ave
Brighton, NY 14620

Contact Persons:

William Moehle
Town Supervisor
(585) 784-5252

Tim Keef
Commissioner of Public Works
(585) 784-5223

Steve Zimmer
Sewer Construction Inspector
(585) 784-5289

Regulatory Agencies To Report Sewer Overflow:

NYSDEC

NYSDEC Region 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY 14414
(585) 226-2466

NYSDOH

Triangle Building
335 East Main Street
Rochester, NY 14604-2127
(585) 423-8014

Sewer Overflow Response Plan

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Sewer Overflow Response Plan

I. AUTHORITY

This Sewer Overflow Response Plan (SORP) is prepared to facilitate proper incident reporting procedures outlined in 6 NYCRR Part 750-2 operating in Accordance with a SPDES Permit, specifically 750-2.7 Incident Reporting (See Appendix K).

II. GENERAL

The Sewer Overflow Response Plan (SORP) is designed to ensure that every report of a sewage overflow incident is immediately dispatched to the appropriate Sewer Department personnel for confirmation. Quick response will minimize the effects of the overflow and improve on the customer service received by residents. The SORP further includes provisions to ensure safety pursuant to the directions provided by the New York State Department of Environmental Conservation (NYSDEC) and that notification and reporting is made to the NYSDEC and New York State Department of Health (NYSDOH) when applicable. For purposes of this SORP, "confirmed sewage spill" is also sometimes referred to as "sewer overflow," "overflow," or "SSO." The effective date of this plan is _____.

A. Objectives

The primary objective of the SORP is to protect public health and the environment, satisfy regulatory agencies and waste discharge permit conditions which address procedures for managing sewer overflows, and minimize risk of enforcement actions against the Town.

Additional objectives of the SORP are as follows:

- Protect collection system personnel
- Protect the collection system, and all appurtenances
- Protect private and public property beyond the collection facilities

B. Organization of Plan

The key elements of the SORP are addressed individually as follows:

Section III - Overflow Response Procedure

Section IV - Public Advisory Procedure

Section V - Regulatory Agency Notification Procedure

Section VI - Maintenance of SORP

Section VII - Appendices

III. OVERFLOW RESPONSE PROCEDURE

The Overflow Response Procedure presents a strategy for the Sewer District to mobilize labor, materials, tools and equipment to correct or repair any condition; which may cause or contribute to an unpermitted discharge. The plan considers a wide range of potential system failures that could create an overflow to surface waters, land or buildings.

Sewer Overflow Response Plan

A. Receipt of Information Regarding an SSO

An overflow may be detected by Town employees or by others. The Town is responsible to act based on received phone calls or reports on possible sewage overflow from the wastewater disposal system, and to provide immediate response to investigate and/or correct reported sewer overflow.

Generally, telephone calls from the public reporting possible sewer overflows are received at the public offices identified in Appendix D.

1. The telephone operator obtains all relevant information available regarding the overflow including:

Time and date call was received

- a. Specific location
- b. Description of problem
- c. Time possible overflow was noticed by the caller
- d. Caller's name and phone number
- e. Observations of the caller
- f. Other information that will enable the Town to quickly locate, assess, and stop overflow.

The telephone operator records initial information in the action log/work order system, and notifies the Sewer District.

2. The Town dispatches sewer personnel to confirm the overflow. Until verified, the report of a possible spill will not be referred to as a "sewer overflow."

The Sewer District completes the Sewage Overflow Report (Appendix A) within 24 hours of the sewer overflow confirmation and provides the information orally to the NYSDEC.

If the overflow will affect bathing areas during the bathing season, or public drinking water intakes, the Town shall notify the NYSDEC and the NYSDOH orally, within two hours of becoming aware of the discharge.

If the overflow results in a fish kill, notify the NYSDEC within two hours of becoming aware of the discharge. The Sewer Superintendent is responsible for reviewing, updating and signing the final Sewage Overflow Report, summarized in Appendix A.

B. Dispatch of Sewer Maintenance Personnel to Site of Sewer Overflow

Failure of any element within the wastewater disposal system that threatens to cause or causes a SSO must trigger an immediate response to isolate and correct the problem. Personnel and equipment must be available to respond to any SSO locations. Additional maintenance personnel shall be "on call" in the event extra manpower is needed. See attached "On Call Policy" (Appendix J).

1. Dispatching Maintenance Personnel

- When the Town receives notification of a potential sewer overflow outlined in Section A, the Sewer District dispatches maintenance personnel with appropriate resources as required.

Sewer Overflow Response Plan

2. Maintenance Personnel Instructions

- Dispatch maintenance personnel by telephone or radio. Assign and appropriate personnel, materials, supplies and equipment needed.
- The telephone operator must verify that the entire message has been received and acknowledged by the maintenance personnel who were dispatched. All personnel being dispatched to the site of an SSO proceed immediately to the site of the overflow. Report any delays or conflicts in assignments immediately for a resolution.
- In all cases response maintenance personnel report their findings, including possible damage to private and public property, to The Sewer Construction Inspector immediately upon making their investigation. If he hasn't received findings from the field crew within one hour, The Sewer Construction Inspector will contact the response personnel to determine the status of the investigation.

3. Additional Resources

The Sewer Construction Inspector receives and conveys to appropriate parties requests for additional personnel, material, supplies, and equipment for maintenance personnel working at the site of a sewer overflow. See attached "Equipment List" (Appendix H).

4. Preliminary Assessment of Damage to Private and Public Property

The Town maintenance personnel shall use discretion in their actions as reasonably as they can. They must be aware that the Town could face increased liability for any further damages inflicted to private property during such assistance. Provide sewer employees with "cheat sheets" on the possible claims made by residents. Maintenance personnel shall not enter private property for purposes of assessing damage unless authorized by the homeowner. The sewer personnel shall take appropriate still photographs and/or video footage; if possible; of the sewer overflow impacted area to thoroughly document the nature and extent of impacts. Retain photographs for filing with the Overflow Report.

5. Field Supervision and Inspection

- The Sewer Construction Inspector visits the site of the sewer overflow to ensure that provisions of this Overflow Response Plan and other directives are met.
- The Sewer Superintendent is responsible for verbally notifying NYSDEC and NYSDOH within the specified time and submitting the Overflow Report to NYSDEC.

6. Coordination with Hazardous Material Response

- Upon arrival at the scene of a sewer overflow, should a suspicious substance (e.g., oil sheen, foamy residue) be found on the ground surface, or should a suspicious odor (e.g., gasoline) not common to the sewer system be detected, the sewer crew shall immediately contact the Sewer Construction Inspector for guidance before taking further action.
- Should the Sewer Construction Inspector determine the need to alert the hazardous material response team, the maintenance personnel awaits the hazardous waste team response.

Sewer Overflow Response Plan

- Contact the NYSDEC 24-hour Spill Hotline at 1-800-457-7362.
- Upon arrival of the hazardous material response team, the town sewer maintenance personnel take direction from the person with the lead authority of that team. Only when that authority determines it is safe and appropriate for the town sewer maintenance personnel to proceed under the SORP with the containment, clean-up activities and correction.

C. Overflow Correction, Containment, and Clean-Up

This section describes specific actions to be performed by the Town sewer personnel during a SSO.

The objectives of these actions are:

- To protect public health, environment and property from sewage overflows and restore surrounding area back to normal as soon as possible.
- To establish perimeters and control zones with appropriate traffic cones and barricades, vehicles or use of natural topography (e.g., hills, berms).
- To promptly notify the regulatory agency with preliminary overflow information and potential impacts.
- To contain the sewer overflow to the maximum extent possible including preventing the discharge of sewage into surface waters
- To minimize the town's exposure to any regulatory agency penalties and fines.

Under most circumstances, the Town can handle all response actions with its own maintenance forces. They have the skills and experience to respond rapidly and in the most appropriate manner. An important issue with respect to an emergency response is to ensure that the temporary actions necessary to divert flows and repair the problem do not produce a problem elsewhere in the system.

Circumstances may arise when the Town could benefit from the support of private-sector construction assistance. This may be true in the case of large diameter pipes buried to depths requiring sheet piling and dewatering should excavation be required. The Town may also choose to use private contractors for other specialized operations.

1. Responsibilities of Town Sewer Maintenance Personnel Upon Arrival

It is the responsibility of the first personnel who arrive at the site of a sewer overflow to protect the health and safety of the public by mitigating the impact of the overflow to the maximum extent possible. Should the overflow not be the responsibility of The Town but there is imminent danger to public health, public or private property, or to the quality of waters of the state, then the Sewer personnel must take prudent emergency action until the responsible party assumes accountability.

Upon arrival at a SSO, the sewer personnel perform the following:

- Determines the cause of the overflow, e.g. sewer line blockage, pump station mechanical or electrical failure, sewer line break, etc...

Sewer Overflow Response Plan

- Identifies and requests assistance or additional resources to correct the overflow or to assist in determination of its cause.
- Takes immediate steps to stop the overflow, e.g. relieve pipeline blockage, bypass pump, manually operate pump station controls, repair pipe, etc. Extraordinary steps may be considered where overflows from private property threaten public health and safety
- Requests additional personnel, materials, supplies, or equipment that will expedite and minimize the impact of the overflow.

2. Initial Measures for Containment

Initiate measures to contain the overflowing sewage, and recover sewage which has already been discharged. These measures will minimize impact to public health and the environment.

- Determine the immediate destination of the overflow, (e.g. storm drain, street curb gutter, body of water, stream bed, etc.).
- Identify and request the necessary materials and equipment to contain or isolate the overflow, if not readily available.
- Take immediate steps to contain the overflow, e.g., block or bag storm drains, recover through vacuum truck, divert into downstream manhole, etc...

3. Additional Measures Under Potentially Prolonged Overflow Conditions

In the event of a prolonged sewer line blockage or a sewer line collapse, set up a portable by-pass pumping operation around the obstruction.

- Take appropriate measures to determine the proper size and number of pumps required to effectively handle the sewage flow. In the event additional resources are required, a quartermaster (Accountant) will open PO's and confirm emergency rental equipment purchases (pumps, generators, etc...).
- Implement continuous or periodic monitoring of the by-pass pumping operation as required.
- Address regulatory agency issues in conjunction with emergency repairs.

4. Cleanup

Clean sewer overflow sites thoroughly after an overflow. No readily identified residue (e.g., sewage solids, papers, rags, plastics, and rubber products) is to remain.

- Whenever possible, digital photos should be taken of the area before and after cleanup.
- Where practical, thoroughly flush the areas clean of any sewage or wash-down water. Solids and debris are to be flushed, swept, raked, picked-up, and transported for proper disposal.
- Secure the overflow area to prevent contact by members of the public until the site has been thoroughly cleaned.

Sewer Overflow Response Plan

- Where appropriate, disinfect and deodorize the overflow site.
- Where sewage has resulted in ponding, pump or vacuum the pond dry and dispose of the residue in accordance with applicable regulations and policies.
- If a ponded area contains sewage, which cannot be pumped dry, it may be treated with bleach. If sewage has discharged into a body of water that may contain fish or other aquatic life, don't use bleach. Contact the NYSDEC for specific instructions.

D. Sewage Overflow Report

The Sewer Overflow Report in Appendix A contains information which is required to be reported to NYSDEC and possibly to NYSDOH depending upon the nature of the spill.

If the overflow will affect bathing areas during the bathing season, or public drinking water intakes, the Town shall notify the NYSDEC contact person and the NYSDOH contact person orally, within two hours of becoming aware of the discharge.

If the overflow results in a fish kill, notify the NYSDEC contact person within two hours of becoming aware of the discharge.

The Sewer Superintendent completes a Sewer Overflow Report (Appendix A), and promptly notifies the Town Office and NYSDEC when the overflow is eliminated. Information regarding the sewer overflow includes the following:

- Determination if the sewage overflow had reached surface waters, i.e., all overflows where sewage was observed running to surface waters, or there was obvious indication (e.g. sewage residue) that sewage flowed to surface waters
- Determination that the sewage overflow had not reached surface waters by describing conditions at the sewage overflow, which support this determination.
- Visual observations
- Determination of the volume of the sewer overflow
- Photographs of the event, when possible.
- Assessment of any damage to the exterior areas of public/private property. Town sewer personnel shall not enter private property for purposes of estimating damage to structures, floor and wall coverings, and other personal property without authorization from the property owner.

Determination of the start time of the sewer overflows by one of the following methods:

- a. Date and time information received and/or reported to have begun and later substantiated by Town sewer maintenance personnel
- b. Visual observation

Sewer Overflow Response Plan

Determination of the stop time of the sewer overflows by one of the following methods:

- a. When the blockage is cleared or flow is controlled or contained
- b. The arrival time of the Town sewer personnel, if the overflow stopped between the time it was reported and the time of arrival

An estimation of the rate of sewer overflow in gallons per minute (GPM) by one of the following criteria:

- a. Direct observations of the overflow
- b. Measurement of actual overflow rate from the sewer main

E. Resident Satisfaction

The Sewer personnel follow up in person or by telephone with the entity who was reporting the overflow. The cause of the overflow and its resolution will be disclosed.

IV. PUBLIC ADVISORY PROCEDURE

This section describes the actions the Town will take, in cooperation with the NYSDEC and/or NYSDOH, to limit public access to areas potentially impacted by unpermitted discharges of pollutants to surface water bodies from the wastewater collection system.

A. Temporary Signage

The Town has primary responsibility for determining when to post notices of polluted surface water bodies or ground surfaces that result from uncontrolled wastewater discharges from its facilities. The postings do not necessarily prohibit use of recreational areas, unless posted otherwise, but provide a warning of potential public health risks due to sewage contamination.

The Sewer Superintendent determines if posting of a confirmed overflow is necessary.

B. Other Public Notification

Should the posting of surface water bodies or ground surfaces subjected to a sewer overflow be deemed necessary by the Sewer District, The Sewer Superintendent determines the need for further public notification. Copies of all of the above should be sent to: Dispatcher, DPW, and Town Hall

C. Tips for Residents

Some tips for residents to help prevent a backup in their house include:

- a. Capping off floor drains and cleanouts
- b. Checking the operation of sump pumps
- c. Move belongings to the first floor, or off of the cellar floor
- d. Limit water use

Sewer Overflow Response Plan

V. REGULATORY AGENCY NOTIFICATION PLAN

The Regulatory Agency Notification Plan establishes procedures, which the Town follows to provide formal notice to the NYSDEC as necessary in the event of a SSO. Agency notifications will be performed in parallel with other internal notifications. Internal notification and mobilization of Town sewer personnel are established in **Section III - Overflow Response Procedure**.

Using data supplied during the verification process and updates from the sewer personnel, The Sewer Superintendent prepares initial and final Overflow Reports. Initial report will be provided orally to the NYSDEC and if necessary the local health department within two hours, or 24 hours from the time the Town became aware of the SSO. If the overflow will affect bathing areas during the bathing season, or public drinking water intakes, the Town shall notify the NYSDEC contact person and the NYSDOH contact person orally, within two hours of becoming aware of the discharge. If the overflow results in a fish kill, notify the NYSDEC contact person within two hours of becoming aware of the discharge.

Prepare and provide final report to the regulatory agency within five days after the Town becomes aware of the overflow. The Super Superintendent is responsible for meeting the notification requirement. He then prepares written notification to the appropriate regulatory agency of any confirmed overflows. The NYSDEC contact person may waive the written report requirement on a case-by-case basis if the oral report was received within the required time frame. Regardless of other notifications, a Report of Noncompliance form is required to be submitted with the monthly Discharge Monitoring Report.

A. Immediate Notification

If the overflow will affect bathing areas during the bathing season, or public drinking water intakes, the Town shall notify the NYSDEC contact person and the NYSDOH contact person orally, within two hours of becoming aware of the discharge.

If the overflow results in a fish kill, notify the NYSDEC contact person within two hours of becoming aware of the discharge.

Fax the initial and any updated Sewer Overflow Report to the NYSDEC Regional Water Manager

B. Secondary Notification

The Sewer Superintendent may contact other agencies, as well as other impacted parties.

VI. MAINTENANCE OF SORP

The SORP will be reviewed on an annual basis, and changes will be made accordingly as seen fit.

Sewer Overflow Response Plan

VII. APPENDICES

Appendix A – Sanitary Sewer Overflow Report Form

Appendix B – Sewer Overflow Notice Plan Flow Chart

Appendix C – Sewer Overflow Response Tracking Protocol

Appendix D – List of Public Offices to Report Overflow

Appendix E – Suggested Criteria for Demonstrating How a Sewer Overflow was Unavoidable

Appendix F – Measures to Avoid Sewer Overflow

Appendix G – Overflow Descriptions and Required Notifications

Appendix H – Sewer District Equipment

Appendix I – Flood Damage Assessment Report

Appendix J – On Call Policy

Appendix K – §750-2.7 Incident Reporting

Appendix L – Noncompliance Form and Discharge Monitoring Reports

Sewer Overflow Response Plan

Appendix A – Sanitary Sewer Overflow Form

1. General Information

- a. SPDES # NY: _____
- b. Name of collection system: _____
- c. Authorized representative filing this form:
Name: _____
Title: _____
- d. Type of filing report:
Initial _____
Final _____
- e. Date of filing report:
Initial _____
Final _____

2. Oral Reporting of Overflow, Bypass or Upset

All releases of untreated or partially treated sewage require 24-hour oral notification except those that require 2-hour oral notification.

- a. Overflow requiring 2-hour notification.
- Impact or closure of bathing area
 - Impact or closure of public drinking water intake
 - Results in fish kills
 - Other: _____
- b. Overflow requiring 24-hour notification.
- Gravity sewer manhole
 - Pump station
 - Other: _____
- c. Oral report to DEC contact person.
- Name: _____
- Phone #: _____
- E-mail Address: _____
- DEC Office: _____
- Date of phone notification: ___/___/___
- d. Oral report to local Health Department contact person.
- Name: _____
- Phone #: _____
- E-mail Address: _____
- Health Department Office: _____
- Date of phone notification: ___/___/___

3. Overflow Location and Description

- a. Location: _____
- Address or Landmark: _____

Sewer Overflow Response Plan

b. Discharge Location:

- Directly to receiving ground water
- Ground
- Receiving water via storm drain
- Building

c. Type of overflow

- Gravity sewer manhole
- Pump station
- Other: _____

4. Time of Overflow/Bypass Incident

When did the incident begin? Date: ___/___/___

Was the overflow/bypass event ongoing at the time of report: Yes / No

If yes, how long is the incident expected to continue? _____

If no, when did event end? Date: ___/___/___ Time: _____

5. General Information about Overflow at this Location

a. Estimated volume of overflow released at time of report: _____

b. Method of estimating volume: _____

c. Estimated total volume of overflow released at end of incident: _____

d. Were digital photos taken: Yes / No

e. Corrective measures taken:

- No action
- Removed blockage
- Repair pump station
- Other: _____

f. Cause of overflow/bypass (select all those that apply):

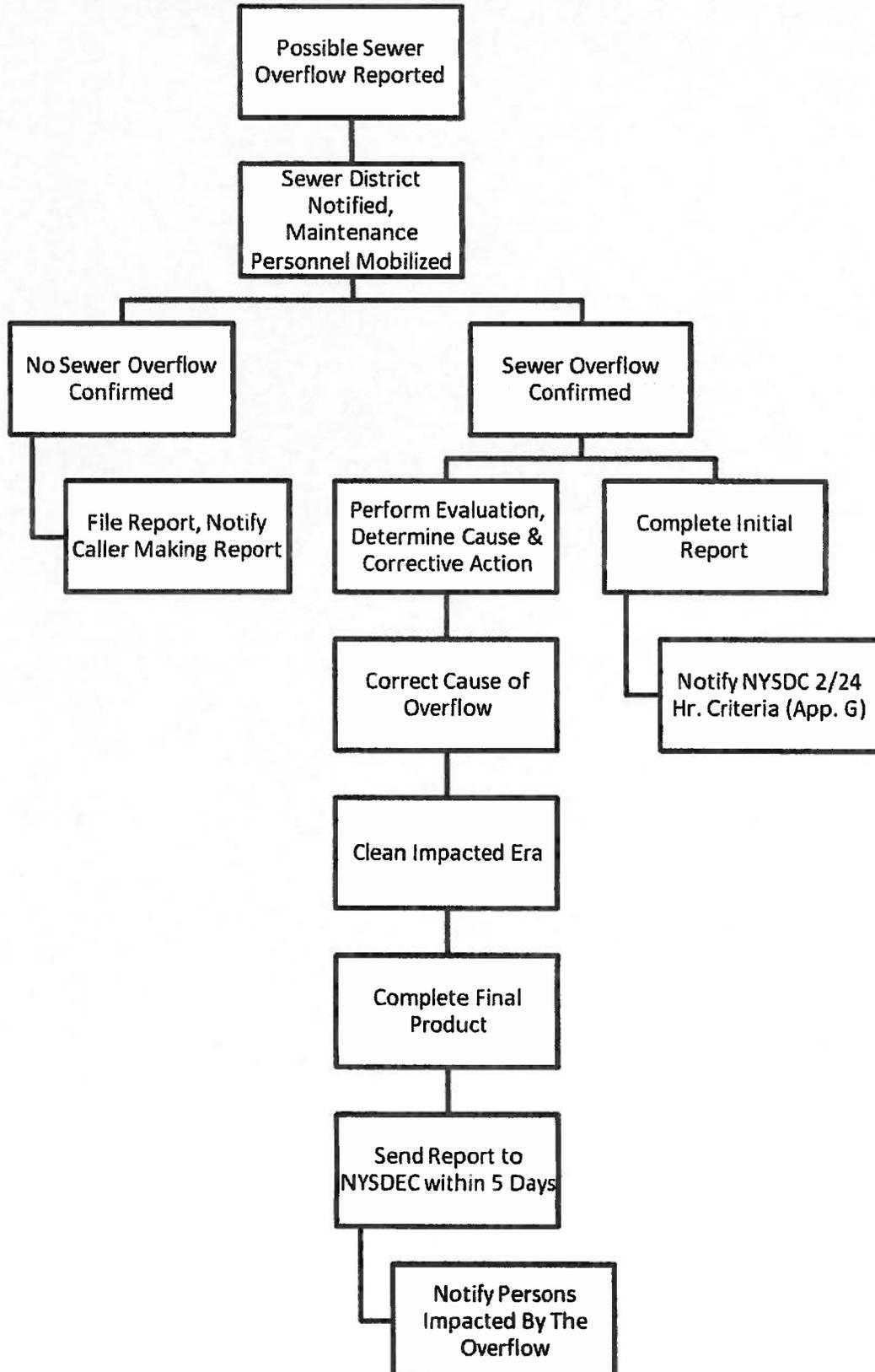
- Rain
- Snow melt
- High ground water
- Other excessive flow
- Sewer system blockage or collapse
- Pump /lift station failure
- Other: _____

g. Additional comment:

Sewer Overflow Response Plan

Appendix B – Flow Chart of Sewer Overflow Response Plan

Sewer Overflow Response Plan



Appendix C – SSO Response Tracking Protocol

Sewer Overflow Response Plan

Step	Event
1	Report of possible SSO received by a telephone operator.
2	Telephone Operator enters received information into action log/work order system.
3	Telephone Operator contacts Town Sewer District, which then deploys maintenance personnel to confirm reported SSO.
4	Maintenance personnel reports back to The Sewer Construction Inspector reporting significance of the overflow.
5	Town Sewer Construction Inspector completes initial Overflow Report. If the overflow will affect bathing areas during the bathing season, or public drinking water intakes, the Town shall notify the NYSDEC contact person and the NYSDOH contact person orally, within 2 hours of becoming aware of the discharge. If the overflow results in a fish kill, notify the NYSDEC contact person within 2 hours of becoming aware of the discharge.
6	Within 5 days the Town Superintendent of Public Works prepares final Overflow Report. Report is mailed to NYSDEC.
7	Data from Overflow Report are entered into a permanent record on file at the Sewer District
8	Attach report of non-compliance to Discharge Monitoring Report (Appendix L)

Appendix D – Public Offices to Report Overflows

Sewer Overflow Response Plan

Contact Name	Telephone
Town Office 24/7	(585) 784-5280
Sewer Construction Inspector	(585) 784-5289
Brighton Fire Department West Brighton Fire Department	(585) 381-3200 (585) 424-1414
Town Police Department	(585) 784-5150
NYSDEC	(585) 226-2466
NYSDOH	(585) 423-8014
NYSDOT	(585) 272-3300
Pittsford Sewer District	(585) 248-6490
Monroe County EOC	(585) 753-3810
Omni-site Pump station Monitors	(888) 947-1212

Sewer Overflow Response Plan

SSO's can be demonstrated as unavoidable by showing the discharge meets each of the criteria 1 through 4.

1. The discharge resulted from a temporary, exceptional incident that was either:

- Necessary to prevent loss of life, personal injury, or severe property damage
- Beyond the reasonable control of the operator. Incidents beyond the reasonable control of the operator would include:
 - a. Exceptional acts of nature
 - b. Third party actions that could not be reasonably prevented, including vandalism that could not be avoided by reasonable measures
 - c. Blockages that could not be avoided by reasonable measures
 - d. Unforeseeable sudden structural, mechanical, or electrical failure that could not be avoided by reasonable measures

2. The discharge had no feasible alternative

3. The discharge was not caused by any of the following:

- a. Operational error
- b. Improperly designed or constructed collection system facilities
Inadequate collection system facilities or components
- c. The lack of appropriate preventive maintenance
- d. Careless or improper oversight

4. Steps to stop the discharge, address the source of the problem, and mitigate potential impacts from the discharge were taken as soon as possible after becoming aware of the release.

Sewer Overflow Response Plan

A. Proper Collection System Maintenance and Operations Program

- Cleaning of pipes (grease, root deposits)
- Sealing or maintenance for deteriorating sewers
- Remediation of poor/substandard construction (short term)
- Sewer replacement or rehabilitation program (long term)
- Proper maintenance and operations of pump stations
- Inspection of private laterals

B. New Wastewater Disposal System Construction

- Use latest technology and standards in constructing new wastewater disposal system improvements
- Perform proper construction inspection/quality assurance procedures

Sewer Overflow Response Plan

Overflows requiring 2-Hour Verbal Notification

- Impact or closure of bathing area during bathing season (NYSDEC & NYSDOH)
- Impact or closure of public drinking water intake (NYSDEC & NYSDOH)
- Results in a fish kill (NYSDEC)

Overflows Requiring 24-Hour Notification (NYSDEC only)

- Gravity sewer manhole
- Pump station

NYSDEC

NYSDEC Region 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY 14414
Ph: (585) 226-2466
Fax: (585) 226-2830

NYSDOH

Triangle Building
Rochester, NY 14604
335 East Main Street
Ph: (585) 423-8014
Fax: (585) 423-8108

Sewer Overflow Response Plan

Item	Description
#8	Silverado Pickup
#9	F-250 Pickup
#10	F-350 Dump
#12	F-350 Pickup
#13	Mainline Camera Trailer
#14	F-350 Dump
#15	Sewer Repair Trailer
#20	Open Trailer
#23	10 Wheel Mack Dump
#24	F-700 Dump
#26	10 Wheel Sterling Dump
#27	6 Wheel Sterling Dump
#28	F-450 Utility
#85	Vibratory Roller
#88	Broom Sweeper
#90	Broom Sweeper
#91	Case Backhoe
#92	Cat Backhoe
#93	Case Backhoe
#96	Silverado Pickup
#98	Vactor Flusher
#116	Bobcat
#118	Compressor
#119	Compressor
#137	Wacker 6" Pump, 1300 g.p.m.
#138	Wacker 6" Pump, 1300 g.p.m.
#139	Godwin Autostart 6" pump, 1960 g.p.m.
#140	(2) Honda 4" pumps, 433 g.p.m. each
Signs, Cones, Barricades	For controlling traffic
Buckets, Mops, Bleach	Of various sizes/types for cleaning
Lateral Camera	For televising lateral lines
Sewer Tapes	To clean out laterals
Tripod	To lower someone into a manhole
Gas Detectors	To detect potentially harmful gas
Containment Materials	Sand, dirt, stone (#1, #2, crusher, dust)
Town Maps	Descriptions of sewer system
Generators	Portable Energy
Hand Rods	For cleaning sewer line
Rental Equipment	From private entities
Mutual Aid	From surrounding municipalities

Sewer Overflow Response Plan

Attach maps, photographs, and other appropriate supplemental information

Date: _____ Time: _____

1. Location: _____

2. Private Property:	Homes	Businesses	Landscaping	Extent
<input type="radio"/> Destroyed:	_____	_____	_____	_____
<input type="radio"/> Major Damage:	_____	_____	_____	_____
<input type="radio"/> Minor Damage:	_____	_____	_____	_____
<input type="radio"/> Residents spoken to:	_____	_____	_____	_____

3. Public Property Damage	Extent:
<input type="radio"/> Debris Clearance- Roadside	_____
<input type="radio"/> Debris/Silt Clearance channels, culverts	_____
<input type="radio"/> Pavement buckled, undermined, washed-out	_____
<input type="radio"/> Culvert Damage	_____
<input type="radio"/> Public bldgs/Related equip.	_____
<input type="radio"/> Public Utilities	_____
<input type="radio"/> Channel erosion	_____
<input type="radio"/> Other	_____

4. Apparent Source(s):
- Sanitary Main
 - Sanitary Lateral
 - Storm Main
 - Storm Lateral
 - Walls/Window Wells
 - Creek/Ditch
 - Road Flooding

Sewer Overflow Response Plan

Appendix J – On Call Policy

FINAL

MEMORANDUM OF AGREEMENT

BETWEEN

TOWN OF BRIGHTON

AND

CSEA, LOCAL 1000 AFSCME

MONROE COUNTY LOCAL 828

SEWER PERSONNEL STANDBY RULES

It is hereby agreed between the parties hereto to adopt and institute the following provisions relative to Sewer Personnel Standby Rules.

Article VIII, section 1 of the collective bargaining agreement ("CBA") shall remain in full force and effect. This M.O.A. is intended to supplement the collective bargaining agreement and to specifically clarify the duties, responsibilities, and compensation of certain paid Sewer Department personnel with regards to the times of standby and emergency work designations (non regularly scheduled times of work).

Article VIII, section 5 of the CBA is modified to define those times for which sewer department standby is to be paid. Employees assigned to standby will receive compensation as outlined in the attached memo entitled "Sewer Personnel Standby Rules", effective upon its execution by the Town and CSEA.

This MOA does not alter the unaffected terms and conditions of the collective bargaining agreement ("CBA"), which shall remain in full force and effect.

Sewer Overflow Response Plan

Michael Hym 11/29/11

Civil Service Employees Association

Andrew DeFurco

Town of Brighton

11/29/11

Date

11/30/11

Date

MOA.SEWER.AFTERHOURS.PROTOCOL.OCT.2011.01

Sewer Overflow Response Plan

Memo

TO: All Sewer District Employees

DATED: October 31, 2011

RE: Sewer Personnel Standby Rules

Effective November 1, 2011 (or upon the date of formal acceptance by CSEA), all Brighton Sewer District Employees will be covered under the Town of Brighton's Sewer District Standby Rules. Attached is a copy of the rules, along with a certification form that must be signed and returned to your supervisor by November 1, 2011 (or as noted above). It states that you have received, read, and understand the Sewer District Standby Rules.

If you have any questions or concerns, please feel free to contact Steve Zimmer or myself.

Tim Keef

Sewer Overflow Response Plan

Brighton Sewer District Standby Rules

Emergency Work and Standby

- These rules will apply to only Sewer District employees doing sewer work.
- It is characteristic of the Sewer District that work sometimes has to be done outside of normal working hours and days, either to complete a job in progress or because of a call for emergency assistance.
- Overtime work is understood to be mandatory and Sewer District employees are required to be on standby for their designated week, and must carry the pager/phone during their standby week.
- The weekly and the daily standby schedules will be established on or about January 1 of each year with each Sewer District employee placed on each rotation schedule.
- Employees on standby are to keep the Sewer Construction Inspector or Sewer Foreman informed as to where they may be reached during all hours, are to keep their pager/phone turned on and are to respond to calls for assistance unless they have arranged in advance to have someone else cover calls in accordance with these rules.
- Emergency calls for assistance may be received by the employee from multiple sources.
- Such overtime and emergency work will be as necessary and kept to a minimum.
- Any Sewer employee (other than the Sewer Construction Inspector and Sewer Foreman) is eligible for the extra hours of compensation and will be paid in accordance with the CSEA contract.
- An employee on standby for emergency purposes under these rules will receive standby pay of 1.5 hours overtime pay for each weekday, and 2 hours overtime pay on each holiday and weekend days the employee performs assigned standby.
- Any employee required to make a trip to work outside of regular working hours (does not include extended working hours) will be credited with a minimum of 2 hours overtime pay for each such occasion.

Standby Schedule

- Each person is responsible for his/her own week.
- If an assigned employee is unavailable or unresponsive for a call they will not get paid and may be disciplined.
- Standby week will be defined as: Monday at the start of the normal workday until the start of the normal work day on the following Monday. If Monday is a holiday, standby will start or finish on the next regular work day.

Sewer Overflow Response Plan

-The ultimate responsibility to cover an assigned standby week remains with the person to whom it is assigned. You must advise the Sewer Construction Inspector or Sewer Foreman if someone else will cover a standby week for you prior to the start of the standby week.

Standby Schedule (cont.)

-Who can substitute for another Sewer Department employee for a standby week/day is determined using the rotating lists, as described below.

-In the event that the person assigned to the week wishes to surrender the whole week he/she must use the rotating week list.

-In the event that the person assigned to the week wishes to surrender only a certain day he/she must use the rotating day list.

-The person on standby must be able to take both weekend days and at least 3 weekdays or he/she must surrender the whole week using the rotating week list.

-Both rotating lists will be started by seniority and will rotate indefinitely.

Overtime Policy

-When the Sewer District emergency work arises outside of normal working hours and days which cannot be covered by extending the day of employees at work, it shall be distributed in the following manner:

-The Sewer District employee on standby gets the first call, after that, call-ins shall be based on seniority.

-When the standby person receives a call, and needs assistance, he/she shall call the person with the highest seniority in the Sewer District. If that person does not answer, a message will be left on that employee's voicemail and the next senior person will be called until an employee accepts the work. In the event no Sewer Department employee can be reached to help, the Highway Foreman will be notified to get a qualified assistant.

-In the event of multiple emergency calls, the standby employee is responsible to call in the next most senior person on the list if needed, to ensure the call is taken in a timely manner.

-The Sewer Construction Inspector or Sewer Foreman shall be notified immediately if there is a plugged main, or a call with property damage. Photographs and documentation are needed.

-After emergency calls are completed, call reports will be prepared by the standby employee and placed on the Sewer Construction Inspector's or Sewer Foreman's desk before leaving the building. For emergency stakeouts, a copy of the stakeout request from the fax machine should be used and marked as being complete.

Exceptions to the Rules

-If a job continues past normal working hours, the Sewer personnel working the job may be required to stay on the job until completed.

Sewer Overflow Response Plan

-If a job requires a certain expertise that not all employees possess (electrical, specialized equipment or knowledge, supervision, etc...) the employee with the necessary expertise may be the only one asked to do the work upon the approval of the Sewer Construction Inspector or Sewer Foreman. The assistant will be selected using seniority among those with the expertise.

-Employees on Workers' Compensation, sick leave, or a leave of absence without pay may not be on standby and will not be called for any overtime during their leave. Employees on light duty may not be on standby, but may be called on in an emergency, if authorized by the Superintendent of Sewers, the Sewer Construction Inspector, or Sewer Foreman and assigned work that is within their physical restrictions.

Sewer Overflow Response Plan

Sewer District Overtime Rules Certification

I agree that I will respond to all taxpayer requests in a prompt and courteous manner or will promptly and courteously refer the request to the appropriate Town employee.

I have received, understand, and will comply with the requirements of the Town of Brighton's Sewer District Standby Rules

Name _____

Signed _____

Date _____

Sewer Overflow Response Plan

Appendix K – §750-2.7 Incident Reporting

(A) **ANTICIPATED NONCOMPLIANCE.** The permittee shall give at least 45 days advance notice to the Regional water engineer of any change in the permitted facility or activity that the permittee knows or has reason to know would occur as part of a construction project, which is part of the permittee's routine maintenance program, or which the permittee knows or has reason to know about 60 or more days before it occurs, and that is very likely or certain to result in a bypass or other noncompliance with permit requirements.

(1) Such notice shall contain:

- (i) A description of the treatment units to be effected;
- (ii) The anticipated character and volume of wastewater and/or storm water to be discharged;
- (iii) The need for the changes;
- (iv) The anticipated duration of the non-compliance;
- (v) The receiving stream for the non-complying wastewater and/or storm water;
- (vi) The anticipated benefits of the change;
- (vi) The alternatives considered and
- (vii) Such additional information requested by the Regional water engineer to assess the effects of and need for such a change.

(2) In the time between notification of a planned change and the date scheduled for the change the department may choose to do one or more of the following:

- (i) Require additional information that can reasonably be used to decide the necessity of such non-compliance;
- (ii) Require that the permittee delay the planned change up to 45 additional days until the department may adequately assess the necessity for the planned change;
- (iii) Require the permittee to modify the planned change;
- (iv) Prohibit the planned change; or
- (v) Apply no conditions to the planned change.

(B) **TWO HOUR ORAL REPORTING OF BYPASS, UPSET OR OTHER INCIDENT.** For discharges that would affect bathing areas during the bathing season, shell fishing or public drinking water intakes, the permittee shall, within two hours of becoming aware of the discharge, report orally to the regional water engineer and the local health department of any discharge of untreated or partially treated sewage, except a discharge due to a properly operating, wet weather combined sewer overflow or a

Sewer Overflow Response Plan

discharge in accordance with a department approved plan for managing wastewater (provided that such plan is in compliance with applicable law and regulation). Each permittee that must provide oral report within two hours under this subdivision for incidents resulting in discharges from the permittee's site or service area will be so notified in writing by the regional water engineer. Such a report shall include:

- (1) A brief description of the bypass, upset, or other incident;
- (2) The location of the bypass, upset or other incident including the receiving water effected by the bypass, upset, or other incident;
- (3) The estimated volume and characteristics of the discharge at the time of the oral report;
- (4) A brief description of the measures taken to end the bypass, upset, or other incident; and
- (5) An estimate when the bypass, upset, or other incident will be over and the total expected volume of the discharge.

(C) TWENTY FOUR HOUR ORAL REPORTING OF BYPASS, UPSET OR OTHER INCIDENT. The permittee shall report, including the same information required to be reported under subdivision (b) of this section, orally to the regional water engineer within 24 hours from the time the permittee becomes aware of any of the following incidents:

- (1) A discharge of untreated or partially treated sewage that would otherwise be treated, except a discharge due to a properly operating wet weather combined sewer overflow or a discharge in accordance with a department approved plan for managing wastewater and/or storm water (provided that such plan is in compliance with applicable law and regulation);
- (2) A discharge of untreated wastewater and/or storm water that would otherwise be treated, except a discharge in accordance with a department approved plan for managing wastewater (provided that such plan is in compliance with applicable law and regulation);
- (3) A spill that may result in a discharge that may:
 - (i) Violate permit limitations of pollutants limited in the SPDES permit;
 - (ii) Exceed an action level or more than one action level in the SPDES permit;
 - (iii) Cause discharges of pollutants not explicitly listed in the SPDES permit, in amounts in excess of normal effluent variability of the level of discharge that may reasonably be expected for that pollutant from information provided in the SPDES permit application record; or
 - (iv) Which would result in dilution in lieu of treatment of a discharge authorized by a SPDES Permit;
- (4) A spill to waters of the state of greater than the reportable quantity for releases to water as set forth in Part 597 of this Title; or

Sewer Overflow Response Plan

(5) A bypass, upset or other incident that a reasonable practitioner in water pollution control would consider to be similar in severity and consequences to the incidents set forth in the other paragraphs of this subdivision.

(D) FIVE DAY WRITTEN INCIDENT REPORT. A written report to the Regional water engineer of a bypass, upset or other incident reported under subdivisions (b) and (c) of this subsection shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written report shall contain a description of the bypass, upset, or other incident and its cause; the period of the bypass, upset, or other incident, including exact dates and times, and if the bypass, upset, or other incident has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent the bypass, upset, or other incident and its reoccurrence. The regional water engineer may waive the written report on a case-by-case basis if the oral report has been received within the time periods required under subdivisions (b) and (c) of this subsection.

(E) ADDITIONAL REPORTING. The permittee shall report all instances of noncompliance with permit conditions not otherwise required to be reported under these regulations or the SPDES permit, with each submitted copy of its discharge monitoring reports until such noncompliance ceases. Such noncompliance reports shall contain the same information required to be submitted under subdivision (d) of this section.

(F) DUTY TO MITIGATE. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment.

(G) DUTY TO ASSESS. Where a bypass, upset, or other incident occurs as defined in subdivision (b) or subdivision (c) that can reasonably be expected to create detectable discharges of a substance where that substance was not detectable prior to the bypass, upset, or other incident or the bypass, upset, or other incident can reasonably be expected to increase the discharge of a substance or substances by 20 percent or more, the permittee shall collect at least one representative sample for each day of discharge effected by the bypass, upset or other incident in a manner that can be used to assess compliance with the permit. Each sample should be monitored for the parameters which the permittee knows or has reason to believe will be detectable or increased by 20 percent or more in the discharge due to the bypass, upset, or other incident.

Sewer Overflow Response Plan

Appendix L – Noncompliance Form and Discharge Monitoring Reports

Sewer Overflow Response Plan

SECTION 1

	<p>New York State Department of Environmental Conservation Division of Water</p> <p>Report of Noncompliance Event</p>	
To: DEC Water Contact _____		DEC Region: _____
Report Type: <input type="checkbox"/> 5 Day <input type="checkbox"/> Permit Violation <input type="checkbox"/> Order Violation <input type="checkbox"/> Anticipated Noncompliance <input type="checkbox"/> Bypass/Overflow <input type="checkbox"/> Other		

SECTION 2

SPDES #: NY- _____ Facility: _____

Date of noncompliance: ____ / ____ / ____ Location (Outfall, Treatment Unit, or Pump Station): _____

Description of noncompliance(s) and cause(s): _____

Has event ceased? (Yes) (No) If so, when? _____ Was event due to plant upset? (Yes) (No) SPDES limits violated? (Yes) (No)

Start date, time of event: ____ / ____ / ____ : ____ (AM) (PM) End date, time of event: ____ / ____ / ____ : ____ (AM) (PM)

Date, time oral notification made to DEC? ____ / ____ / ____ : ____ (AM) (PM) DEC Official contacted: _____

Immediate corrective actions: _____

Preventive (long term) corrective actions: _____

SECTION 3

Complete this section if event was a bypass.

Bypass amount: _____ Was prior DEC authorization received for this event? (Yes) (No) _____

DEC Official contacted: _____ Date of DEC approval: ____ / ____ / ____

Description of "Discharge of noncompliance and cause" per to Section 2. Define the start and end dates and times in Section 2 also.

SECTION 4

Facility Representative: _____ Title: _____ Date: ____ / ____ / ____

Phone #: (____) _____ - _____ Fax #: (____) _____ - _____

I Certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

 _____
Signature of Principal Executive Officer or Authorized Agent

Sewer Overflow Response Plan

INSTRUCTIONS

The Division of Water developed this standardized form to simplify the reporting of noncompliance events. The SPDES Permit General Conditions, require that certain discharges of untreated or partially treated sewage must be reported orally within either 2 hours¹ or 24 hours and also in writing within five (5) days as required by the appropriate regulation. All other permit noncompliance shall be reported as attachments to the Discharge Monitoring Report (DMR). This form should be used for these events as well as to report noncompliance relating to consent orders, scheduled events and bypass events.

All necessary information can readily be reported to DEC on this form. Additional information required to describe the event can be attached. **Please make additional copies of this form and use as needed.** Instructions are provided below. For questions on form use please contact the appropriate office listed below for the county where your permitted facility is located. Thank you for your cooperation.

Instructions to complete and submit Noncompliance Report

1. Provide facility information and all applicable event details in Sections 1 through 3. Dates should be completed in month/day/year format.
2. Provide your name, title, business phone number, and date report was completed in Section 4. Use additional sheets as needed to provide full detail of the event in Section 2.
3. For 5-day written reports, mail or fax the completed form to the appropriate DEC Regional Office listed below. Attach all other noncompliance reports to the DMR submittal (be sure to attach to each set of DMR copies) or mail separately if related to consent order/scheduled event noncompliance. Afer hours and weekend reporting of unusual discharge events of other noncompliance must be reported through the DEC Telephone Hotline, which is 1-800-457-7362.

DEC Regional Offices:

REGION 1 Regional Water Engineer NYS SUNY, Bldg. 49 Loop Road Stony Brook, NY 11790-2336 Phone: 631-444-0405 Fax: 631-444-0373 Counties: Nassau Suffolk	REGION 2 Regional Water Engineer One Hunters Point Plaza 47-40 21st St Long Island City, NY 11101-5407 Phone: 718-482-4900 Fax: 718-482-6516 Counties: Queens Bronx New York Richmond Kings	REGION 3 ** Regional Water Engineer 21 So. Putnam Corners Rd New Paltz, NY 12561-1696 Phone: 845-256-3000 Fax: 845-255-0714 Counties: Rockland Dutchess Sullivan Orange Ulster Putnam Westchester
REGION 4 Regional Water Engineer 1130 North Westcott Rd Schenectady, NY 12306-2014 Phone: 518-357-3043 Fax: 518-357-2398 Counties: Montgomery Albany Rensselaer Columbia Delaware Schoharie Oneida Schenectady	REGION 5 ** Regional Water Engineer Route 96, P.O. Box 296 Ray Brook, NY 12977-0296 Phone: 518-897-1241 Fax: 518-897-1243 Counties: Clinton Hamilton Franklin Essex Saratoga Warren Fulton Washington	REGION 6 ** Regional Water Engineer Region 6 Suboffice State Office Bldg. 107 Corcoran St Utica, NY 13500 Phone: 315-793-2354 Fax: 315-793-2748 Counties: Lewis Jefferson Herkimer Oneida St. Lawrence
REGION 7 Regional Water Engineer 614 Erie Blvd West Syracuse, NY 13204-2400 Phone: 315-426-3796 Fax: 315-426-7402 Counties: Madison Cayuga Broome Oneida Oswego Chenango Tioga Tompkins Cortland	REGION 8 Regional Water Engineer 6274 East Avenue Line Rd Avon, NY 14414-9319 Phone: 585-226-2464 Fax: 585-226-2833 Counties: Orleans Genesee Chautauq Schuyler Seneca Livingston Steuben Ontario Monroe Wayne Yates	REGION 9 Regional Water Engineer 270 Michigan Avenue Buffalo, NY 14203-2009 Phone: 716-851-7070 Fax: 716-851-7009 Counties: Allegany Erie Cattaraugus Niagara Wyoming Cheautauq

** **REGION 1 Suboffice**
 Regional Water Staff
 200 West Plaza Rd., 5th Floor
 Terrytown, NY 10591-5865
 Phone: 914-332-1835
 Fax: 914-312-4670

** **REGION 5 Suboffice**
 Regional Water Staff
 Box 320, Hudson St. Postoffice
 Warrensburg, NY 12885-0320
 Phone: 518-623-1200
 Fax: 518-623-0191

** **REGION 6 Suboffice**
 Regional Water Staff
 317 Washington St.
 Wauson, NY 12601 3787
 Phone: 315-785-2511
 Fax: 315-785-2422

¹ This requirement reflects proposed pending regulations.

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of April, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated April 3, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to set a public hearing for the purpose of considering a reduction to 25 MPH for the speed limits on Hibiscus Drive, Crandon Way and Coral Way, be received and filed, and be it further

RESOLVED, that the Town Board hereby sets May 8, 2013 at 7:30 pm or as soon thereafter as the matter may be heard at Brighton Town Hall, 2300 Elmwood Avenue, Town of Brighton, County of Monroe, State of New York as the place, date and time for a public hearing on considering a reduction to 25 MPH for the speed limits on Hibiscus Drive, Crandon Way and Coral Way, and directs the posting, mailing and publication of any and all notices of said hearing as are required by law.

Dated: April 10, 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

April 3, 2013

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

Re: Proposed Speed Limit Reductions
Hibiscus Drive, Coral and Crandon Ways

Dear Supervisor Moehle and Town Council Members:

As you may recall, the recent Warren Avenue traffic calming meeting held with the public resulted in a number of possible measures that could be implemented to help with traffic safety in the neighborhood. One of these was to implement a 25 MPH speed limit on Hibiscus Drive, and Coral and Crandon Ways, which would provide for a uniform speed limit throughout the neighborhood. The Public Works Committee concurred with this recommendation at its April 1st meeting and indicated the desire to move forward in this regard. I would therefore ask that the Town Board receive and file this communication, that a public hearing be set for this matter and that the requisite notification be sent out.

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

Very truly yours,

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

TEK/wp

cc: T. Anderson
C. Roth
M. Henderson
R. Cline
D. Aman
K. Gordon

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of April, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated April 4, 2013 from Town Assessor Elaine Ainsworth to request the Board to authorize the execution by the Supervisor of a Settlement Agreement, together with correspondence dated April 1, 2013 from George H. Gray, Esq. as attorney for Kilsyth, LLC and correspondence dated April 2, 2013 from Thomas A. Fink, Esq, as certiorari litigation attorney for the Town regarding the settlement of certiorari litigation for property located at 3161 East Avenue (Tax Parcel ID 138.09-1-70.11) and 3165 East Avenue (Tax Parcel ID 138.09-1-52), be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Settlement Agreement as reviewed and approved by the Town's certiorari litigation attorney regarding the settlement of certiorari litigation with Kilsyth, LLC on the terms set forth in the above referenced correspondence regarding the property located at 3161 East Avenue (Tax Parcel ID 138.09-1-70.11) and 3165 East Avenue (Tax Parcel ID 138.09-1-52).

Dated: April 10, 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
ASSESSOR'S OFFICE
2300 Elmwood Avenue
Rochester, NY 14618
(585) 784-5216

April 4, 2013

To: Supervisor Moehle and Honorable Town Board

From: Elaine Ainsworth, Assessor

Re: Certiorari Settlement
138.09-1-52 3165 East Avenue
138.09-1-70.11 3161 East Avenue

Please authorize the Supervisor to direct Town Certiorari Attorney, Tom Fink, to execute the settlement for 3161 East Avenue and to draft the settlement papers, and then execute the settlement, for 3165 East Avenue, all as detailed in the April 2, 2013, correspondence from Tom Fink, along with attachments to that letter, attached herewith,



April 2, 2013

Via Email and Regular Mail

Elaine K. Ainsworth, IAO, Assessor
Town of Brighton Assessor's Office
2300 Elmwood Avenue
Rochester, New York 14618

**Re: Kilsyth LLC v. Town of Brighton
Index No.: 2011-8524**

Dear Elaine:

Thank you for researching that the lot is a billable lot. I think their issue is that with the zoning law there may be more restrictive sideline and front and rear line. My feeling is since they tore the building down if they wanted to sell the building, I am sure they could get an area variance to build a house similar to what was there before.

I enclose a letter from George Gray. As I previously reported they seemed to be stuck at \$100,000.00 and with the help of Judge Frazee recommending that they move they now are up to \$200,000.00.

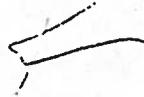
Just to review our appraisal is at \$300,000.00 and their appraisal is at \$100,000.00. I agree with you that our appraisal is a better appraisal with better comparables for similar lots and fully supports the market value of \$300,000.00.

You obviously will consider consulting with Bill the fact that if we go forward we will have to pay the appraiser his cost for testifying and you will have to pay our firm for the trial. In terms of what the town is going to get out of this case the difference of \$50,000 it is a business judgment. My gut feeling is that as crazy as it sounds that Napier would probably file his Note of Issue and go forward if we don't compromise to \$200,000.00.

I would be happy to try this case and I think we would win it but the Town would probably be minus as a result of the costs of trying the case. One strategy is to let them file their Note of Issue and push them to the possibility that they will than collapse at the \$200,000.00. Please give me your thoughts on this.

Very truly yours,

DAVIDSON FINK LLP



Thomas A. Fink

TAF/kam
Enc.

cc: Hon. William W. Moehle, Supervisor

RECEIVED APR 02 2013

GRAY & FELDMAN LLP
ATTORNEYS AND COUNSELORS AT LAW

625 PANORAMA TRAIL SUITE 1240 ROCHESTER, NEW YORK 14625
TEL (585) 218-8620 FAX (585) 218-8600

George H. Gray, Esq.
Roberta K. Feldman, Esq.

April 01, 2013

Davidson Fink LLP
28 East Main Street, Suite 1700
Rochester, New York 14614
Attn.: Thomas A Fink, Esq.

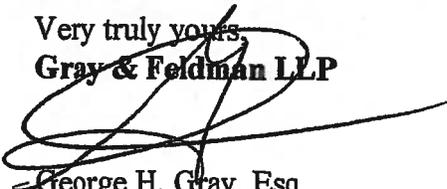
VIA TELEFAX
585.546.8125

Dear Tom:

I got in touch with Bill Napier last Friday. He is in Florida for a week but is available to me by telephone. I have been authorized by my client to settle the valuation dispute of the vacant lot (3165 East Ave.) For \$200,000. I know that you do not currently have authority to settle for this amount, but I submit it to you for the Town's consideration and as evidence of my client's good faith.

To summarize our telephone conversation with Judge Frazee on March 28, 2013 our respective clients have agreed to settle the assessed value of 3161 East Avenue at \$1,150,000. I have enclosed a Stipulation and Order for your review and approval.

Very truly yours,
Gray & Feldman LLP



George H. Gray, Esq.

IN THE MATTER OF THE APPLICATION FOR REVIEW
UNDER ARTICLE 7 OF THE REAL PROPERTY TAX
LAW OF A TAX ASSESSMENT BY KILSYTH, LLC AND
WILLIAM AND BETH ANNE NAPIER,

**STIPULATION OF
SETTLEMENT**

Petitioner

Index No. 2011/08524

Assessment Roll Year:
2011-2012

Assigned Judge:
Hon Evelyn Frazee

vs.

THE BOARD OF ASSESSMENT REVIEW FOR
THE TOWN OF BRIGHTON, THE ASSESSOR OF
THE TOWN OF BRIGHTON and THE TOWN OF
BRIGHTON, NEW YORK,

Respondents.

For Review of a Tax Assessment Under Article 7 of the
Real Property Tax Law

IT IS HEREBY STIPULATED by and between the attorneys for the Petitioner, Kilsyth, LLC, and attorneys for the Respondents, the Board of Assessment Review for the Town of Brighton, the Assessor of the Town of Brighton and the Town of Brighton, New York, as follows:

1. **THAT**, the assessment on the following described property for the year 2011-2012:

Address:
3161 East Avenue
Rochester, New York 14610

Tax ID #
138.09-1-70.11

be amended and reduced so that the full value of said property on the assessment rolls for said year shall be the sum of \$1,150,000.00.

2. THAT, the Assessor of the Town of Brighton shall make or cause to be made upon the proper books and records and on the assessment rolls of said Town and School District the entries, changes and corrections necessary to conform said assessment to such corrected and reduced valuation.

3. THAT, there shall be audited and allowed and paid to the Petitioners the amount, if any, paid by said Petitioners as taxes against the original assessment in excess of what the taxes would have been if said assessment had been made as determined by this Stipulation.

4. THAT, an Order be entered without further notice implementing the terms of this Stipulation.

DATED: April ____, 2012

GRAY & FELDMAN LLP

Attorneys for the Petitioners
George H. Gray, of Counsel
625 Panorama Trail, Suite 1240
Rochester, New York 14625
tel. 585.218.8620

DATED: April ____, 2012

Davidson Fink LLP

Attorneys for Respondents
Thomas A Fink, of Counsel
28 East Main Street, Suite 1700
Rochester, NY 14614
tel. 585.546.6448

PRESENT: HONORABLE EVELYN FRAZEE
Justice Supreme Court

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

IN THE MATTER OF THE APPLICATION FOR REVIEW
UNDER ARTICLE 7 OF THE REAL PROPERTY TAX
LAW OF A TAX ASSESSMENT BY KILSYTH, LLC AND
WILLIAM AND BETH ANNE NAPIER,

ORDER

Petitioner

Index No. 2011/08524
Assessment Roll Year: 2011-2012

vs.

THE BOARD OF ASSESSMENT REVIEW FOR
THE TOWN OF BRIGHTON, THE ASSESSOR OF
THE TOWN OF BRIGHTON and THE TOWN OF
BRIGHTON, NEW YORK,

Respondents.

For Review of a Tax Assessment Under Article 7 of the
Real Property Tax Law

Upon reading and filing the annexed Stipulation, it is hereby

ORDERED, ADJUDGED AND DETERMINED that the assessment of the following
described property for the year 2011-2012

Address:
3161 East Avenue
Rochester, New York 14610

Tax ID #
138.09-1-70.11

be amended and reduced so that the full value of said property on the assessment rolls for
said year shall be the sum of \$1,150,000.00; and it is further

ORDERED, ADJUDGED AND DETERMINED that the Assessor of the Town of
Brighton shall make or cause to be made upon the proper books and records and on the
assessment rolls of said Town and School District the entries, changes and corrections

necessary to conform said assessment to such corrected and reduced valuation; and it is further

ORDERED, ADJUDGED AND DETERMINED that there shall be audited and allowed and paid to the Petitioners the amount, if any, paid by said Petitioners as taxes against the original assessment in excess of what the taxes would have been if said assessment had been made as determined by this Order.

Dated at Rochester, New York
this _____ day of April, 2013.

Honorable Evelyn Frazee
Justice Supreme Court

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of April, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated March 14, 2013 from Town Assessor Elaine Ainsworth regarding the settlement of certiorari litigation with the Brookdale Living Communities of New York for property located at 2001 South Clinton Avenue (Tax Parcel ID 262000 136.15-1-24) and to request the Board to authorize the execution by the Supervisor of a Settlement Agreement regarding this matter, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Settlement Agreement as reviewed and approved by the Town's certiorari litigation attorney regarding the settlement of certiorari litigation with the Brookdale Living Communities of New York for property located at 2001 South Clinton Avenue (Tax Parcel ID 262000 136.15-1-24).

Dated: April 10, 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
ASSESSOR'S OFFICE
2300 ELMWOOD AVENUE / ROCHESTER, NY 14618 (585-784-5215)

March 14, 2013

To: Supervisor Moehle
Honorable Town Members

From: Elaine K. Ainsworth, IAO
Assessor

Elaine K. Ainsworth

Re: Certiorari Settlement
Brookdale Living Communities of New York
262000 136.15-1-24
2001 South Clinton Avenue, Town of Brighton

Please approve the resolution in the above referenced matter, as prepared by the Attorney to the Town, to enter into the certiorari settlement agreement negotiated by Town Certiorari attorney Tom Fink, and laid out in the Settlement Agreement herewith.

Mary Ann Hussar

From: Elaine Ainsworth <elaine.ainsworth@townofbrighton.org>
Sent: Friday, March 22, 2013 11:06 AM
To: Bill Moehle; maryann.hussar@townofbrighton.org
Subject: Fw: Brookdale Living of New York-GB, LLC v. Town of Brighton, et al., Index Nos.: 2012-7804, 2011-8814, 2010-9264, 2009-10240, 2008-9924, 2007-9469
Attachments: doc20130321105209.pdf

Hi Bill:

Attached is the Brookdale Living settlement paperwork – Do you want to try to approve this in an executive session next week, or should the approval be placed on an early executive session for April 10 with approval on the main meeting agenda?

Do you have any questions about these documents? They just came to me from Tom Fink's office.

Elaine

From: [Kathie Marvin](#)
Sent: Friday, March 22, 2013 10:39 AM
To: [Elaine Ainsworth](#)
Cc: [Tom Fink](#) ; [Curtis A. Johnson](#)
Subject: FW: Brookdale Living of New York-GB, LLC v. Town of Brighton, et al., Index Nos.: 2012-7804, 2011-8814, 2010-9264, 2009-10240, 2008-9924, 2007-9469

Enclosed please find a copy of the settlement papers with corrections signed by Mr. Stavitsky to be used for the Board meeting on April 10th.



Kathie Marvin

Administrative Assistant

28 East Main Street, Suite 1700
Rochester, NY 14614
585-756-5932
Fax: 585-758-5073
kmarvin@davidsonfink.com

www.davidsonfink.com

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IRS Circular 230 Disclosure:

To ensure compliance with U.S. Treasury regulations we inform you that any U.S. tax advice contained in this communication (including any attachments or enclosures) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any matters addressed herein.

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

In the Matter of the Petition of
BROOKDALE LIVING OF NEW YORK-GB, LLC,

Petitioner,

-vs-

BOARD OF ASSESSMENT REVIEW AND/OR
THE ASSESSOR OF THE TOWN OF BRIGHTON
and THE TOWN OF BRIGHTON, NEW YORK,

Respondents.

Index Nos.:

2012-7804, 2011-8814, 2010-9264,
2009-10240, 2008-9924, 2007-9469

Tax Years:

2007, 2008, 2009, 2010, 2011, 2012

Tax Map No.: 136.15-1-024

Property Address:

2001 S. Clinton Avenue

STIPULATION OF SETTLEMENT

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the parties hereto that a proposed Final Order, a copy of which is annexed hereto, shall be made and entered, discontinuing the above entitled tax certiorari proceedings to review the assessments for tax years 2007-2012 placed upon Petitioner's parcel of real property in the Town of Brighton, County of Monroe, State of New York, identified on the assessment rolls of the Respondent as Tax Map No. 136.15-1-024 (the "Property"), as of the taxable status date in the tax years at issue, and that the following assessments for the following tax years be reduced as follows:

TAX YEAR	ORIGINAL ASSESSMENT	SETTLEMENT ASSESSMENT
2012	\$5,720,000.00	\$5,300,000.00
2011	\$5,720,000.00	\$5,300,000.00
2010	\$5,720,000.00	\$5,300,000.00
2009	\$5,720,000.00	\$5,300,000.00

and, thereafter, pursuant to the Stipulation of the parties, the assessment of the Property shall be fixed by the Respondents for tax years 2013, 2014 and 2015 at the Settlement Assessment set forth above, subject to the provisions of §727 of the Real Property Tax Law; and

IT IS FURTHER STIPULATED AND AGREED that the assessment rolls and tax

rolls of the Town of Brighton shall be amended to conform to the Final Order and taxes levied against the Property by the Town of Brighton, the County of Monroe and the Brighton Central School District shall be recalculated in conformity therewith; and

IT IS FURTHER STIPULATED AND AGREED that there shall be audited, allowed and paid without interest to the Petitioner by the Town of Brighton, Brighton Central School District and the County of Monroe the amount, if any, paid by said Petitioner as taxes against the original assessment in excess of what the taxes would have been if the assessment had been made as determined by this Stipulation.

IT IS FURTHER STIPULATED AND AGREED that the tax proceedings described herein for tax years 2007 and 2008, bearing Index Numbers 2007-9469 and 2008-9924, be discontinued, on the merits and with prejudice, without costs to either party, and that an Order to that effect may be entered in the Monroe County Clerk's Office; and

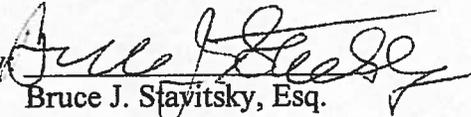
IT IS FURTHER STIPULATED AND AGREED that Counsel for the Petitioner herein represents that the approvals for this Settlement Stipulation have been obtained from the Petitioner herein and attaches to this settlement the Affidavit of Elaine Ainsworth, dated March __, 2013; and

IT IS FURTHER STIPULATED AND AGREED that this Stipulation is made solely for the purpose of resolving the pending litigation, to avoid the expenses thereof and for such other reasons as the parties deem material. In no event shall the Stipulation or Final Order, or any of their provisions, be offered or admitted in any other proceeding between the parties hereto relating to the Property.

Dated: March __, 2013

STAVITSKY & ASSOCIATES, LLC

DAVIDSON FINK LLP

By: 
Bruce J. Stavitsky, Esq.

350 Passaic Avenue
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Counsel for Petitioner

HARRIS BEACH PLLC

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Counsel for Respondents

By: _____
Ted H. Williams, Esq.

333 West Washington Street
Syracuse, NY 13202
Tel: (315) 423-7100

*Counsel for Brighton Central School
District*