

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  
June 26, 2013

**PRESENT:**

Supervisor William Moehle	
Councilmember James Vogel	
Councilmember Louise Novros	Kenneth Gordon, Attorney for the Town
Councilmember Jason DiPonzio	Daniel Aman, Town Clerk
Councilmember Christopher Werner	Rebecca Cotter, Recreation Director
Mark Henderson, Police Chief	Suzanne Zaso, Director of Finance
Tim Keef, Commissioner of Public Works	Maryann Hussar, Assistant to the Supervisor

**MEETING CALLED TO ORDER AT 7:04PM:**

**RECOGNITIONS/PRESENTATIONS:**

NY State Dept. of Transportation Monroe Avenue Safety Improvement Project Presentation:  
Dan Schwind, Project Engineer

**OPEN FORUM:**

Judy Schwartz

**APPROVAL OF AGENDA:**

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to approve the agenda with the addition of a petition

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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

June 12, 2013 Town Board Meeting

Motion by Councilmember Jason DiPonzio seconded by Councilmember Christopher Werner to approve and file the aforementioned Town Board Meeting minutes

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**PUBLIC HEARINGS:**

**MATTER RE:** Proposed demolition and removal of structure located at 2758 West Henrietta determined to be dangerous and unsafe (see Resolution #05.22.13-10)

Matter held

**PETITIONS:**

**MATTER RE:** Receive and file additional signatures on 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 Jason DiPonzio seconded by Councilmember James Vogel to receive and file these additional signatures

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Waste Management dated June 24, 2013 regarding new Municipal Point of Contact assigned to the Town of Brighton.

**FROM** Douglas Koenig, NY State DOT dated June 24, 2013 to Supervisor regarding scheduled road closures associated with the Access 390 Stage 1 Reconstruction on I-390, I-590, East River Rd and Kendrick project

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

Parks and Recreation & Community Services (PARCS) – Next meeting 9/23 at 4:30 PM at Brookside

Finance and Administrative Services – Next meeting 7/2 at 3:30 PM in Stage Conference Room

Public Safety Services – Next meeting 7/9 at 8:00 AM in Downstairs Meeting Room

Public Works Services – Next meeting 7/10 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 Jason DiPonzio that the Supervisor read and approve for payment the claims as set forth in Exhibit No. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorization to modify term of appointment of Christine Corrado to the Zoning Board of Appeals to be effective June 13, 2013 through December 31, 2016 which will reflect the actual term balance of vacated committee seat (see Resolution #1).

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. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorization to modify term of appointments of Jason Babcock-Stiner to the Planning Board and Chris Jahn to the Architectural Review Board to reflect initial appointment to fulfill unexpired remainder of terms for those vacated seats with an automatic re-appointment there-after for a full term as designated for each Committee (see Resolutions #2 and #3).

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Town Board adopt Resolution #2 as prepared by the Attorney for the Town as set forth in Exhibit No. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio that the Town Board adopt Resolution #3 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 agreement with Barton & Loguidice, PE. to provide professional services associated with the Monroe Ave. Green Street project (see Resolution #4 and letter dated June 13, 2013 from Michael Guyon, P.E. Town Engineer).

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. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approval of budget appropriation and increased revenue amounts in particular accounts funded by a NY State Green Innovation Grant Program to support expenses to be incurred for the Monroe Avenue Green Street project (see Resolution #5 and memorandum dated June 20, 2013 from Suzanne Zaso, Director of Finance).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approval for Supervisor to execute Supplemental Consultant Agreement #3 with Fisher Associates for additional professional design services associated with the Highland Park/Canalway Trail project (see Resolution #6 and letter dated June 14, 2013 from Michael Guyon P.E., Town Engineer).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorization to amend the 2013 Farmers Market budget by increasing particular account appropriations and revenues (see Resolution #7 and memorandum dated June 17, 2013 from Suzanne Zaso, Director of Finance).

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. 8 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approval of Capital Project budget appropriations and increase in revenues to particular accounts to support increased grant funding being received and Town's share of expenses to be incurred associated with the Highland Crossing Trail project (see Resolution #8 and memorandum dated June 18, 2013 from Suzanne Zaso, Director of Finance).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approval to designate Town Clerk as a Receiver of Claims, as required through the newly adopted NY State Uniform Notice of Claim Act, for the filing of notices prior to commencement of a cause of action upon the Town by any persons or public entity (see Resolution #9 and letter dated June 19, 2013 from Dan Aman, Town Clerk).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approval for Supervisor to execute agreement with Temple B'rith Kodesh for use of parking lot located at 2131 Elmwood Ave., as the temporary site of the Brighton Farmers Market each Sunday within the period July 30, 2013 through September 1, 2013 (see Resolution #10).

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. 11 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize appointment of Cole Wagner to the Parks and Recreation Community Services Advisory Board to serve as a student member effective September 1, 2013 through August 31, 2015 (see Resolution #11)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED AT 9:24PM:**

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to adjourn

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**CERTIFICATION:**

I, Daniel Aman, 131 Elmore Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceeding of the town of Brighton, County of Monroe, State of New York meeting held on the 26<sup>th</sup> day of June 2013 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

June 26, 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>202,143.26</u>
D - HIGHWAY		<u>105,742.67</u>
H - CAPITAL		<u>108,168.88</u>
L - LIBRARY		<u>40,740.90</u>
SB - BUSINESS IMPROVM		<u>270.00</u>
SF - FIRE DIST		<u>614.90</u>
SP-PARKS DISTRICT		100.00
SR-REFUSE DISTRICT		<u>67,672.10</u>
SS - SEWER DIST		<u>29,050.92</u>
TA - AGENCY TRUST		<u>28,637.14</u>
TE - EXPENDABLE TRUST		<u>329.00</u>
TOTAL	\$	<u>583,469.77</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 26th day of June, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that the Town Board hereby modifies the appointment made on June 12, 2013 of Christine Corrado as a member of the Town Zoning Board of Appeals, to be effective from June 13, 2013 through December 31, 2016 to reflect actual term balance of vacated committee seat.

Dated: June 26, 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  
26th day of June, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that the Town Board hereby approves the appointment of Jason Babcock-Stiner, AICP effective June 13, 2013, as a member of the Town Planning Board to fill a vacant position caused by the resignation of a member of said board and that Mr. Babcock-Stiner shall serve for the unexpired term which will expire on December 31, 2013 and then be automatically reappointed at that time to serve a full seven (7) year term that will expire December 31, 2020.

Dated: June 26, 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 26th day of June, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED,** that the Town Board hereby approves the appointment of Chris Jahn effective June 13, 2013, as a member of the Town Architectural Review Board to fill a vacant position caused by the resignation of a member of said board and that Mr. Jahn shall serve for the unexpired term which will expire on December 31, 2013 and then be automatically reappointed at that time to serve a full three (3) year term that will expire December 31, 2016.

Dated: June 26, 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 26th day of June, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated June 13, 2013 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Supervisor to execute an agreement with Barton & Loguidice, P.E. to provide professional services associated with the Monroe Avenue Green Street project at a cost not to exceed \$229,500.00, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an agreement with Barton & Loguidice, P.E. to provide professional services associated with the Monroe Avenue Green Street project at a cost not to exceed \$229,500.00 subject to the review and approval of the agreement by the Attorney to the Town.

Dated: June 26, 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

June 13, 2013

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

Re: Request for Proposals, (RFP)  
Monroe Avenue GIGP Project  
Professional Services

Dear Councilperson Werner and Committee Members:

The Town Board authorized the preparation and solicitation of a request for proposal for professional consulting services for the Monroe Avenue Green Street Project. The project includes the installation of green infrastructure improvements such as street trees, porous pavement sidewalks, rain gardens, and riparian buffers, along Monroe Avenue from Westfall Road to Elmwood Avenue. The Town of Brighton solicited a Request Proposals for professional services for this project in March 2013. The Request for Proposal was advertised in the NYS Contract Reporter on March 25, 2013 and responses were requested on April 15, 2013. Over one hundred, (100) firms obtained copies of the RFQ and six firms submitted a response to the Request for Proposal. These firms were, Barton & Loguidice, P.E., Fisher Associates, Erdman Anthony, Bergmann Associates, BME Associates, and Popli Design Group.

Town staff with the assistance of the Monroe Avenue GIGP committee evaluated the proposals and selected the top three consultants, Barton & Loguidice, P.E., Fisher Associates and Erdman Anthony. Interviews were conducted by Town staff and members of the Monroe Avenue GIGP committee on May 24, 2013. After much deliberation the consultant Barton & Loguidice, P.E. was selected based upon their understanding of the project scope, local knowledge, and experience with similar projects.

The Barton & Loguidice, P.E. price proposal indicates that a maximum not-to-exceed price to provide those services outlined in the RFP plus soil borings and the development of a project website is \$229,500. The EFC GIGP grant will be used to fund the consultant costs.

I am requesting that the FASC authorize the Supervisor to enter into an agreement with Barton & Loguidice, P.E. for a cost not-to exceed \$229,500 to provide those professional



services necessary to prepare design drawing in accordance to the scope outlined in the March 2013 Request for Proposal for the Monroe Avenue Green Street Project.

I will be in attendance at your regularly scheduled June 18, 2013 meeting in the event that you have any questions regarding this correspondence. As always, your consideration of matters such as this is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Guyon".

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

Cc: Suzanne Zaso  
Tim Keef

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 26th day of June, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated June 20, 2013 from Director of Finance Suzanne Zaso regarding a request to authorize the creation of a capital project for the Monroe Avenue Green Street Project and to support the project by increasing revenues in the project account (H.GIGP.MAGSP 3992) by the amount of the grant of \$1,565,000.00 and by correspondingly increasing the appropriations for the project by the same amount, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the creation of a capital project for the Monroe Avenue Green Street Project and increases the revenues in the project account (H.GIGP.MAGSP 3992) by the amount of the grant of \$1,565,000.00 and correspondingly increases the appropriations for the project by the same amount in the following specific accounts and in the following exact amounts:

H.GIGP.MAGSP 2.81 Drainage Infrastructure = \$769,700  
H.GIGP.MAGSP 4.01 Interfund Labor Charges - Highway = \$500,000  
H.GIGP.MAGSP 4.03 Interfund Labor Charges - General = \$40,000  
H.GIGP.MAGSP 4.52 Engineering Fees = \$229,500  
H.GIGP.MAGSP 4.53 Legal Fees = \$25,800.

Dated: June 26, 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 *SZ*  
Date: June 20, 2013  
Subject: Set-Up Capital Project for Monroe Avenue Green Street Project

I am requesting the Town Board authorize a capital project for the Monroe Avenue Green Street Project. This project is the result of a \$1,565,000 grant awarded to the Town in 2011 under the New York State Environmental Facilities Corporation's Green Innovation Grant Program to carry out a green street retrofit of Monroe Avenue from Elmwood Avenue to Westfall Road.

The following is an estimate of expense allocations for the project along with the revenue to budget in the capital project:

Create appropriations in the following Monroe Avenue Green Street Project account:

H.GIGP.MAGSP 2.81 Drainage Infrastructure = \$769,700  
H.GIGP.MAGSP 4.01 Interfund Labor Charges – Highway = \$500,000  
H.GIGP.MAGSP 4.03 interfund Labor Charges – General = \$40,000  
H.GIGP.MAGSP 4.52 Engineering Fees = \$229,500  
H.GIGP.MAGSP 4.53 Legal Fees = \$25,800

Create revenues in the following Monroe Avenue Green Street Project account:

H.GIGP.MAGSP 3992 New York State GIGP Grant = \$1,565,000

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

Copy to: M. Guyon  
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 26th day of June, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated June 14, 2013 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Supervisor to execute Supplemental Consultant Agreement #3 with Fisher Associates for additional professional design services associated with the Highland Park/Canalway Trail project at a cost not to exceed \$25,000.00, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute Supplemental Consultant Agreement #3 with Fisher Associates for additional professional design services associated with the Highland Park/Canalway Trail project at a cost not to exceed \$25,000.00 subject to the review and approval of the agreement by the Attorney to the Town.

Dated: June 26, 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

June 14, 2013

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

Re: Highland Park/Canalway Trail  
Fisher Associates  
Supplemental Agreement #3, Additional Final Design Services

Dear Councilperson Werner and Committee Members:

The Genesee Transportation Council approved an amendment to the Highland Crossing Trail agreement which adds \$25,000 of design and \$200,000 of right-of-way acquisition funding for the above referenced project. The FASC at their May 14, 2013 meeting recommend that the Town Board authorize the Town Supervisor to endorse Supplemental Agreement No. 3 to the Federal-Aid Local Project Agreement. This agreement will allow the NYSDOT to reimburse the Town of Brighton eighty percent of the additional design services and right of way acquisition phase fees for this project.

Subsequently, we recently received Supplemental Consultant Agreement #3 prepared by Fisher Associates for the additional design work associated with the Highland Park/Canalway Trail. The agreement allocates \$25,000 for the additional design services.

I am requesting that the FASC recommend that the Town Board authorize the Town Supervisor to endorse Supplemental Consultant Agreement No. 3 prepared by Fisher Associates for the additional design work for a cost not to exceed \$25,000.

I will be in attendance at your regularly scheduled June 18, 2013 meeting in the event that you have any questions regarding this correspondence. As always, your consideration of matters such as this is greatly appreciated.

Respectfully,

Michael E. Guyon  
Department of Public Works

Cc Tim Keef  
Mary Ann Hussar  
Suzanne Zaso

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 26th day of June, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated June 17, 2013 from Director of Finance Suzanne Zaso regarding a request to authorize the increase in revenues for the 2013 farmers' market in account A.REC.8981 2005 (Program Fees) by \$3,600.00 and to increase appropriations for the 2013 farmers' market in accounts A.REC.8981 4.49 by \$2,600.00 (Other Contracted Services) and A.REC.8981 4.18 (Program Supplies) by \$1,000.00, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the increase in revenues for the 2013 farmers' market in account A.REC.8981 2005 (Program Fees) by \$3,600.00 and to increase appropriations for the 2013 farmers' market in accounts A.REC.8981 4.49 by \$2,600.00 (Other Contracted Services) and A.REC.8981 4.18 (Program Supplies) by \$1,000.00.

Dated: June 26, 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: June 17, 2013  
Subject: Budget Appropriation for Farmers' Market

Since the adoption of the 2013 budget, the Town has expanded on the summer and winter farmers' markets making a year-round farmers' market. Due to the added contractual costs to run the market along with new signage and supplies, I am requesting as amendment to the 2013 farmers' market budget as follows:

Increase appropriations in the following accounts:  
A.REC.8981 4.49 Other Contracted Services by \$2,600  
A.REC.8981 4.18 Program Supplies by \$1,000

Increase revenues in the following account:  
A.REC.8981 2005 Program Fees by \$3,600

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

Copy to: R. Cotter

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 26th day of June, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated June 18, 2013 from Director of Finance Suzanne Zaso regarding a request to authorize budget amendments in connection with the Highland Crossing Trail Project to reflect increased grant funding being received by the Town to support said project, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the increase in appropriations for the Highland Crossing Trail Project in accounts H.PARKS.TPTRL 4.52 (Engineering Fees) by \$25,000.00 and H.PARKS.TPTRL 2.69 (Easement/Right-of-Way) by \$200,000.00 and to increase revenues for the Highland Crossing Trail Project in accounts H.PARKS.TPTRL 2389 (Intergovernmental Fees) by \$27,000.00 and H.PARKS.TPTRL 4585 (Federal Aid) by \$180,000.00 and H.PARKS.TPTRL 5010 (Transfer from General Fund) by \$18,000.00 and to appropriate \$18,000.00 from the General Fund Balance to account A.DPW.7120 9.10 (Transfer to Capital Projects).

Dated: June 26, 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 *yz*  
Date: June 18, 2013  
Subject: Capital Project Budget Amendment – Highland Crossing Trail  
(aka Highland Park/Canalway Trail)

The Genesee Transportation Council approved an amendment to the Highland Crossing Trail agreement which adds \$25,000 of design and \$200,000 of right-of-way acquisition funding to the project. Funding for this amendment will be 80% Federal (GTC) grant funding and the remaining 20% local share split between the City of Rochester and the Town of Brighton. This split is anticipated to be 60% City and 40% Town. To appropriate this increased funding and the Town's share of the expenditures, I am recommending that the Town Board authorize budget amendments to the Highland Crossing Trail capital project and the Brighton Town Park account as follows:

Increase appropriations in the following Highland Crossing Trail accounts:  
H.PARKS.TPTRL 4.52 Engineering Fees by \$25,000  
H.PARKS.TPTRL 2.69 Easement/Right-of-Way by \$200,000

Increase revenues in the following Highland Crossing Trail accounts:  
H.PARKS.TPTRL 2389 Intergovernmental Fees by \$27,000  
H.PARKS.TPTRL 4585 Federal Aid by \$180,000  
H.PARKS.TPTRL 5010 Transfer from General Fund by \$18,000

Appropriate General Fund Balance in the following Brighton Town Park account:  
A.DPW.7120 9.10 Transfer to Capital Projects by \$18,000

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

Copy to: M. Guyon  
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 26th day of June, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**WHEREAS**, General Municipal Law Section 53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as agent for the service of a notice of claim; and

**WHEREAS**, General Municipal Law Section 53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer for the transmittal of notices of claim served upon the Secretary as the town's agent, and

**WHEREAS**, pursuant to General Municipal Law Section 50-e(1)(a), the applicable time limit for filing a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate; now therefore be it

**RESOLVED**, that correspondence dated June 19, 2013 from Town Clerk Daniel Aman regarding recent amendments to the General Municipal Law relating to the filing and service of notice of claims on towns, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby designates Daniel Aman in his capacity as Town Clerk to receive notices of claims served upon the Secretary of State by mail at 2300 Elmwood Avenue, Rochester, New York 14618 and email at [daniel.aman@townofbrighton.org](mailto:daniel.aman@townofbrighton.org), and be it further

**RESOLVED**, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the Town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

Dated: June 26, 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	_____

Brigtres06.26.13-9



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

**Daniel Aman**  
Town Clerk/Receiver of Taxes

**David Marcus**  
Deputy Clerk / Deputy Receiver

June 19, 2013

The Honorable Town Board  
Town of Brighton  
2300 Elmwood Ave  
Rochester, NY 14618

re: Uniform Notice of Claim

The New York State General Municipal Law section 53 was recently amended to allow notices of claim against public corporations to be served on the New York Secretary of State. The change requires public corporations to file a certificate with NYSDOS designating the New York Secretary of State as an agent for service of notices of claim.

Under the amended law, a person serving a claim on the New York Secretary of State will be charged a \$250 service fee. This fee will be split between NYSDOS and the public corporation.

In order to be able to claim our portion of any fees received by NYSDOS, I am seeking the Town Board's permission to complete the required paperwork in order to make this designation.

I will be happy to answer any questions that the members of the Town Board may have with regards to this matter.

Thank You,

  
**Daniel Aman**  
Town Clerk / Receiver of Taxes

TOWN OF BRIGHTON  
2300 ELMWOOD AVENUE  
ROCHESTER, NEW YORK 14618  
(585) 784-5240  
FAX: (585) 784-5374  
<http://www.townofbrighton.org>

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 26th day of June, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that a proposed Lease Agreement by and between the Town of Brighton and Temple B'rith Kodesh regarding use of the Temple's rear parking lot for the Public Farmers' Market beginning on June 30, 2013 and continuing every Sunday up to and including September 1, 2013, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute said lease agreement with Temple B'rith Kodesh at no cost to the Town and as drafted and approved by the Attorney to the Town.

Dated: June 26, 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	_____

**LEASE AGREEMENT FOR BRIGHTON FARMERS' MARKET**

TEMPLE B'RITH KODESH,  
LANDLORD

TOWN OF BRIGHTON,  
TENANT

June \_\_\_\_\_, 2013

This Lease is made this \_\_\_ day of June , 2013 by and between TEMPLE B'RITH KODESH, having offices and owning the property located at 2131 Elmwood Avenue in the Town of Brighton, County of Monroe and State of New York as LANDLORD and the TOWN OF BRIGHTON, a municipal corporation having offices at 2300 Elmwood Avenue, Town of Brighton, County of Monroe, State of New York as TENANT.

WHEREAS, Landlord owns property located at 2131 Elmwood Avenue, Rochester, New York referred to herein as the "Premises"; and

WHEREAS, Tenant desires to lease a portion of the Premises consisting of the rear parking lot upon the terms and conditions set forth in this Lease Agreement;

NOW, THEREFORE, the parties hereto agree as follows:

1. Landlord does hereby lease to Tenant and Tenant does hereby lease from the Landlord the rear parking lot of the Premises.
2. The term of this lease will be for the period of June 30, 2013 through and including September 1, 2013 unless sooner terminated by mutual consent.
3. Tenant shall use the leased premises only on Sundays during the term of the lease and only for the purpose of conducting a Public Farmers' Market from approximately 7:30am until 1:30 pm each Sunday during the term of the lease. It is anticipated that the vendors will begin to arrive for set up around 7:30am and the market will be open to the public from 9:00 am until 1:00 pm each Sunday during the lease term.

4. Landlord will provide use and access to Tenant of the leased portion of the premises at no charge and Tenant covenants to fulfill its commitments as set forth herein to protect the interests of both Tenant and Landlord with respect to the operation of the Public Farmers' Market.
5. No access will be permitted to Tenant, its vendors, guests, invitees, licensees or the public to any of Landlord's buildings or structures. Tenant will erect on the site of the leased portion of the premises a portable toilet for the use of Tenant's vendors, guests, invitees, licensees and the public during the Public Farmers' Market.
6. Tenant will have the right, subject to and consistent with the Town Code of the Town of Brighton, two A-Frame signs at the entrances to the Premises advertising the Public Farmers' Market.
7. Landlord will provide an extension cord for electrical supply from Landlord's building on the premises for use during the Public Farmers' Market.
8. If Landlord is hosting a funeral or other activity at the Premises during the times that the Public Farmers' Market is operating, Tenant will take reasonable measures to accommodate the necessary parking and other arrangements so as not to disrupt the funeral or other activity of the Landlord or its members.
9. Tenant will provide at its cost and expense custodial and maintenance services needed to clean up and remove trash from the leased portion of the Premises so that it is left after each day of the Public Farmers' Market in the same condition as it was found at the beginning of each such day.
10. Tenant will provide to Landlord comprehensive liability insurance in the amount of at least \$1 million for Tenant as the principal insured and Landlord as an additional insured for the activities and operation of the Public Farmers' Market. In addition, each Vendor conducting business at

the Public Farmers' Market will be required to carry \$1 million minimum liability insurance naming both the Tenant and Landlord as additional insureds.

11. Tenant will indemnify and hold Landlord harmless at all times during and after the term of this Lease from all claims, damage, liability and expense, including reasonable attorneys fees, arising from or in any way connected with the use or operation of the Public Farmers' Market as set forth in this Lease Agreement.
12. Tenant shall make no alterations nor repairs to the Premises other than those set forth herein. Tenant shall have no right to assign this lease to any other entity.
13. Any notices to be given pursuant to this Lease Agreement shall be delivered either in person or by certified mail, return receipt required to the addresses of Tenant and Landlord first stated in this Lease Agreement.
14. The failure of Landlord and/or Tenant at any time to enforce its rights hereunder strictly in accordance with the same shall not be construed to be a waiver or relinquishment of any such rights.
15. This Lease Agreement may be executed by the parties separately and shall be valid upon the execution of the same by each party. This Lease Agreement may be amended only in writing executed by each of the parties hereto.
16. This Lease Agreement shall be governed by and construed in accordance with the Laws of the State of New York.

IN WITNESS WHEREOF, we have signed this Lease Agreement.

By Joe H. Galt

TEMPLE B'RITH KODESH

By \_\_\_\_\_

TOWN OF BRIGHTON

State of New York ) ss:  
County of Monroe )

On the \_\_\_\_\_ day of June, 2013, before me, the undersigned, personally appeared William W. Moehle, Supervisor of the Town of Brighton, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the entity upon behalf of which the individual acted, executed the instrument.

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

State of New York ) ss:  
County of Monroe )

On the 24<sup>th</sup> day of June, 2013, before me, the undersigned, personally appeared Joel H. Elliot, Execution Director of the Temple B'rith Kodesh, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the entity upon behalf of which the individual acted, executed the instrument.

Janet E. Cooper  
Notary Public

JANET E. COOPER  
Notary Public in the State of New York  
Monroe County # 471200  
Commission Expires Dec. 31, 2014

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 26th day of June, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that correspondence from Cole Wagner regarding his interest in serving as a Student Member of the Parks and Recreation Community Services Advisory Board and his attached resume, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby appoints Cole Wagner of Eastland Avenue as a Student Member of the Parks and Recreation Community Services Advisory Board commencing on September 1, 2013 for a term ending on August 31, 2015.

Dated: June 26, 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	_____

**Cole Wagner**

**Rochester, New York 14618**

**May 7, 2013**

**MaryAnn Hussar  
Assistant to the Supervisor  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618**

**Dear Ms. Hussar,**

**I am interested in applying to serve on the Parks and Recreation Community Services Advisory Board as a Student Member. I am a lifelong Brighton resident and a sophomore at Brighton High School.**

**I have enclosed a copy of my resume, current report card and copies of letters of recommendation that were very recently written by teachers and community members for my application into the Honor Society.**

**Thank you in advance for your consideration of my application. I look forward to hearing from you as soon as possible.**

**Regards,**

**Cole Wagner**

**Enclosure**