

MINUTES OF TOWN BOARD MEETING
OF THE TOWN OF BRIGHTON, COUNTY OF
MONROE, NEW YORK, HELD AT THE
BRIGHTON TOWN HALL, 2300 ELMWOOD
AVENUE, ROCHESTER, NEW YORK
August 14, 2013

PRESENT:

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

MOTION TO GO INTO EXECUTIVE SESSION AT 6:33 PM:

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to go into executive session at 6:33 PM to discuss employment of a particular person and West Brighton Fire Department and Clover Blossom litigation matters

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to come out of executive session at 7:06 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING CALLED TO ORDER AT 7:10 PM:**RECOGNITIONS/PRESENTATIONS:**

Presentation of the 2013 National Physical Fitness Proficiency Award to
Police Explorer Kevin Martin - Police Chief Mark Henderson presenting.

OPEN FORUM:

Judy Schwartz

APPROVAL OF AGENDA:

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to approve the agenda with the addition of a petition and two matters of New Business

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

July 10, 2013 Town Board Meeting
July 24, 2013 Town Board Meeting

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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 Louise Novros to receive and file these additional signatures

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

BIDS:

MATTER RE: Approval to solicit for proposals to provide professional design services to evaluate existing HVAC system serving the public service wing of the Town Hall (see Resolution #2 and letter dated July 28, 2013 from Michael Guyon, P.E. Town Engineer)

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. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Chris Mueller, Dir. Government Relations, Time Warner Cable dated August 1, 2013 regarding cable channel additions/changes.

FROM Ramsey Boehner, Secretary-Historic Preservation Commission To Supervisor dated July 31, 2013 re. Landmark designation of 5 South Landing Road

FROM Police Chief Mark Henderson to members of FASC Committee and the Town Board dated August 1, 2013 regarding the transfer of one Police departmental vehicle to the Office of the Town Fire Marshall for their use vs. selling at auction.

FROM Lawrence M. Howk, Treasurer, Brighton Fire District to Supervisor dated June 26, 2013 Re: copy of year ending December 2012 Financial Statements for the Brighton Fire District (report available for viewing in the Town Clerk's office)

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio that the aforementioned communications be received and filed

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Parks and Recreation & Community Services (PARCS) – Next meeting 9/23/13 at 4:30 PM at Brookside

Finance and Administrative Services (FASC) – Next meeting 8/20/13 at 3:30 PM in Stage Conference Room

Public Safety Services – Next meeting 9/10/13 at 8:00 AM in Downstairs Meeting Room

Public Works Services – Next meeting 9/9/13 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. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize reappointment of Paul Tankel as Chairperson of the Sustainability Oversight Committee effective September 1, 2013 to August 31, 2014 (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. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorization to extend conditional offer of employment to Zachary D. Hoag effective August 15, 2013, as a Brighton Police Officer to fill a soon to be vacated position by a retiring Officer (see Resolution #3 and letter dated July 31, 2013 from Police Chief Mark Henderson).

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. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorization to hire Karen S. Walsh to fill the recently vacated position of part-time Office Clerk IV within the Police Department, subject to a 52-week probationary period (see Resolution #4 and letter dated August 1, 2013 from Police Chief Mark Henderson).

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. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute proposed Out of District Sanitary Sewer Agreement with the Town of Henrietta for the proposed Farash Campus for Jewish Education project (see Resolution #5 and letter dated July 30, 2013 from Michael Guyon, P.E. Town Engineer)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorization to hire Alexander Fassanella to fill the Laborer position vacated by a recently retired Sewer Department employee, effective August 19, 2013, subject to a 52-week probationary period (see Resolution #6 and letter dated August 1, 2013 from Timothy Keef, P.E. Commissioner of Public Works).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorization to award bid to North Eastern Rescue Vehicles for the purchase of a 2013 Demers Type II Sprinter Ambulance for the Brighton Volunteer Ambulance District. (see Resolution #7 and memorandum dated August 5, 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. 8 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize the Town's Special Counsel for Certiorari Matters to execute on behalf of the Town the proposed Stipulation of Settlement and authorize the Assessor to execute the settlement affidavit regarding the Matter of the Application of Walgreens vs. Board of Assessment and Review and/or Assessor of the Town of Brighton (Supreme Court, State of New York, County of Monroe, Index No. 2013-7955).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize a title and pay rate change for Nancy Dahl of the Brighton Recreation Office from Office Clerk IV to Office Clerk III.

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

Expense and Revenues for month ending July 31, 2013

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to adjourn at 8:15 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 proceeding of the Town of Brighton, County of Monroe, State of New York meeting held on the 14th day of August 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 14th day of August, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that correspondence dated July 28, 2013 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Town Engineer to solicit proposals to provide professional design services to evaluate existing HVAC systems serving the public safety wing of Town Hall, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Engineer to solicit proposals to provide professional design services to evaluate existing HVAC systems serving the public safety wing of Town Hall.

Dated: August 14, 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

July 28, 2013

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

Re: Public Safety Wing
Prepare and solicit an RFP for professional design services for an HVAC analysis

Dear Councilperson Werner and Committee Members:

I am requesting authorization to prepare and solicit a request for proposals for professional design services to evaluate the existing HVAC system serving the public safety wing. The existing HVAC system was installed in the late 1980's and consists of sixteen, 16, individual heat pump units that control the heating and cooling needs of various zones within the Public Safety Wing. Since the construction of the public safety wing its staff has reported excessive humidity throughout the building. In addition, areas within the public safety wing have been reconfigured changing the heating zones which reduce the efficiency of the heat pumps.

The proposed evaluation will review the effectiveness of the existing heat pump configuration, investigate the cause of the existing humidity issue, consider new technologies and heating configurations to address the humidity issue and improve the overall efficiency of the HVAC system.

No action as to awarding a contract will be considered without returning to this committee. We continue to work with the finance department to determine the appropriate account to fund this project and we will present this account to the FASC before requesting authorization to award this evaluation.

As always, thank you for your consideration. Tim Keef will be in attendance at your regularly scheduled August 6, 2013 meeting in the event that you have any questions regarding this matter.

Respectfully,

Michael E. Guyon, P.E.
Town Engineer

cc: T. Keef
S. Zaso
Chief M. Henderson

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

August 14, 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>114,783.69</u>
D - HIGHWAY		<u>75,757.13</u>
H - CAPITAL		<u>188,449.38</u>
L - LIBRARY		<u>241.12</u>
SF - FIRE DIST		<u>30,000.00</u>
SR-REFUSE DISTRICT		<u>67,756.71</u>
SS - SEWER DIST		<u>29,930.85</u>
TA - AGENCY TRUST		<u>7,185.97</u>
	TOTAL \$	<u>514,104.85</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 14th day of August, 2013.

PRESENT:

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

RESOLVED, that the Town Board hereby reappoints Paul Tankel as Chairman of the Town Sustainability Oversight Committee for a term commencing September 1, 2013 through August 31, 2014.

Dated: August 14, 2013

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Jason S. Diponzio, Councilperson	Voting	_____
Christopher K. Werner, 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 14th day of August, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated July 31, 2013 from Chief of Police Mark T. Henderson regarding a request to authorize the Chief to extend a conditional offer of employment, to fill a soon to be vacated position by a retiring officer, to Zachary D. Hoag, effective August 15, 2013 for an appointment as a Brighton Police Officer to be effective on October 1, 2013 at a starting salary of \$52,873.00 in accordance with Article 8 of the Collective Bargaining Agreement between the Town and the Brighton Police Patrolman's Association, conditioned upon the candidate's successful completion of the Monroe County Police Academy and all testing, evaluation and approval as required by the Town and the Monroe County Civil Service Commission, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Chief of Police to extend a conditional offer of employment, to fill a soon to be vacated position by a retiring officer, to Zachary D. Hoag, effective August 15, 2013 for an appointment as a Brighton Police Officer to be effective on October 1, 2013 at a starting salary of \$52,873.00 in accordance with Article 8 of the Collective Bargaining Agreement between the Town and the Brighton Police Patrolman's Association, conditioned upon the candidate's successful completion of the Monroe County Police Academy and all testing, evaluation and approval as required by the Town and the Monroe County Civil Service Commission.

Dated: August 14, 2013

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



Town of Brighton

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



Mark T. Henderson
Chief of Police

July 31, 2013

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

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

Re: Conditional Offer of Employment: Zachary D. Hoag

Dear Board Members:

I have been informed that Police Officer James Shafer will be retiring from the Police Department in mid October 2013. The effective date for Officer Shafer's retirement will be on or about October 18, 2013. At this time no formal notice has been filed with the New York State Retirement System. The System does not allow you to file the notice more than 30 days prior to the effective date of retirement.

The Monroe County Public Safety Training Center will be starting a police academy for new police officers starting on or about October 1, 2013. At this time there is no formal plan to have a police academy in the spring of 2014 (which is usually when a police academy is held).

I am recommending that the Honorable Town Board authorize a Conditional Offer of Employment to Zachary D. Hoag, effective August 15, 2013.

Mr. Zachary D. Hoag is currently ranked #2 on a Civil Service list of eligible candidates for Deputy Sheriff Road Patrol/Police Officer, OC-63836. Zachary D Hoag is a 2002 graduate of Brighton High School and served in the United States Marine Corps from 2003 until 2012, serving in combat duty in Iraq and in the Afghanistan region. Zachary is currently midway through an Associate's Degree Program in Criminal Justice at Monroe Community College.

I respectfully request that the Honorable Town Board authorize a Conditional Offer of Employment to Zachary D. Hoag, effective August 15, 2013 and that the appointment as a Police Officer be effective October 1, 2013 at a starting salary of \$52,873.00 in accordance with Article 8 of the Collective Bargaining Agreement between the Town of Brighton and the Brighton Police Patrolman's Association. This appointment is contingent upon the successful completion of the Monroe County Police Academy and all testing, evaluation, and approval as required by the Town of Brighton and the Monroe County Civil Service Commission.

Respectfully,

Mark T. Henderson
Chief of Police

xc: Finance and Administrative Services Committee
Gary Brandt, Director of Personnel
Daniel Aman, 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 14th day of August, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that correspondence dated August 1, 2013 from Chief of Police Mark T. Henderson regarding a request to authorize the Chief to extend an offer of employment, to fill the recently vacated position of part-time Office Clerk IV with the Police Department to Karen S. Walsh, effective August 19, 2013, on a probationary basis with a 52 week probationary period at a starting pay rate of \$13.18 per hour, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Chief of Police to extend an offer of employment, to fill the recently vacated position of part-time Office Clerk IV with the Police Department to Karen S. Walsh, effective August 19, 2013, on a probationary basis with a 52 week probationary period at a starting pay rate of \$13.18 per hour.

Dated: August 14, 2013

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



Town of Brighton

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



Mark T. Henderson
Chief of Police

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

August 1, 2013

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

Dear Board Members:

Due to unforeseen circumstances there is still a vacancy for an Office Clerk IV (Part-Time) within the Brighton Police Department. Ms. Brittany Simmons resigned to accept full-time employment.

After a continued search for qualified candidates, Ms. Karen S. Walsh has been selected to fill this position. The part-time position is limited to twenty-five hours per week and does require civil service action for hiring. Ms. Walsh scored a 90 on the Office Clerk IV Civil Service Examination and is an eligible candidate for hire.

I respectfully request that the Honorable Town Board authorize the hiring of Karen S. Walsh to the position of Office Clerk IV (Part-Time) within the Brighton Police Department, effective August 19, 2013, to a 52 week probationary period, at a rate of pay of \$13.18 per hour (Starting Rate).

Respectfully,

Mark T. Henderson
Chief of Police

MTH:jpo

xc: Gary Brandt, Director of Personnel

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 14th day of August, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that correspondence dated July 30, 2013 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Supervisor to execute an Out of District Sanitary Sewer Agreement with the Town of Henrietta for the proposed Farash Campus for Jewish Education project, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an Out of District Sanitary Sewer Agreement with the Town of Henrietta for the proposed Farash Campus for Jewish Education project subject to payment in full by the project applicant or its authorized agent of the entrance fees, as determined by the Town of Brighton, and further subject to review and approval of the form of the agreement by the Attorney to the Town.

Dated: August 14, 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

July 30, 2013

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

Re: Farash Campus for Jewish Education
Proposed "Out of District Sanitary Sewer Agreement"

Dear Councilperson Werner and Committee Members:

The above referenced project consists of the construction of an approximately 55,000 square foot two story building that will house three private schools. The proposed project is located entirely within the Town of Henrietta.

As no Town of Henrietta sanitary sewer facilities are available, the above project seeks to connect to the existing Town of Brighton's sanitary sewer system that is located along the east side of Edgewood Avenue. This necessitates the need to execute an "Out of District" Sanitary Sewer Use Agreement with the Town of Henrietta. This agreement will allow the project to access the Brighton Consolidated Sewer District's facilities while providing for reimbursement to the District for such consideration or monetary compensation that would be provided in the form of an entrance fee of \$800.00 per acre and annual sewer use charges. The project applicant will be responsible to pay the entrance fees directly to the Town of Brighton, while the annual sewer use charges will be assessed and collected by the Town of Henrietta through the normal taxation process and paid to Brighton as stipulated by the attached agreement.

Please review the agreement, which is attached for your consideration. If this agreement is acceptable I am requesting that the FASC recommend that the Town Board authorize the supervisor to sign the "Out of District" Sanitary Sewer Use Agreement with the Town of Henrietta. The Town of Henrietta Town Board is also considering a resolution to execute said agreement. It is recommended that any resolution passed by the Brighton Town Board be subjected to:

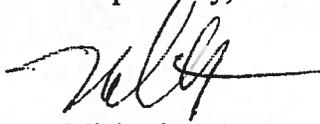
- 1) Payment in full of the entrance fees by the applicant or their agent, and
- 2) The final language of the agreement being subjected to the approval of the Attorney for the Town of Brighton (the format of this agreement is the same as that previously used for similar projects in this area of each Town)



July 30, 2013:

As always, thank you for your consideration. Commissioner Keef will be in attendance at your regularly scheduled August 6, 2013 meeting in the event that you have any questions regarding this matter.

Respectfully,



Michael E. Guyon, P.E.
Town Engineer

Cc: Tim Keef, Commissioner of Public Works
Mary Ann Hussar

Attachment



OUT OF DISTRICT SANITARY SEWER CONTRACT

THIS AGREEMENT, made this _____ day of _____, 2013, by and between the Town Board of the Town of Brighton, a municipal corporation with offices at 2300 Elmwood Avenue, Rochester, Monroe County, New York, 14618, acting for and on behalf of the Brighton Consolidated Sewer District of the Town of Brighton ("Brighton"), and the Town Board of the Town of Henrietta, a municipal corporation with offices at 475 Calkins Road, Henrietta, Monroe County, New York, 14467, acting for and on behalf of the _____ ("Henrietta"),

WITNESSETH:

WHEREAS, Brighton has caused to be constructed a system of sanitary sewers and has also contributed to the cost of construction of said sewer system and is currently obligated to pay each year the cost of maintaining such sewage system; and

WHEREAS, the real property hereinafter described in Schedule "A" is not within said Brighton Consolidated Sewer District and said property has not been assessed for nor has Henrietta or any other owner of said property paid for, or in any manner contributed to the cost and installation of said sewer facility or said sewage disposal system; and

WHEREAS, Henrietta desires that Brighton allow it to connect an approximately 55,000 square foot two story building that will house three private schools yet to be constructed to the Town of Brighton sanitary sewer and to permit Henrietta's sanitary sewage to flow from said property into and to be transported through the sewage system of Brighton; and

WHEREAS, Brighton is willing to permit sanitary sewage from said property to enter into its sewer facilities upon the conditions set forth herein.

NOW, THEREFORE, it is mutually agreed between the parties as follows:

- 1) That Henrietta agrees to annually pay to Brighton, in January of each year, the annual sewer district charges based upon the current definition of commercial and industrial sewer rental units as contained in the Town Code of the Town of Brighton.
- 2) Such payments are to be made by Henrietta to the Receiver of Taxes of the Town of Brighton at its municipal offices.
- 3) Henrietta agrees to indemnify and hold harmless Brighton from and against any loss, damages, suit, claim or expenses of any kind arising from, out of or as a result of this agreement or the construction of the private facilities and connection thereto Brighton's facilities.
- 4) Any and all entrance fees, legal and advertising fees, costs for preparation of maps and descriptions of the subject property shall be that of the property owner, which shall be prepared and/or paid to Brighton prior to execution of this agreement.

5) Brighton agrees to permit Henrietta to connect an approximately 55,000 square foot two story building that will house three private schools as described herein, to the sanitary sewer facilities of Brighton, provided such connections and all related thereto and in connection therewith are inspected by and approved by Brighton or its duly authorized agent, it being understood and agreed that Brighton assumes no obligation for the proper design, construction, operation or maintenance of the facilities of Henrietta or the private building owner or for or of any pipes, mains, laterals or any other facilities whatsoever, save only those constructed, owned and maintained by Brighton.

6) Henrietta agrees that it will use the facilities of Brighton for the disposal of sanitary sewage of and from said property and not otherwise, and in all other respects will comply with and obey all regulations, rules and directions of Brighton as to such use.

7) In addition to such other rights and remedies as are granted to Brighton hereunder, Henrietta covenants and agrees that if Henrietta fails to make any payments due hereunder or fails to comply with each and every provision of this contract by them to be performed, then and thereafter this contract, at the option of Brighton, shall be terminated thereupon immediately shall cease and desist, and thereupon Brighton, without further notice, may disconnect any and all connections of Henrietta, and by any other lawful means may prevent and enjoin to eliminate any further use by Henrietta of said facilities of Brighton, and each and any of them, and Henrietta hereby waives claims of damage resulting there from and expressly releases Brighton and its agents and servants from any and all damages caused to Henrietta resulting from said disconnection and from the termination of further use of the facilities of Brighton and anything arising out of or connected therewith.

8) That the contract shall apply only to the area of Henrietta as described and outlined herein, as shown on schedule "A". No further extensions of the Brighton Consolidated Sewer District are to be served by this contract without prior written consent of the Commissioners of the Brighton Consolidated Sewer District.

9) The provisions of contract shall bind and inure to the benefit of the successors and assigns of Brighton and Henrietta.

IN WITNESS WHEREOF, Brighton has caused this instrument to be signed by the Supervisor of the Town of Brighton, acting for and on behalf of the Brighton Consolidated Sewer District of the Town of Brighton, and Henrietta has caused this instrument to be signed by the Supervisor of the Town Board of the Town of Henrietta, acting for and on behalf of the _____, all as of the day and the year first written above.

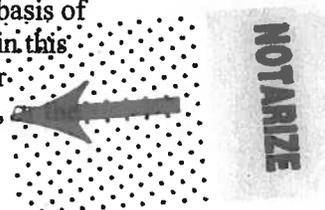
TOWN OF BRIGHTON

By: _____ Date _____
William W. Moehle, Supervisor



STATE OF NEW YORK)
COUNTY OF MONROE) SS:

On this _____ day of _____, 2013, before me, the undersigned, personally appeared, WILLIAM W. MOEHLE, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to within this instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public

TOWN OF HENRIETTA

By: _____ Date _____
Michael Yudelson, Supervisor

STATE OF NEW YORK)
COUNTY OF MONROE)
SS:

On this _____ day of _____, 2013, before me, the undersigned, personally appeared, MICHAEL YUDELSON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to within this instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

193500579
7/23/2013
R.A.V.
D001

SCHEDULE "A"

Description of Extension to the Brighton Consolidated Sewer District

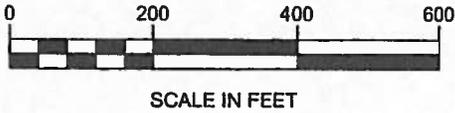
All that tract or parcel of land containing 6.306 acres, more or less, situate in Town Lots 1 and 2, Range 1 of Lots, Township 12, Range 7, Town of Henrietta, County of Monroe, State of New York, all as shown on a map entitled, "Extension to Brighton Consolidated Sewer District" prepared by Stantec Consulting Services, Inc., dated July 23, 2013, having drawing number V-2 and being more particularly bounded and described as follows:

Commencing at a point in the easterly right-of-way line of Edgewood Avenue (Width Varies), as established by appropriation by the People of the State of New York, said point being at the intersection with the Town Line dividing lands in the Town of Brighton to the north and lands in the Town of Henrietta to the south; thence

- A. N 86° 33' 51" E, along said Town Line, a distance of 1237.50 feet to the Point of Beginning, said point being the northeasterly corner of tax parcel no. 150.18-1-1; thence
 - 1. N 86° 31' 51" E, continuing along the said Town line, a distance of 415.89 feet to a point; thence
 - 2. S 22° 28' 55" W, a distance of 829.08 feet to a point of intersection with the northerly line of lands of the New York State Barge Canal; thence the following two (2) courses along said lands
 - 3. N 73° 30' 15" W, a distance of 159.94 feet to an angle point; thence
 - 4. N 69° 08' 26" W, a distance of 194.20 feet to a point; thence
 - 5. N 20° 41' 46" E, along the easterly line of the aforementioned tax parcel no. 150.18-1-1, a distance of 669.80 feet to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Intending to describe the portion of tax parcel 150.18-1-2 which will be combined with tax parcel no. 150.18-1-1; by way of a subdivision entitled "Farash Campus for Jewish Education Subdivision".



U:\193500579_Survey\Drawing\V-2 sewer district extension.dwg
2013-07-25 2:28 PM By:Grosso, Mike

JULY 23, 2013
193500579



Stantec Consulting Services Inc.
61 Commercial Street
Rochester NY U.S.A.
14614
Tel. 585.475.1440
Fax. 585.272.1814
www.stantec.com

Project/Client
FARASH CAMPUS FOR JEWISH EDUCATION
1200 EDGWOOD AVENUE
FCJE HOLDINGS, LLC

Drawing No.
V-2

Title
EXTENSION TO BRIGHTON
CONSOLIDATED SEWER DISTRICT

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 14th day of August, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 1, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the Commissioner to extend a provisional offer of employment for the position of Laborer to fill a vacancy created by a recent retirement, to Alexander Fassanella, effective August 19, 2013, at a starting wage of \$17.35 per hour in accordance with the current collective bargaining agreement between the Town and the Brighton CSEA unit, on a probationary basis subject to a 52 week probationary period and pending successful completion of a pre-hiring physical, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Commissioner of Public Works to extend a provisional offer of employment for the position of Laborer to fill a vacancy created by a recent retirement, to Alexander Fassanella, effective August 19, 2013, at a starting wage of \$17.35 per hour in accordance with the current collective bargaining agreement between the Town and the Brighton CSEA unit, on a probationary basis subject to a 52 week probationary period and pending successful completion of a pre-hiring physical.

Dated: August 14, 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

August 1, 2013

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

re: Proposed Permanent Hiring
Laborer Position (Sewer Department)

Dear Chairman Werner and Committee Members:

As you are aware, a recent retirement the Sewer Department has created a vacancy that should be filled in order to maintain the operational efficiency of the department. Therefore, I am recommending that:

- 1) Mr. Alexander Fassanella of 702 Grand Avenue, Rochester, New York be provisionally appointed to the position of laborer subject to Town Board action and pending successful completion of a pre hiring physical;
- 2) the starting wage be \$17.35/hour (40 hours/week) in accordance with the current collective bargaining agreement with the Brighton CSEA unit;
- 3) the appointment is subject to a 52 week probationary period effective as of the date of hire, August 19, 2013;
- 4) the other terms of hiring and employment shall also be in accordance with the current CSEA contract as well other necessary documentation that shall be provided to our Human Resources Department.

This appointment and position is classified as "noncompetitive" by the Monroe County Civil Service Commission. This position and salary have been accounted for in the 2013 budget and said opening was advertised in accordance with Town practice, as well as additional outreach venues to the community. Mr. Fassanella is the most qualified candidate from those applicants interviewed and is capable to serve in this capacity, complimenting our existing staff and services.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled August 6, 2013 meeting in the event that you have any questions regarding this matter.

Very truly yours,

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

TEK/wp

cc: S. Zaso
S. Zimmer
T. Anderson
M. Hussar
G. Brandt

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 14th day of August, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that a memorandum dated August 5, 2013 from Director of Finance Suzanne Zaso regarding a request to authorize the award of a bid to purchase a 2013 Demers Type II Sprinter ambulance for the Brighton Volunteer Ambulance District to North Eastern Rescue Vehicles, Inc. as the sole responsible and responsive bidder for a total cost not to exceed \$93,490.00, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the award of a bid to purchase a 2013 Demers Type II Sprinter ambulance for the Brighton Volunteer Ambulance District to North Eastern Rescue Vehicles, Inc. as the sole responsible and responsive bidder for a total cost not to exceed \$93,490.00,

Dated: August 14, 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: August 5, 2013
Subject: Award of Ambulance Bid
North Eastern Rescue Vehicles, Inc.

I request that Your Honorable Body authorize the award of a 2013 Demers Type II Sprinter ambulance with Mercedes Benz chassis to the sole bidder who met the specifications, North Eastern Rescue Vehicles, Inc., 10 Dwight Park Drive, Syracuse, NY 13209 in the base bid amount of \$88,990 plus \$3,000 for stripping and lettering and \$1,500 for a performance bond for a total cost of \$93,490.

Brighton Volunteer Ambulance, who developed the technical specifications for the ambulance, has reviewed the bid responses and recommended North Eastern Rescue Vehicles, Inc. be awarded the purchase contract (see BVA's recommendation memo). North Eastern Rescue Vehicles, Inc. submitted three bid options with the most expensive being for \$88,990; however the other two options, for \$85,500 and \$81,800, did not meet the bid specification of a forward facing safety seat for the medic in the patient care compartment. These two ambulances, because they have already been built, have the conventional bench seat which according to the Rig Selection Committee of Brighton Volunteer Ambulance does not meet their safety needs.

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

Copy to: Brighton Volunteer Ambulance

BRIGHTON

Volunteer Ambulance



TEL 585-271-2718

FAX 585-442-9198

Emergency 911

www.BrightonAmbulance.org

7/30/2013

1551 South Winton Road

P.O. Box 18699

Rochester NY 14618-0699

Memorandum

From: Rig Selection Committee, Brighton Volunteer Ambulance

To: Board of Directors, Brighton Volunteer Ambulance
Finance Committee, Town of Brighton

Subj: Bid Recommendation

Ref: (a) Rig Specification approved 12 June 2013

(b) Bid from Demars via North Eastern Rescue Vehicles, inc. dtd 30 July 2013

1. **Analysis:** Ref (b) matches the entire spec in Ref (a) out of the 3 bids provided and as such is fully compliant with the aforementioned specification.
 - a. The other two provided bids take exception to Ref (a). The primary exception from the other two bids is for the forward facing safety seat for the medic in the patient care compartment. Instead the other bids make use of a conventional, less safe "bench seat."
 - b. In addition the two other specs make an exception for lockable ALS storage as noted in Ref (a).
 - c. The two excepted (non-compliant with Ref A) bids are laid out the same and other than manufacture, are essentially the same truck.
 - d. Additionally the other two bids are for demo ambulances with existing road miles on them.
 - e. The two "Demo" trucks are available for immediate delivery, while the "compliant" truck will contractually be ready in 180 days, though the manufacture will try to meet the 120 day mark noted in Ref (a).
2. **Recommendation:** After careful review and follow up the Rig Selection Committee is pleased to recommend the bid provided by Demars for one 2013 Sprinter Ambulance as denoted in Ref (b) listed as "matches bid." The total cost of the Ambulance will be \$99400 (includes performance bond and BVA lettering and striping) as provided in Ref (b). The committee's requirement listed in Ref (a) for the forward facing safety seat is one of the major tenants of the approved spec in Ref (a). As the bid recommend in Ref (b) is the only bid that meets this requirement, the aforementioned recommendation is the only one the committee feels it can make.

Very Respectfully,

A handwritten signature in black ink, appearing to read 'Michael P Murphy', written over a light grey background.

Michael P Murphy, Committee Chair

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 14th day of August, 2013

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated August 6, 2013 from Town Assessor Elaine Ainsworth regarding a request to authorize the Town's Special Counsel for Certiorari Matters to execute on behalf of the Town the proposed Stipulation of Settlement and to authorize the Assessor to execute the settlement affidavit regarding the Matter of the Application of Walgreens vs. Board of Assessment and Review and/or Assessor of the Town of Brighton and the Town of Brighton (Supreme Court, State of New York, County of Monroe, Index No. 2013-7955), together with the proposed Stipulation of Settlement, Proposed Assessor's Affidavit and Proposed Final Order of Settlement, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Town's Special Counsel for Certiorari Matters to execute on behalf of the Town the proposed Stipulation of Settlement and authorizes the Assessor to execute the settlement affidavit regarding the Matter of the Application of Walgreens vs. Board of Assessment and Review and/or Assessor of the Town of Brighton and the Town of Brighton (Supreme Court, State of New York, County of Monroe, Index No. 2013-7955).

Dated: August 14, 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

August 6, 2013

To: Supervisor Moehle and Honorable Town Board

From: Elaine Ainsworth, Assessor

Re: Certiorari Settlement
262000 136.11-2-63
WALGREENS
1650 Elmwood Avenue

Please approve the proposed certiorari settlement as prepared by the certiorari attorney for the Town, Tom Fink.

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

In the Matter of the Application of WALGREENS,

Petitioners,

-vs-

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

Respondents.

Index No.: 2013-7955

Tax Year: 2013

Tax Map No.: 136.11-2-63

Property Addresses:
1650 Elmwood Avenue
Brighton, New York

FINAL ORDER

The Petitioner having brought this proceeding under Article 7 of the Real Property Tax Law to review the assessment placed upon the parcel of real property in the Town of Brighton, County of Monroe, State of New York, identified on the assessment roll of the Respondents as Tax Map No. 136.11-2-63 (the "Property") as of the taxable status date in tax year 2013; and

The parties now having settled and compromised the pending litigation upon the terms and conditions of a Stipulation of Settlement (the "Stipulation");

NOW, on the joint motion of Davidson Fink LLP, attorneys for the Respondent, Thomas A. Fink, Esq., of counsel, and Stravitsky & Associates, LLC, attorneys for the Petitioner, Bruce J. Stravitsky, of counsel; it is

ORDERED that the Stipulation of the parties dated August __, 2013, be, and hereby is, approved; and it is further

ORDERED that the assessment of the Property in the tax year set forth in the Stipulation shall be reduced in accordance with the terms and conditions of the Stipulation; and it is further

ORDERED 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 the Stipulation; and it is further

ORDERED that the tax proceedings described therein for tax year 2013, bearing Index Number 2013-7955, shall be settled, 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

ORDERED that the provisions of §727 of the Real Property Tax Law shall apply; and it is further

ORDERED that the within Order and Stipulation be entered in the Monroe County Clerk's Office and a true copy thereof, with notice of entry thereon, be filed among the permanent records of the Assessor of the Town of Brighton.

Dated: August __, 2013
Rochester, New York

Hon.
Justice of the Supreme Court

ENTER:

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

In the Matter of the Application of WALGREENS,

Petitioners,

-vs-

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

Respondents.

Index No.: 2013-7955

Tax Year: 2013

Tax Map No.: 136.11-2-63

Property Addresses:
1650 Elmwood Avenue
Brighton, New York

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 year 2013 placed upon Petitioner's parcels 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. 136.11-2-63 (the "Property"), as of the taxable status date in the tax year at issue, and that the following assessment for the following tax year be reduced as follows:

TAX YEAR	ORIGINAL ASSESSMENT	SETTLEMENT ASSESSMENT
2011	\$3,300,000	\$3,150,000

and, thereafter, pursuant to the Stipulation of the parties, the assessment of the Property shall be fixed by the Respondents for tax years 2014, 2015 and 2016 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; 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 August __, 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: August __, 2013

STAVITSKY & ASSOCIATES, LLC

DAVIDSON FINK LLP

By: _____
Bruce J. Stavitsky, Esq.
350 Passaic Avenue
Fairfield, NJ 07004
Tel: (973) 227-1912

Counsel for Petitioner

By: _____
Thomas A. Fink, Esq.
Curtis A. Johnson, Esq.
28 East Main Street, Suite 1700
Rochester, New York 14614
Tel: (585) 546-6448

Counsel for Respondents

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

In the Matter of the Application of WALGREENS,

Petitioners,

-vs-

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

Respondents.

Index No.: 2013-7955

Tax Year: 2013

Tax Map No.: 136.11-2-63

Property Addresses:
1650 Elmwood Avenue
Brighton, New York

AFFIDAVIT OF ELAINE K. AINSWORTH

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

Elaine K. Ainsworth, being duly sworn, deposes and days:

1. That your deponent is the Assessor for the Town of Brighton ("Town"), County of Monroe, State of New York.

2. That these proceedings were commenced by Petitioner to obtain judicial review under Article 7 of the Real Property Tax Law for the assessments of a certain parcel of real property in the Town.

3. A Stipulation of Settlement to be signed by the attorneys for both parties, which sets forth the applicable tax status date, parcels of real property which are the subject of these proceedings, and the terms and conditions of the settlement, has been submitted to the undersigned for review. After consulting with counsel for the Town, it is deponent's opinion the settlement terms set forth in the proposed Stipulation of Settlement are in the best interest of the Town.

4. Your deponent respectfully requests that the Court issue an Order approving the Stipulation of Settlement in the above captioned proceeding.

Elaine K. Ainsworth

Subscribed and sworn to before me
this ___ day of August, 2013.

Notary Public

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 14th day of August, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 2, 2013 from Recreation Director Rebecca J. Cotter regarding a request to authorize a title and pay rate change for Nancy Dahl from Office Clerk IV (Group 3/Step 5, \$15.17 per hour) to Office Clerk III (Group 5/Step 3, \$16.21 per hour), be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes a title and pay rate change for Nancy Dahl as an employee in the Recreation Department from Office Clerk IV (Group 3/Step 5, \$15.17 per hour) to Office Clerk III (Group 5/Step 3, \$16.21 per hour).

Dated: August 14, 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
RECREATION DEPARTMENT

220 Idlewood Rd.
Rochester, NY 14618
www.townofbrighton.org

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

August 2, 2013

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

Dear Board Members:

I respectfully request a title and pay rate change for Part Time Permanent staff member, Nancy Dahl from Office Clerk IV (Group 3/Step 5, \$15.17/hour) to Office Clerk III (Group 5/Step 3, \$16.21/hour).

Nancy Dahl is currently an Office Clerk IV in the Recreation Department working 20 hours per week on a part time permanent basis. Nancy has worked for the Town of Brighton since 1996 in various capacities and has worked in the Recreation Department as an Office Clerk IV since 2008. She maxed out her payroll steps in 2008 and only receives her cost of living increase annually.

Through the years her responsibilities have increased and her current duties closely reflect that of an Office Clerk III. Nancy has outlined areas of work that correlate to the Office Clerk III Job description. The increase in pay rate will be accommodated for with the recent restructuring of the Recreation Department and cost savings associated with that restructure. This matter has been reviewed by Finance Director Suzanne Zaso and Personnel Director Gary Brandt, both of whom support this adjustment.

Thank you for your time and consideration in this matter. Please let me know if you have any questions or concerns I may help you with.

Sincerely,

Rebecca J. Cotter
Recreation Director

Attch.

OFFICE CLERK 3 RESPONSIBILITIES AND WORK ACTIVITIES

PERFORMED BY NANCY DAHL

- Prepares and formats legal documents, certifications, authorizations, forms and other related paperwork.
 - Continually updates, refines Facility Reservation forms, Class Registration forms as well as other office forms.
 - Contributed in creating in-house Refund/Credit forms.
- Enters and extracts data and information from a database.
 - Performs daily work using RecWare Safari Software system for class registrations/ rentals for the last 10 years. Will be an integral part of future online registration.
- Posts and maintains moderately difficult records requiring general knowledge of the departments' or sections' functions.
 - Posts/maintains Town of Brighton announcements, class flyers, class announcements, customer instruction sheets in appropriate areas such as counter, office wall, hallways, door of Afterschool program .
- Processes applications, prepares permits and licenses, collects fees, issue receipts, and accounts for monies received.
 - Collects fees for class registrations/special events/ facility rentals and processes/ issues receipts on a daily basis.
 - Maintains Afterschool Program Registration Book daily during school year and process Afterschool payments.
- Checks lists, documents and applications for completeness and accuracy.
 - Assists with the production and distribution of the Seasonal Brochure.
 - Proofs Seasonal Brochure, memos, letters, class flyers, Afterschool Booklet and Afterschool Calendar.
 - Continues to support office staff/instructors in maintenance of recreation programs with updated class lists.
 - Retires sign up pages as programs end by running class reports and checking accuracy before filing for storage.
- Compiles data, prepares, types, and checks for completeness and accuracy a variety of elementary financial and statistical records and reports.
 - Performs searches/prints out Customer Transaction Reports.
 - Temporarily dealt with Daily Revenue Reports to cover co-worker medical leave.

- **Performs searches for information in documents, records, files and computer database and maintains records on a database.**
 - **Performs searches for Class Rosters, Seasonal Activity Reports.**
 - **Maintains list on Veteran Luncheon contributors.**

- **Obtains and gives out information by telephone, correspondence, and in person.**
 - **Assists customers at counter/over phone/email with questions pertaining to program registrations, facility rentals, special events and various other related matters.**
 - **Assists instructors in obtaining information on their class registration numbers.**
 - **Maintains a high standard of customer service since hired.**
 - **Contacts customers regarding class cancellations, date changes.**

- **Operates standard office machines such as computer, copier and fax machine.**
 - **Daily operates/maintains computer, fax, copier, TTY phone and credit card machine.**

- **Guides other clerks in the performance of routine phases of their work.**
 - **Currently training on-call staff in office procedures.**
 - **Trained current full time clerk when hired approximately 10 years ago.**

- **Maintains filing system for the department or section.**
 - **Prepares, maintains and reorganizes office registration files in preparation for three registration seasons by typing sign up pages for three registration books, preparing filing envelopes and filing tabs for all folders.**

- **Additional work activities.**
 - **Assists staff with special events such as Breakfast with the Bunny, Annual Veteran's Luncheon and Senior Trip program.**
 - **Contributes program suggestions to Recreation Programmers such as Movie/Activity Nights while parents shop at holiday time, Preschool Art Station class, pumpkin room at Haunted House at Buckland event.**
 - **Works independently and on occasions, covers office alone while other staff members are attending to their classes and meetings.**
 - **Prepares and handles incoming and outgoing mail.**
 - **Recently participated in and conducted interview of new hire to the Recreation Department.**
 - **Provides follow up on items in "Problem File".**