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
September 10, 2014

PRESENT:
Supervisor William Moehle
Councilmember James Vogel
Councilmember Louise Novros
Councilmember Jason DiPonzio
Councilmember Christopher Werner

Daniel Aman, Town Clerk
Kenneth Gordon, Attorney for the Town
Mark Henderson, Chief of Police
Tim Keef, Commissioner of Public Works
Rebecca Cotter, Recreation Director
Suzanne Zaso, Director of Finance
Maryann Hussar, Assistant to the Supervisor

MOTION TO GO INTO EXECUTIVE SESSION AT 6:30PM:

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to go into executive session at 6:30 PM to discuss employment of a particular person, collective bargaining, and West Brighton Fire Department litigation

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel to come out of executive session

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MEETING CALLED TO ORDER AT 7:07 PM:

APPROVAL OF AGENDA:

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

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

August 13, 2014 Town Board Meeting
August 26, 2014 Special Town Board Meeting

Motion by Councilmember seconded by Councilmember to approve and file the aforementioned minutes

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Receive and file letter dated August 27, 2014 from Ramsey Boehner, Environmental Review Liaison Officer along with Negative Declaration associated with the proposed temporary provisions to Local Noise Control Law (see Resolution #1 and documents referenced herein).

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. 1 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

BIDS:

MATTER RE: Approval to solicit for proposals to purchase one pickup truck with snow plow and rear lift gate to replace existing truck and authorize transfer of funds from Highway Reserve account to the Highway Vehicle and Equipment Account to support purchase (see Resolution #2 and letter dated September 2, 2014 from Timothy Keef, P.E. Commissioner of Public Works).

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

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Monroe County Department of Planning & Development dated July 23, 2014 copy of Adopted 2015-2020 Capital improvement Plan (Copy available for viewing in Town Clerk's office).

FROM James Talpey dated August 17, 2014 to Supervisor regarding potential commercial development of land parcel located south of Westfall Road, west of Winton Road and north of Route 590 adjoining Buckland Park

Motion by Councilmember Jason DiPonzio seconded by Councilmember Louise Novros that the aforementioned communications be received and filed

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Parks and Recreation & Community Services – Next meeting September 22, 2014 at 4:30 PM at Brookside
Finance and Administrative Services – Next meeting September 16, 2014 at 3:30 PM in the Stage Conference Room
Public Safety Services – Next meeting October 14, 2014 at 8:00 AM in the Downstairs Meeting Room
Public Works Services - Next meeting October 6, 2014 at 9:00 AM in the 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. 3 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file amended Final Generic Environmental Impact Statement for the University of Rochester's proposed Institutional Planned Development project with approval to consider FGEIS as complete (see Resolution #3 and letter dated August 29, 2014 from Ramsey Boehner, Environmental Review Liaison Officer and associated documentation).

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. 4 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to accept from the NY State Attorney General's inVEST Program up to $15,320 in reimbursement funding to be used as 50% of the total cost for purchase of 33 protective vests for the Brighton Police Department (see Resolution #4 and letter dated August 7, 2014 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. 5 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreements with two Veterinarians and two Veterinary Technicians to provide veterinary related services to be performed at the annual Town of Brighton Rabies Clinic to be held on October 4, 2014 (see Resolution #5 and letter dated August 8, 2014 from Police Chief Mark Henderson).

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

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to amend Authorized Table of Organization to remove the Security Worker (Part Time) position and change the Security Worker (Part-time on-call) position to Flat Salary on the wage schedule (see Resolution #6 and letter dated August 5, 2014 from Daniel Aman, Town Clerk).

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. 7 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to establish Half Pay Sick Leave Policy for Permanent Part Time employees who work a minimum of 20 hours per week (see Resolution #7 and memorandum with associated documents dated August 27, 2014, from Gary Brandt, Director of Personnel & HR).

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. 8 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to amend Comp Time policy for full-time, non-represented employees (see Resolution #8 and memorandum dated August 28, 2014 from Gary Brandt, Director of Personnel & HR).

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. 9 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to accept $3,550 in cash donations from area businesses for the 2014 Sunset Serenades Concert Series (see Resolution #9 and letter dated August 27, 2014 from Rebecca Cotter, Recreation Director).

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

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to accept $1,300 in cash donations from area businesses for the 2014 Fun, Fit, Five K race event (see Resolution #10 and letter dated August 27, 2014 from Rebecca Cotter, Recreation Director).

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. 11 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize 2014 budgetary transfer of $13,000 from the Rec. Contractual Instructors account into the Rec. Part-Time Wages account to support payment of remaining part time hourly wages for 2014 (see Resolution #11 and letter dated August 27, 2014 from Rebecca Cotter, Recreation Director).

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. 12 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize 2014 budgetary transfers totaling $13,912.25 from various Highway Dept. accounts into the Highway Machinery and Vehicle Parts account to support purchase of parts still needed for remainder of 2014 (see Resolution #12 and letter dated August 25, 2014 from Timothy Anderson, Deputy Highway Superintendent).

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. 13 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to accept donation of $2,559.20 and increase expenditure funds for same, in program supplies account, to support recent funding provided by the NY State Attorney General's office to the Brighton Police for Naloxone program (see Resolution #13 and letter dated September 2, 2014 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. 14 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize donation of particular surplus computers and peripherals deemed to be no longer usable and having a resale value less than $50 total, to The Action for a Better Community Agency's Micrecycle program (see Resolution #15 and memorandum dated August 29, 2014 from Susan Wentworth, Coordinator of Data Processing).

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. 15 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to deem certain computer equipment with no or minimal value and/or are no longer serviceable, as junk with authorization to appropriately dispose of same (see Resolution #14 and memorandum dated August 29, 2014 from Susan Wentworth, Coordinator or Data Processing).

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. 16 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with employee benefit services company, EBS-RMSCO Inc. to provide administrative services for both the Flexible Spending Account and COBRA Insurance plans for 2014 (see Resolution #16 and memorandum dated August 22, 2014 from Gary Brandt, Director of Personnel and HR).

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. 17 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Restriction of West Brighton Fire Department Inc. from engaging in outside service pursuant to General Municipal Law Section 209 (1) (see Resolution #17 and letter dated September 8, 2014 from Kenneth W. Gordon, Attorney to the Town of Brighton).

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. 18 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

Expenses and Revenue for month ending August 31, 2014

Motion by Councilmember Christopher Werner seconded by Councilmember Louise Novros to receive and file the aforementioned report

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MOTION TO ADJOURN AT 8:43 PM:

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to adjourn at 8:43 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 10th day of September 2014 and that I recorded said minutes of the aforesaid meeting of he Town Board of the Town of Brighton, New York

EXHIBIT NO 1

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

WHEREAS, the Town Board duly scheduled a Public Hearing to be held on the 10th day of September 2014 at 7:30 p.m., to consider the adoption of a proposed temporary amendment known as proposed "Local Law No.6 Of 2014" to the Town's Noise Local Law codified at Chapter 102 of the Town Code to permit certain construction activities at the Edgewood Avenue Bridge Replacement project in the Town; and

WHEREAS, the Town Board, as lead agency under the State Environmental Quality Review Act ("SEQRA") has given due deliberation to the proposed temporary amendment to the Noise Local Law and has determined that the proposed action will not have a significant effect on the environment and has through its Environmental Liaison Officer prepared a Negative Declaration under SEQRA with respect to said temporary amendment, and

WHEREAS, such public hearing was duly called and held on September 10, 2014 at 7:30 pm and all persons having an interest in the matter having had an opportunity to be heard;

NOW, THEREFORE, on motion of Councilperson _____,
seconded by Councilperson _____,

BE IT RESOLVED, that all written comments provided to the Town at the Public Hearing held on September 10, 2014 regarding the proposed Amendment

together with the August 27, 2014 correspondence from Environmental Review Liaison Officer Ramsey A. Boehner and the attached Negative Declaration be received and filed; and

BE IT RESOLVED, that the Town Board, as lead agency under the State Environmental Quality Review Act ("SEQRA") has given due deliberation to the proposed temporary amendment to the Noise Local Law and has determined that the proposed action will not have a significant effect on the environment and hereby adopts the above referenced Negative Declaration under SEQRA with respect to said temporary amendment, and further

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BRIGHTON, that pursuant to the provisions of Article 3 of the Municipal Home Rule Law of the State of New York, and based on the record of the Public Hearing the Town Board hereby; adopts the proposed "Local Law No. 6 of 2014" as a Temporary Amendment to Noise Control Law; and it is further

RESOLVED, that the Clerk of the Town of Brighton shall within twenty days after the adoption of the Amendment specified herein file one certified copy thereof in the Office of the Town Clerk and file one certified copy in the Office of the Secretary of State of the State of New York.

Dated: September 10, 2014

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

August 27, 2014

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

Re: Negative Declaration - Temporary Amendment of Noise Law- Edgewood Avenue Bridge Replacement

Honorable Supervisor and Members:

I recommend that your Honorable Body receive and file this letter and the attached negative declaration for the Temporary Amendment of Noise Law concerning the Edgewood Avenue Bridge replacement project.

Based on documentation prepared by the applicant and Town staff, it has been determine that the proposed amendments to the Code will not result in any adverse environmental impacts. It is also recommended that the Town Board adopt the attached negative declaration.

Respectfully Submitted

Ramsey A. Boehner
Environmental Review Liaison Officer

cc: T. Keef
M. Guyon
attachments

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5250 • Fax: 585-784-5373
http://www.townofbrighton.org

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: ER-11-14 **Date**: September 10, 2014

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Brighton Town Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Temporary Amendment to Noise Control Law – Edgewood Avenue Bridge

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: The Monroe County Department of Transportation is requesting an amendment to the Town of Brighton Noise Law during the installation of the precast concrete bridge structure on Edgewood Avenue over Allens Creek.

Location: Allens Creek between Monroe Avenue and Westfall Road

Reasons Supporting This Determination:

After considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the Town Board finds that the proposed action will not have a significant impact on the environment based on the following finding:

1. The requirements of the State Environmental Quality Review Law have been complied with.

2. The activities allowed by the temporary amendment will be short-term in nature.

3. There will be no resources of value irreversibly lost.

4. The work is not expected to continue into the hours that would require lighting at the site.

For Further Information:

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

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

Telephone: (585) 784-5250

At a Special Meeting of the Town Board 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 24th day of August, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 18, 2014 from Karen F. Cox, P.E. as Transportation Project Manager for Monroe County Department of Transportation, regarding a request to temporarily amend the Town's Noise Law to allow for evening construction by the County on the repair and replacement project for the Edgewood Avenue Bridge and a copy of the proposed temporary amendment to the Local Law, be received and filed; and be it further

RESOLVED, that the Town Board hereby sets a public hearing for September 10, 2014 at 7:30 pm at Brighton Town Hall, 2300 Elmwood Avenue regarding said proposed Local Law and directs the Town Clerk to post and publish such notice as is required by law regarding such public hearing.

Dated: August 26, 2014

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

Brigtres08.26.14-01

Department of **Transportation**
Monroe County, New York

Maggie Brooks
County Executive

Terrence J. Rice, P.E.
Director

August 18, 2014

Honorable William Moehle
Supervisor, Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

RE: Edgewood Avenue Bridge Replacement
Town of Brighton, Monroe County
Monroe County Project No. 1578.01, P.I.N. 4754.78
Temporary Amendment to Town of Brighton Noise Law

Dear Supervisor Moehle:

This letter serves as our request for a temporary amendment to the Town of Brighton's Noise Law, Chapter 102 of the Code of the Town of Brighton for the above referenced project during the installation of the new precast concrete structure.

The project involves the replacement of the existing bridge with a new precast concrete structure, which consists of several separate pieces that are typically installed in one day, utilizing a crane that the prime contractor rents. The installation is presently scheduled to take place sometime during the period of September 18 through September 25. The operation is weather dependent, hence the need for a window of days. The contractor will start the installation at 7:00 AM and would strive to have the installation complete within the time frame allowed by the town's noise ordinance. However, there are sometimes circumstances that arise with this type of installation that can cause the schedule to be slowed, such as the extremely tight work environment at this site. It is for this reason that we are requesting a temporary amendment to the Noise Law during the installation of the new precast concrete structure. We do not expect the work to continue into hours that would require lighting at the site. The remaining construction of the Bridge will be conducted within the times specified in the Noise Law.

We respectfully request that a public hearing be scheduled for the September 10, 2014 Town Board meeting for this item. Monroe County will have representatives at the public hearing to answer questions from the Board and the public. Should you have any questions or require further information, please do not hesitate to contact me at 753-7742.

Sincerely,

Karen F. Cox

Karen F. Cox, P.E.
Transportation Project Manager
Cc: B. Mansouri, MCDOT
J. Bennett, Popli Design Group

LOCAL LAW No.6 OF 2014

2014 TEMPORARY AMENDMENT TO NOISE CONTROL LAW

Section 1. Title

This Local Law shall be known as the "2014 Temporary Amendment to Noise Control Law for Edgewood Avenue Bridge Project" of the Town of Brighton, Monroe County, New York State.

Section 2. Purpose

The purpose of this Local Law is to provide a temporary exemption from the Town's Noise Control Law to Monroe County in connection with repair and replacement of the Edgewood Avenue bridge. The County desires that the Town grant an amendment to its Noise Control Law to permit additional evening work on the project, so as to allow the work to be completed in a more timely manner and minimize traffic disruption. To that end, the Town Board desires to temporarily amend the Town's Noise Control Law to permit such evening construction, so long as the County and its contractor and any subcontractor specifically agree to certain conditions which will minimize the impact of evening construction upon the residents of the Town of Brighton.

Section 3. Limited Exception to Noise Control Law

A. Section 102-2B, Exemptions, is hereby amended to add a new subsection (i), to read in its entirety as follows:

(i). Notwithstanding anything to the contrary in this chapter, construction in connection with the repair and replacement of the Edgewood Avenue bridge in the Town of Brighton (the Project), shall not constitute a violation of the Town's Noise Ordinance, regardless of whether such construction occurs within the hours permitted by Section 102-3B(5) and such work and the noise created thereby shall not be considered to be unreasonable noise, so long as the County and its contractor or contractors perform work only between the hours of 7:00 am and 9:00 pm ("Permitted Hours"), adhere to the following conditions and to cause each of their subcontractors and suppliers to adhere to the following conditions:

(1) That prior public notice of the Project, including specifically information relating to night time work, be provided, specifically, including but not limited to a letter sent to all property owners within 1,000

feet of the subject bridge, of the dates, times and nature of night work, including on site project manager's mobile telephone number;

(2) That all contract and subcontract documents and bid specifications describe Brighton's requirements, including but not limited to zoning and noise regulations, that limit and apply to any off site storage area in the Town;

(3) That all contract and subcontract documents and bid specifications related to the Project contain provisions to encourage the speedy completion of night operations.

(4) That the use of jackhammers, hoe-rams and pavement breakers and backup alarms are prohibited after 7:00 p.m., and

(5) The provisions of this Section 102-2B (i) may be revoked by the Town Board by local law, in the event of a violation of the conditions set forth in this Section 102-2B.

B. The provisions of Section 102-2B shall automatically terminate, if not earlier revoked upon Substantial Completion of the Project.

Section 4. Definition

SUBSTANTIAL COMPLETION - The date on which the new precast concrete structure is installed by crane by the County's contractor, but in no event later than October 10, 2014.

Section 5. Effective Date

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

Section 6. Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the

remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

EXHIBIT NO. 2

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated September 2, 2014 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to approve solicitation of bids to purchase one pickup truck with snow plow and rear lift gate and to authorize the transfer of funds to support this purchase, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the Commissioner of Public Works or his designee to solicit bids to purchase one pickup truck with snow plow and rear lift gate and further authorizes the transfer of an amount not to exceed $40,000.00 from the Highway Equipment Reserve Fund to the Highway Vehicle and Equipment Account (D.HWY.5130) to support this anticipated truck purchase; and it is further

RESOLVED, that the Town Board hereby directs that the Town Clerk shall within ten days after the adoption of this resolution publish notice of the adoption of the resolution and that the above reserve fund transfer is subject to permissive referendum in accordance with Article 7 of the New York State Town Law.

Dated: September 10, 2014

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

Town of Brighton

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618
PHONE: (585)784-5250 FAX: (585) 784-5368

September 2, 2014

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

re: Proposed Use of Highway Reserve Funds
for Truck Replacement (#47)

Dear Chairman Werner and Committee Members:

During maintenance of the above vehicle it became apparent that additional, extensive and costly repairs were needed to correct some major mechanical issues discovered during inspection of the truck engine. Costs for these repairs has been estimated at approximately $15,000.00, which would be in the 40% range of a replacement vehicle. This vehicle is used extensively for numerous duties and should be replaced as soon as it is practicable to do so. Therefore, I would recommend, and ask your consideration in the same:

1) to utilize up to $40,000.00 from the Highway Equipment Reserve Fund for the replacement of truck #47, transferring this amount to the D.HWY.5130 account

2) to authorize bidding for an equivalent replacement vehicle with snow plow and rear lift gate as there is no State bid at this time

As always, thank you for your consideration and I will be in attendance at your regularly scheduled September 2, 2014 meeting in the event that you have any questions regarding this matter.

Sincerely,

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

TEK/wpd

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

FASC.HWY.FUNDS.TRANSFER.TRUCK.REPAIR.NOV.2013.01

VEHICLE INFORMATION AND DATA

Truck:	#47
Make:	Chevrolet medium duty dump
Year:	2004
Mileage:	65,000 miles
Replacement cost:	$36,000 - $40,000
CIP status:	Proposed for the 2016 CIP
Work Use:	Used by winter time dispatchers to monitor roadways, plowing of Town Hall, picking up of dead animals, moving of equipment and materials for Town operations.

EXHIBIT NO. 3

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING September 10, 2014

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	$ 75,213.23
D - HIGHWAY	126,686.46
H - CAPITAL	130.85
L - LIBRARY	16.03
SA - AMBULANCE DIST	158.31
SR-REFUSE DISTRIICT	68,789.49
SS - SEWER DIST	9,774.34
TA - AGENCY TRUST	681.38
TE - EXPENDABLE TRUST	6,001.48
TOTAL	$ **287,451.57**

UPON ROLL CALL MOTION CARRIED _____

APPROVED BY: _____
SUPERVISOR

_____
COUNCIL MEMBER

_____
COUNCIL MEMBER

TO THE SUPERVISOR:

I CERTIFY THAT THE VOUCHERS LISTED ABOVE WERE AUDITED BY THE TOWN BOARD ON THE ABOVE DATE AND ALLOWED IN THE AMOUNTS SHOWN. YOU ARE HEREBY AUTHORIZED AND DIRECTED TO PAY TO EACH OF THE CLAIMANTS THE AMOUNT OPPOSITE HIS NAME.

_____
DATE

_____
TOWN CLERK

EXHIBIT NO. 4

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 29, 2014 from Associate Planner Ramsey A. Boehner, together with August 28, 2014 correspondence from William C. Holthoff on behalf of the Town's consultant Stantec and the revised Sections I-IV of the Final Generic Environmental Impact Statement for the University of Rochester South Campus Project, all be received and filed; and it is further

RESOLVED, that the Town Board as lead agency under the State Environmental Quality Review Act (SEQR) hereby accepts the Final Generic Environmental Impact Statement with the above referenced revisions as complete.

Dated: September 10, 2014

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

August 29, 2014

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

Re: Final Generic Environmental Impact Statement (FGEIS) for the University of Rochester South Campus Project

Honorable Supervisor and Members of the Board:

I recommend that your Honorable Body receive and file this communication, the attached letter from our consultant, William Holthoff, dated August 28, 2014 and the attached revised Sections I - Sections IV of the FGEIS for the University of Rochester South Campus Project.

At its July 23, 2014 meeting, the Board received and filed the original July 2014 FGEIS for the University of Rochester South Campus Project and forwarded the document to our consultant, Stantec for their assistance in reviewing it for completeness. Since the July 23th Town Board meeting, both Stantec and Town Staff provided the applicant with review comments regarding the FGEIS. The applicant revised the FGEIS pursuant to our collective review comments and submitted the attached revised Sections I - Section IV.

I further recommend that the Town Board accept the July 2014 FGEIS with the attached revised Sections I - Section IV as complete.

Respectfully Submitted,

Ramsey A. Boehner
Associate Planner

attachments

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5250 • Fax: 585-784-5373
http://www.townofbrighton.org

Stantec Consulting Services Inc.
61 Commercial Street
Rochester NY 14614
Tel: (585) 475-1440
Fax: (585) 424-5951

Stantec

August 28, 2014

Mr. Ramsey Boehner
Town of Brighton
Town Planner
2300 Elmwood Avenue
Rochester, New York 14618

RE: U OF R FGEIS REVIEW

Dear Ramsey:

The purpose of this letter is to provide you with the status of Stantec's and Town staff's collective review comments on the July 2014 Final Generic Environmental Impact Statement (FGEIS) for the University of Rochester IPD Rezoning South Campus project prepared by T.Y. Lin International on behalf of the University of Rochester (Applicant). The FGEIS was originally submitted to the Town of Brighton on July 14, 2014. Since then, both Town Staff and Stantec have provided T.Y. Linn with review comments, which have subsequently been adequately addressed and incorporated. The applicant revised the July 14 FGEIS pursuant to our collective review comments and submitted revisions on August 19, 2014. The August 19, 2014 revisions were then reviewed by both Stantec and Town staff.

It is my recommendation to you that the July 14, 2014 FGEIS, with the incorporated revisions dated August 19, 2014 is now "Complete" and can serve as the Town of Brighton's FGEIS for the project.

Please feel free to contact me or Mike Flanigan (413-5270) if you have any questions.

Sincerely,

STANTEC CONSULTING SERVICES INC.

William C. Holthoff

William C. Holthoff
Principal
Tel: (585) 413-5650
Fax: (585) 427-9124
bill.holthoff@stantec.com

SECTION I: Introduction

This Final Generic Environmental Impact Statement (FGEIS) is prepared pursuant to the New York State Environmental Quality Review Act (SEQRA), Article 8 of the NYS Environmental Conservation Law, and its implementing regulations – 6NYCRR Part 617.

A Draft Generic Environmental Impact Statement (DGEIS) was prepared for this project by T.Y. Lin International (formerly FRA Engineering and Architecture, P.C.) on behalf of the University of Rochester (U of R), the Applicant. The DGEIS was based upon the scope adopted by the Town of Brighton Town Board on April 13, 2005, and was deemed complete by the Town Board at their December 2, 2005 meeting. Subsequently, a Supplemental Draft Generic Environmental Impact Statement (S-DGEIS) was completed in January 2014, and includes updates and additional information to the original DGEIS. The S-DGEIS was deemed complete by the Town Board on February 12, 2014.

Copies of the accepted S-DGEIS were provided to the Town for public review and comment, along with a *Comment and Response Supplement* to the November 2005 Draft Generic Environmental Impact Statement, which provided responses to comments received on the DGEIS. Additionally, copies of the S-DGEIS were provided to Town representatives, Town consultants, and local and State reviewing agencies. A copy of the S-DGEIS was made available to the public at the Town Hall, and an electronic version was made available via a link on the Town's website. A public information meeting was held on March 19, 2014. A Public Hearing was held on March 26, 2014. The public comment period ended on April 11, 2014.

This FGEIS contains written responses to all substantive comments received on the DGEIS and the S-DGEIS. All comments received were documented. Each agency, town board, and individual from the public submitting a comment was assigned a representative number for reference purposes. Each agency or Town board has the letter "A" in front of the number, and each public person has a "P" in front of a number. As comments were summarized and categorized, the person or agency making the comment was noted. Therefore, an individual wishing to see the responses to their questions may look through the comment summaries for their assigned number, and read the associated response.

All comments received were read through for content, and then categorized. These comments were summarized and grouped together with similar comments for purposes of preparing responses. It is the belief of the applicant that all substantive comments have been identified and responded to in this FGEIS.

Changes or Additions to the S-DGEIS

A summary of the changes includes:

- The request for a woodlot EPOD permit has been removed from the incentive zoning/site rezoning process. In lieu of an upfront permit, proposed impacts to the woodlot EPOD will be subject to Town review and approval as part of a formal site plan application on a project by project basis.
- The Current Plan and South Campus IPD Draft Ordinance ("The Plan") have been updated.
- South Campus Design Guidelines have been added
- Landscape Buffer Plans have been prepared.
- Visual simulations of existing viewsheds have been completed which depict potential building impacts and planting mitigation to enhance buffers.
- Building height adjustments have been made on the Master Plan concept site plan to reduce proposed maximum heights adjacent to residential neighbors, to create a Residential Character Zone. The current plan indicates a maximum height of 35 feet within 200 feet of the property line.
- Cost estimates and details for the proposed Furlong Creek stormwater drainage amenities have been updated.
- Additional Water System analysis has been completed.
- Sanitary sewer flow calculations have been updated.
- To account for impacts on police, fire, ambulance, and other municipal services, the University of Rochester has offered an amenity under incentive zoning to offset the tax-exemption impact. The framework offered for the proposed amenity would be an annual deposit based on $/gsf for new development into one or more trust funds set up by the Town.
- A time line for completing the Amenities has been provided.

The SEQRA regulations state that all revisions and addendums to the S-DGEIS must be specifically indicated and identified in the FGEIS. The DGEIS and S-DGEIS are hereby incorporated by reference as part of FGEIS.

Proposed Amenities and Timelines

The Proposed Amenities outlined in the original DGEIS that remain are as follows:

1. Donation of the parcel south of Crittenden Road (42.55+/- acres): to be implemented prior to issuance of first building permit.

2. Planting enhancements within the 100 foot buffer zone adjacent to residential areas: to be implemented during the first spring after approval of the IPD or as soon thereafter as possible given planting feasibility, in coordination with the Town.

3. Elimination of any future access to Crittenden Road: to be implemented upon approval of the rezoning.

Amenities 4, 5, and 6 will be substantially implemented prior to occupancy of the first approved project.*

4. Revise storm sewer connections on the developed portion of the South Campus (in Whipple Park) to redirect drainage away from flooding area.

5. Close an existing swale that connects the south wetland area to the Furlong Creek watershed by creating a berm.

6. Construct an outlet to control ponding elevation from the south wetland area on the South Campus through the railroad embankment to discharge to Furlong Creek on the west side of the embankment (thus reducing the potential to overtop the berm and cause flooding).

7. Annual deposit based on $/gsf for new development into trust funds set up by the Town: to be implemented prior to occupancy of each new building or phase of development.

* Immediately following the South Campus rezoning process, applications will be made to the NYSDEC and USACE as part of a Joint Application for Permit in order to obtain the necessary regulatory approvals needed to construct amenities 4, 5, and 6. Conversations with the DEC have already occurred regarding the proposed drainage amenities for South Campus, and during that meeting DEC concurred that the best time for said amenities to be constructed would be during the summer months, when the work zone tends to be dryer.

A letter of credit in the full amount of the constructions costs of the amenities will be posted with the Town of Brighton.

Master List of Commenters

The following is the master list of commenters who submitted statements in writing or stated them verbally at the public hearing.

A = Agency or Town Comment
P = Public Comment

Ramsey A. Boehner **(A1)**
Executive Secretary
Brighton Planning Board
2300 Elmwood Avenue
Rochester, NY 14618

Michael Flanigan **(A2)**
Stantec Consulting Services
61 Commercial Street
Rochester, NY 14614

Rick Distefano **(A3)**
Brighton Conservation Board
2300 Elmwood Avenue
Rochester, NY 14618

Brighton Sustainability
Oversight Committee **(A4)**
2300 Elmwood Avenue
Rochester, NY 14618

Peggy Norry **(A5)**
New York State Department of
Environmental Conservation
6274 East Avon-Lima Road
Avon, NY 14414

Brent H. Penwarden III, P.E. **(A6)**
Monroe County DOT
6100 City Place
50 West Main Street
Rochester, NY 14614

David C. Goehring, PE **(A7)**
Regional Traffic Engineer
New York State DOT
1530 Jefferson Road
Rochester, NY 14623

Council Member Novros **(A8)**
Town Board Member
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Council Member DiPonzio **(A9)**
Town Board Member
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Council Member Werner **(A10)**
Town Board Member
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Supervisor Moehle **(A11)**
Town Board Member
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Council Member Vogel **(A12)**
Town Board Member
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Deborah Bancroft Errico **(P1)**
58 Southland Drive
Rochester, NY 14623

Patricia H. Love**(P2)**
163 Helen Road
Rochester, NY 14623

Rev. Dr. Keith E. Griswald **(P3)**
1442 Crittenden Road
Rochester, NY 14623

Robert Levine **(P4)**
1015 Crittenden Road
Rochester, NY 14623

Ed Baranowycz **(P5)**
1180 Crittenden Road
Rochester, NY 14623

David Coon **(P6)**
260 Sunnyside Drive
Rochester, NY 14623

Jim Hooper **(P7)**
191 Bastian Road
Rochester, NY 14623

SECTION II: Substantive Public Comments Received Followed by Responses

A. PROCESS/ZONING/POLICY

Comment 1: Commenter: A1
A detailed current plan containing building locations, bulk, density and use regulations must be prepared. This plan will be used to guide implementation of the future development of the campus.

Response: A detailed plan, reflecting changes to the physical plan that was included as part of the S-DGEIS, has been completed and serves as the "current plan". The current plan containing building locations, bulk, density and use regulations may be found in Appendix A of this FGEIS.

Comment 2: Commenter: A1
The plans contained in the S-DGEIS are not consistent with the plans presented to the Planning Board. The plans contained in the SFGEIS must be consistent with the plan presented to the Planning Board.

Response: The plan depicted in the S-DGEIS was the overall current Master Plan developed for South Campus. Since its inclusion in the accepted S-DGEIS, a more refined and specific concept site plan for what may become the first phase of development (following the IPD rezoning) has been generated and shared with the Planning Board. Phase 1 is planned for the area south of East River Road and west of West Henrietta Road. This plan represents no material difference with regard to the proposed Master Plan, and will continue to evolve during a formal site plan application process. Any changes to the final site plan for the first phase of development will not change the impacts outlined in the Master Plan or this FGEIS. In order to clarify any inconsistency between plans, the Current Plan located in Appendix A of this FGEIS has been updated to coordinate with the proposed concept site plan for development phase 1.

Comment 3: Commenter: A1
The S-DGEIS notes the total square footage of the proposed residential housing. The anticipated number of proposed residential units shall be specified. Confirm that the proposed residential housing will be for only students, facility and their families.

Response: The total square footage of proposed residential housing noted in the S-DGEIS (476,400 gsf) is unchanged in this FGEIS. The proposed occupancy for the residential units is student dormitories, life-long learning (for retired faculty and alumni), and short term housing for hospital and clinic patients and visitors (like Ronald McDonald and Hope Lodge programs). Though the number of residential units is unknown at this time, the U of R estimates approximately 530 units for South Campus based on an average of 900 gsf per unit.

Comment 4: Commenter: A1
The [Planning] Board recommends that the incentive zoning and rezoning approvals, if

granted, do not include any commitment regarding the site plan layout or any commitment regarding approval of the proposed overall density, except as a maximum limit.

Response: The FGEIS is intended to establish the potential impacts, and proposed mitigation of those impacts, for the overall project represented in Appendix A as the Current Plan. The incentive zoning and rezoning approvals will allow the current residential zoning of the site to be rezoned to Institutional Planned Development (IPD), and for the site to be developed up to the maximum allowable densities outlined in the Current Plan. This in no way grants site plan approval of any kind, and each phase of future development will be submitted to the Town of Brighton Planning Board for review and final approval on a case by case basis.

Comment 5: Commenter: A2

It is acknowledged that the current plan reduces the overall proposed square footage of the full build. The Institutional use decreases by 682,000 square feet while the Residential use increases by 476,000 square feet. While this represents an overall net decrease in the amount of square footage of development, the increase in Residential units will result in greater impacts on Police, Fire and Ambulance services. There is no quantification of potential impacts on these service providers, nor is there any discussion on the impact to the Rush Henrietta School District resulting from the increase in school aged children. What are the potential impacts to these service providers, and how will these potential impacts be adequately mitigated?

Response: Table 9 in the S-DGEIS (p 26) summarized Emergency Responses data for South Campus between 200/ and 2012. The data clearly indicates reductions of Security Reports/ Emergency response calls over the years. More recent data was obtained from University Chief Mark Fisher. Based on University Security report data from Chief Fisher from January 2013 through March 2014 (15 months) for South Campus, there is a rate of 9 police calls per year which would extrapolate to less than 21 per year with the potential full build out of residential. Similarly, the rate of fire-related calls would have the potential to increase from 5 to 12 calls per year. There was no data for Ambulance calls.

The U of R's 40+ sworn Peace Officers also help to reduce the number of calls that require Town services (fire, police). At the Public Hearing on March 26, 2014, Town of Brighton Police Chief Henderson addressed a comment about the cooperative agreement between the Town and the University. Chief Henderson stated that he was part of the original committee that met with the University president that talked about changing from security staff to a police officer status. He noted that there is a memorandum of understanding in place between the Brighton Police Department and the University. He said there is very good communication, and great interagency cooperation. The two forces train together. He also said there are not a lot of calls in this part of the University, and not a lot compared to Brighton overall, West Brighton Specifically.

Based on the reported results of the most recent annual survey conducted by the University (September 2013), the number of school-aged children in Whipple park is 123. Regarding the potential impacts to services from future residential growth in the South Campus, no increase to school-aged children is anticipated. The proposed occupancy for the residential units is student dormitories, life-long learning (for retired faculty and alumni), and short term housing for hospital and clinic patients and visitors (like Ronald McDonald and Hope Lodge programs).

Comment 6: Commenter: A2

It is acknowledged that the applicant team updated various studies, inventories and other technical information as they relate to existing site conditions. This was in large part due to the passage of time and changes in the various conditions since the original DGEIS was prepared in 2005. Given that the build out of the South Campus in the Town of Brighton will occur over the next 20 years or more, a timeframe needs to be established that identifies when future updates may once again be needed. While future development will be subject to its' own SEQRA process, a timeframe that pertains to the applicability of the existing studies needs to be approximated so that future studies are conducted when appropriate (i.e. based upon regulatory requirements, time, approved development thresholds, etc.). To this end, please propose timeframes and percent of build-out levels for updates on the following topics:

- Wetland Delineations;
- Significant Tree Surveys;
- Conceptual Grading Plans;
- Additional Traffic Analysis;
- Additional Stormwater Management Analysis; and
- Site Utility Analysis.

Response:

- Wetland Delineations were updated as part of the S-DGEIS and submitted to the NYS DEC and Army Corps of Engineers. Both agencies have reviewed the updated delineations and verified the wetland boundaries. The wetland delineations are valid for five years (a timeline which began in January of 2014 based on agency verification of the delineation). Additional delineations will be performed after the five year expiration, as needed, for future projects which may be proposed in the vicinity of wetlands and their adjacent areas.
- Significant Tree Surveys will be part of the required woodlot EPOD survey to be conducted per Town standards for any future development phase/project which proposes impacts to the woodlot EPOD.
- Conceptual Grading Plans were prepared for the overall South Campus site as part of the Master Plan concept site plan included in the S-DGEIS. As each phase of proposed campus development is submitted to the Town as part of a formal site plan application, grading plans for each project will be developed for review by Town staff and Planning Board per the typical site plan review process.
- Additional Traffic Analysis will be completed every 5 years at a minimum, with a traffic assessment done for each proposed development phase/project.
- Additional Stormwater Management Analysis will be conducted as part of the site plan review process for each proposed development phase/project.
- Site Utility Analysis will be conducted during the site plan review process for each proposed development phase/project.

Comment 7: Commenter: A2
It is stated in the last paragraph on page 87 of the S-DGEIS that ".....the University will work with the Town Board to fashion an appropriate amenity that will serve to reduce fiscal impacts to the Town's budget and impact on Town services caused by the buildout of the South Campus". The reduction of the fiscal impacts to the Town's budget is an environmental mitigation and not an amenity. Please provide a framework in the FEIS as to what might be included in the framework of that mitigation measure.

Response: When a developer creates a residential or commercial/industrial development, the end users/owners or lessees, pay real property taxes to account for impacts on police, fire, ambulance, and other municipal services. In the present case, the University of Rochester, as a tax exempt institution, has created more of a "tax-exemption impact" rather than an "environmental impact." Thus, while residential or commercial/industrial end users pay taxes to make up for that impact on municipal services, the University has offered an amenity under incentive zoning, created by New York State law and implemented in Chapter 209 of the Brighton Comprehensive Development Regulations, to offset the tax-exemption impact. The framework offered for the proposed amenity would be an annual deposit based on $/gsf for new development into one or more trust funds set up by the Town.

Comment 8: Commenter: A2
It is stated on page 89 of the S-DGEIS that ".....the University will continue to work with the Town and its service providers to determine resource needs for the South Campus". What types of planning level discussions have taken place thus far with the fire and ambulance providers in this area regarding the anticipated types of calls and resources needed to address those calls? Please elaborate further in the FGEIS what the demand on emergency services could be what specifically the University and Town should focus on respectively when individual project approvals are sought from the Town.

Response: Please refer to the responses to Comments 5 and 7 in this section.

Comment 9: Commenter: A2
The section titled "Changes and Additions to the DGEIS" should indicate that the project is no longer seeking a woodlot EPOD permit. EPOD permits will be obtained on a project by project basis.

Response: While the DGEIS included a request for a woodlot EPOD permit which would have applied to the entire IPD as part of the rezoning approval, the S-DGEIS removed that request which had previously been listed as an incentive. Section I of this FGEIS states, and clarifies the point, that the request for a woodlot EPOD permit has been removed from the incentive zoning/site rezoning process, and in lieu of an upfront permit, proposed impacts to woodlot EPOD will be subject to Town review and approval as each specific phase of development is submitted as part of a formal site plan application.

As described in the S-DGEIS, and Draft Zoning Ordinance in Appendix A of this FGEIS, the University has identified 'no-build' zones in the Old Growth habitat areas of the woodlot EPOD. The Master Plan concept site plan was revised to avoid potential building and disturbance in those areas, as shown on Figure 10 in the S-DGEIS.

Comment 10: Commenter: A2
Page 5 Overview of Action - A schedule of completion must be provided for amenities 4, 5, and 6. In addition, a detailed engineer's estimate confirming the cost of these amenities must be provided.

Response: Amenities 4, 5, and 6 outlined in the S-DGEIS (the proposed Furlong Creek area stormwater drainage amenities) **will be substantially implemented prior to occupancy of the first approved project. A detailed engineer's estimate confirming the cost of these amenities has been completed, and is included in Appendix F of this FGEIS which contains supporting information regarding Stormwater/Drainage/Utility information.**

Comment 11: Commenter: A2
Page 6B. Requested Incentives - Incentive 4 should clarify how the maximum height of the building will be determined. For example will the height be computed in accordance with the Town standards or to the highest point of the building?

Response: The height of buildings will be determined based on the measurement taken from the base of the principal façade to the top of the parapet wall. For buildings with gable end or hipped roofs, which may apply to residential buildings, building height will be determined based on the measurement taken from the base of the principal façade to the median line of the roof portion of the structure.

Design guidelines and standards for the U of R South Campus site and its future buildings have been prepared and may be found in Appendix B of this FGEIS. Maximum building heights are further clarified in the South Campus IPD Draft Ordinance in Appendix A.

Comment 12: Commenter: A2
The response to Comment A2 states, "The University of Rochester is committed to the safety of its students, employees and the neighbors adjacent to the properties they own or lease. The research labs, in addition to all University facilities, are designed to meet or exceed safety regulations for design, building and operating such facilities." The safeguards that are incorporated into the research labs to insure the safety of the students, employees and neighbors should be described. Will the U of R comply with all current and future federal, state and local safety regulations? Will the U of R retrofit facilities on an ongoing basis to comply with all new safety and environmental regulations?

Response: The University of Rochester will comply with all current and future federal, state, and local safety regulations, as it is their policy to do so. Any new building built will comply with the Building Code of New York State and have the required fire barriers, sprinkler systems, and any chemical stored or in use will be below the maximum quantity permissible. All University buildings are inspected by the New York State Office of Fire Prevention for compliance with current fire code regulations. Any reported problems are corrected immediately.

The University's Environmental Health and Safety (EH&S) Department inspects all laboratories annually. These inspections are designed to ensure the labs are in compliance with all federal, state, and local regulations. Any violations/problems found during the inspections are reported to the Principal Investigator (PI) and the Laboratory Manager for corrective actions. A re-inspection is held should any problem not be reported to have been corrected within 30 days and is then reported to the Department Chair and Dean for immediate action.

EH&S requires written protocols for those activities involving high hazard chemical agents. The University's Chemical Hygiene Officer visits and helps determine any additional safe guards that might be needed to ensure all high hazard chemicals are being used in the safest manner possible. As facilities age and undergo renovation, the process of renovation will include compliance with any new safety and environmental regulations.

Comment 13: Commenter: A2
The response to Comment A3 states, "As actual buildings/projects are proposed for this area, environmental assessments for each project will be required as part of the permitting process. The impact on air will be included as part of that environmental assessment process as deemed necessary by the Town of Brighton". What types of emissions are anticipated from the proposed imaging building?

Response: A formal application for the proposed Imaging Building will be made to the Town of Brighton at or after the conclusion of the SEQRA process. The University acknowledges that the approval of the Imaging Building is predicated on the successful conclusion of the IPD Rezoning and understands that it bears the risk if such process is not successful. As part of the final design and application of the Imaging Building project, potential emissions will be outlined and reviewed by Town staff as part of that review process. The Imaging Building will likely include a diesel powered generator, which typically is run once a month for about an hour in facilities of this type. Potential emissions associated with this proposed facility will be subject to Town review during the final site plan process.

Comment 14: Commenter: A2
The response to Comment B1 states, "When a proposed project is submitted for review within the IPD, the anticipated impacts to emissions will be reviewed against baseline measurements to ensure the area is still at or below emission allowances". This review should be completed for the imaging building.

Response: See response to Comment 13 of this section.

Comment 15: Commenter: A2
The response to Comment B7 should indicate that the IPD incentive zoning application no longer seeks a Woodlot EPOD permit. However, EPOD permits will be obtained in accordance with the Town of Brighton requirements for individual projects located within the woodlot EPOD.

Response: See response to comment 9 of this section.

Comment 16: Commenter: A3
The Master Plan as shown in the document (Figure 4) is inconsistent (with other versions shown to this Board. Clarification of the Master Plan is necessary. Also, residential building SC-19 is not shown on the submitted Master Plan and the size of office building SC-30 (Imaging building) shown in the table of Figure 4 is in conflict with the text of the document.

Response: See response to comment 2 of this section.

Comment 17: Commenter: A4
Parcel 2 development should be maximized by increasing the proposed footprint and height allowances. Page 6 references this area to allow for a maximum of 90 feet. Is this the intent of SC-20?

Response: The nature of the master plan is to provide flexibility with regard to the final placement and massing of buildings. That said, it is the mission of this FGEIS to assess the impacts of the master plan should it be developed to its maximum allowed density. Parcel 2, the site area north of East River Road and east of Kendrick Road, is designated as an area that could potentially yield a building up to 90 feet in height should the U of R determine a need for a facility of that size in the future. Parcel 2 was identified as a logical place for a taller structure, as it is the most northern portion of the site, has adjacency to I-390, and is the furthest from residential areas. However, the request for a maximum building height of up to 90 feet in this location is not meant to suggest that a building in this zone is absolutely destined to be that height. It is merely meant to provide an appropriate location for a building on the South Campus site that could be built to that height. Again, this is intended to provide some flexibility for the future as the University of Rochester expands over time.

Comment 18: Commenter: A4
Throughout this S-DGEIS there is reference to both number of stories and at other times building height. This is confusing. Buildings should be limited by a stated height and reference to number of stories should not be used (see pages 4 and 6).

Response: Buildings will be limited by a stated height. The Draft IPD Ordinance in Appendix A of this FGEIS includes bulk regulations for the South Campus site, has been included in order to bring additional clarity to the proposed height zones proposed for South Campus. Reference to stories was provided at the request of the community to assist in understanding the proposed height limits.

Comment 19: Commenter: A4
The "Developable Area" as shown on Figure 10 is extensive. What criteria in addition to protecting the old growth woodlands and wetlands are used for this area to be considered "developable"? Much of the proposed development will be in existing EPOD areas. What is the U of R providing in exchange developing these areas?

Response: It is acknowledged that the "developable area" depicted on Figure 10 of the S-DGEIS depicts the area of woodlot EPOD that could potentially be developed. However, this FGEIS makes it clear that any development which will impact the woodlot EPOD will need to follow the regulations outlined in the Town Code. As future buildings or phases of the master plan are submitted to the Town for site plan review, an analysis of the woodlot EPOD and potential disturbance will be reviewed and analyzed as part of the site plan review process. An appropriate mitigation plan will be developed on a case by case basis as is typical with any site development plan reviewed by the Town which involves disturbance to the woodlot EPOD. The university is providing several amenities to the town of Brighton in exchange for developing the proposed site.

Comment 20: Commenter: A4
What is the anticipated useful life of the existing Whipple Park apartment complex?

Response: The useful life of buildings depends on the level of maintenance efforts and demand for the space. The University of Rochester plans to maintain them indefinitely, and has no plans to remove/replace the Whipple Park Buildings.

Comment 21: Commenter: P6
According to the supplemental that was provided, the fire alarms in the last year were ninety-nine and fire investigations were four and medical assistance calls were six. When I was chief of the fire department in 2009, the fire department had calls of approximately six hundred eighty-nine calls for the entire area. So to me, the amount of calls that you've responded to represents a relatively large share of the calls responded to in that general area.

Response: See response to comments 5 and 7 of this section which outlines potential impacts to emergency services.

Comment 22: Commenter: P6
The other thing is most of the residential that you are putting in; of course, most of the fire alarms came from the residential areas. You may want to make sure that you consider putting in automatic fire sprinkler systems, because they would reduce the problems going forward, because you would actually have a rapid response with the fire sprinklers. It would take care of the problem very quickly and possibly reduce the number of false alarms that occur out there.

Response: Future residential buildings to be constructed on South Campus are planned to include a fire suppression system (sprinklers) which will assist in an emergency situation.

Comment 23: Commenter: P7
Given the scale of the University and its ever growing size, what is its responsibility to the community?

Response: As the University of Rochester has grown, so has the number of our connections and contributions to the vitality of the region. Every day, the University makes significant economic, educational, social, and cultural contributions to the Rochester community and to the state. As the area's largest employer, major educator and health care provider, the University has a special responsibility to play a collaborative role in contributing to a healthy community. The University provides essential benefits to the public through our missions of patient care, research, teaching, and community health. As a large, diversified institution, the University's community contributions cover a multitude of programs and services that benefit Rochester area residents and the surrounding region. This includes financial assistance for those who cannot afford to pay for their health care; improved access and readiness for higher education; incentives and financial support to encourage home ownership; enrichment of Rochester's arts and cultural assets; and direct contributions to dozens of worthwhile community organizations.

Our community impact is also felt through our efforts to educate current and future leaders, as well as research that fuels innovations and allows us to develop new treatments and cures for many diseases and afflictions, meet our future energy needs, spark new businesses and economic growth, and enhance our security. The University offers extensive resources, hundreds of dedicated volunteers, and collaborates with local partners to connect with and support the Rochester community in innumerable ways, from job readiness training to helping eliminate health disparities for inner-city children to helping people more easily access health services and take part in wellness practices that prevent illness. We pledge our continued commitment to enhancing the well-being of our community through our health

care expertise, educational resources, and a genuine compassion and concern for the social and economic betterment of this region.

Comment 24: Commenter: P7
I'd like to ask for the Whipple Park living center what the number of children is currently better enrolled in the public school, Rush Henrietta. We need to bear in mind that number and what it is likely to be if and when that housing is opened up not to just University students but to families.

Response: Please refer to the responses to Comments 5 and 7 of this section.

Comment 25: Commenter: P7
They talked about contributing a proportionate amount of resources to meet the minimum emergency response services for the institutional development. And I would encourage the University to be generous in that.

Response: Please refer to the responses to Comments 5 and 7 of this section.

Comment 26: Commenter: A8
The second thing is instead of telling us how many feet tall the buildings are going to be, I would rather that you put somewhere how many stories they will be.

Response: The Current Plan located in Appendix A provides clarification with regard to the number of stories associated with the proposed maximum building heights. The heights identified represent the maximum allowable building heights, and the related number of stories (maximum).

Comment 27: Commenter: A8
I think that one way it will make it easier on the existing homes, is that you won't have a building any taller than the home that it is behind. If they are all ranch house, and I don't remember if they are or not, but if they are all ranch houses and you have four story buildings with parking lots, it's going to be much more evasive than if you have a two story building behind a ranch. If you have two or three story homes there, than have two or three story buildings further away would be, in my opinion, would be better.

Response: As part of the amenities outlined in the S-DGEIS, planting enhancements were identified to be added to the 100 foot buffer zone adjacent to residential areas. The intent of the enhanced buffering and screening is to minimize the impact of proposed buildings for adjacent homeowners.

The proposed heights of buildings gradually reduce across the site from north to south which was done specifically to alleviate potential visual impacts on the adjacent residential neighborhoods. Visual simulations of existing viewsheds have been completed which depict potential building impacts. Photos of existing viewsheds and simulations depicting potential building massing based on maximum building heights being proposed may be found in Appendix D of this FGEIS.

Comment 28: Commenter: A8
What Jim Hooper talked about, was the tax situation. I know that universities are tax exempt. I know that the University has agreed in the past to some pilots. But pilots usually don't include the school taxes. And what he has talks about is really a problem for the school systems. There have been a lot of children that aren't – the homes are not paying their fair share.

I don't know if we would work out a pilot that includes schools; you know, just for the tax, which is okay with me, but it's not how it goes. But there has got to be some kind of a better understanding so that it is more equitable to the criteria who are connected with the University and the Town.

Response: Regarding the potential impacts to services from future residential growth in the South Campus, no increase to school-aged children is anticipated. Please refer to the response to Comment 3 in this section.

Comment 29: Commenter: A9
Do we have an idea as to, now that the University has reviewed its master plan, what type of residential developments are being proposed for the South Campus? Is it apartment style housing for graduate students, much like what is at Whipple Road already, or are we talking about undergraduate housing there as well?

Response: The proposed occupancy for the residential units is student dormitories, life-long learning (for retired faculty and alumni), and short term housing for hospital and clinic patients and visitors (like Ronald McDonald and Hope Lodge programs).

Comment 30: Commenter: A10
The residential space would increase from currently 338,000 to 815,000 square feet. That to me wouldn't necessarily impact the school system.

I know Ken Graham, the superintendent there shared with us that it is about nineteen thousand dollars per student is the cost of educating the kids in the West Henrietta School District there. That would have a significant impact. I think there is a clear difference to me.

Response: Please refer to the response to Comment 5 of this section.

Comment 31: Commenter: A10
You have made a reference to the impact on other commercial facilities. In fact, as you noted that the University has approximately doubled their tenant space in the community to now seven hundred thousand square feet of tenant space of University occupants. And it is an indication, but it is somewhat conclusory or a general, that the University doesn't really intend to vacate that tenant space, but, you know, there are other empty offices in Brighton and in Rochester in general. So there is some concern that the University is going to start building their own, will there be a relocation, and what the impact might be on the rest of the community.

Response: The types of institutional facilities planned for South Campus are not intended for the type of general office space that is found in the Town of Brighton and City of Rochester. The University Master Plan followed extensive strategic planning efforts to plan for continued growth. The Master Plan outlines the future growth for the University by demonstrating the

capacity of its land holdings over time, and a land use strategy which addresses future needs and linking to the community. It is important to note that the U of R has become the region's largest employer, and this is due to increased growth of the University and the Medical Center over time.

Comment 32: Commenter: A10
Now I share with my colleagues a real concern about the amount of tax exempt space here in Town. We are already at about twenty-four percent, I understand. Our Town certainly does not have — we simply don't have the tax base that Henrietta does where they can afford through their commercial space and taxation there that they have a very high investment in their school children.

We make that same sort of investment here, but all on the tax bills of our residents. We are mostly a residential community. And the University has always been a good neighbor and I expect that they will continue to be, but part of being a good neighbor is contributing to the community. Certainly, the University contributes a huge part by their jobs that they provide, but at the same time they are using our services and we need a contribution by the University to help support our services.

Response: Please refer to the response to Comment 7 in this section.
Comment 33: Commenter: A11
And as you well know, hopefully the fruition of the discussions that we have had concerning financial support to services in the Town including fire, including school, which are all extremely important, and I will acknowledge that the University has been working with us in good faith to come to a meeting of the minds on that point.

Response: Please refer to the response to Comment 7 in this section.

Comment 34: Commenter: A11
Last Wednesday night at the neighborhood meeting we heard for the first time a potential fifty year build-out time frame. Tonight I heard, again twenty, twenty-five, thirty years. And just a clarification going forward as to whether, in fact, the time line potential has, in fact, changed what the actual likely time line is going to be.

Response: There is no concrete timeline for the potential full build-out of the South Campus. The intent of the Master Plan is to provide flexibility and accommodate future growth when it is needed. The rate of this growth will be subject to many factors, and is not something that can be determined with exact specificity with regard to the number of years. That is why a range is often used when describing the number of years it may take for that full build-out to occur, if ever it even does become fully realized.

B. VISUAL

Comment 1: Commenter: A1
The S-DGEIS does not address the aesthetic character of the campus. Design guidelines and standards for the site and building design should be prepared to help create a campus aesthetic. (A1)

Response: Design guidelines and standards for the U of R South Campus site and its future buildings have been prepared and may be found in Appendix B of this FGEIS.

Comment 2: Commenter: A1
The project should preserve as many trees and as much mature vegetation as possible, including but not limited to the preservation of trees and mature landscaping to screen or obscure the view of the proposed development from the surrounding residential areas. Additionally, all development within the Woodlot Protection District must comply with the Woodlot Protection District of the Code of the Town of Brighton. A detailed tree mitigation plan should be prepared. The mitigation plan should be implemented immediately upon approval in order to fully establish the necessary buffers adjacent to the residential areas.

Response: The South Campus Master Plan was designed to preserve as much mature vegetation as possible. As part of the S-DGEIS, the master plan was revised in order to preserve the two areas of old growth habitat located on the South Campus site. As future buildings are planned, efforts will be made to preserve as many existing trees and mature vegetation as possible. Any impacts proposed to the existing Woodlot Protection District will be subject to Woodlot Protection District regulations of the Code of the Town of Brighton, and review and approval by the Town of Brighton Planning Board, Conservation Board, et al. This review will be done for project as the master plan is built out over time.

The buffer areas adjacent to the residential zones were field walked and thoroughly studied to identify 'bare spots' and other areas where planting enhancements will provide the most benefit t to the neighbors. Key areas were located and photo documented during both winter (no leaves) and summer (fully leafed-out) conditions. The intent is to supplement the existing deciduous plantings with native evergreen species to provide year-round buffer enhancements.

A detailed tree mitigation plan has been prepared, to indicate the enhanced buffers adjacent to residential areas. It will be implemented during the first spring after the IPD Rezoning and prior to occupancy of the first proposed building. Spring planting will allow the new plants to get established prior to winter. The proposed Landscape Buffer Planting Plan may be found in Appendix C of this FGEIS.

Comment 3: Commenter: A1, A2
The heights of the proposed buildings are confusing in the S-DGEIS. The FGEIS must provide the maximum height and number of stories for each proposed building.

Response: Maximum allowable building heights, and numbers of stories, have been clarified as part of the Current Plan, which may be found in Appendix A of this FGEIS.

Comment 4: Commenter: A1
The S-DGEIS has not adequately illustrated in the visual impacts to the surrounding residential areas and should be addressed in the FGEIS. It is requested that the SFGEIS include photo simulations of the project during the winter months with and without any proposed mitigations.

Response: In order to better illustrate the visual impacts to the surrounding residential areas, photo simulations have been prepared in order to determine potential visual impacts from the rear yards of the adjacent residential area to the proposed buildings depicted in the Current Plan. The existing conditions photographs were taken in early spring to assess impacts during the months when the landscape buffer is devoid of foliage. Visual simulations depicting these viewsheds through the 100' buffer with and without proposed mitigations (supplemental plantings) may be found in Appendix D of this FGEIS.

Comment 5: Commenter: A2
What is the anticipated schedule for the planting enhancements within the 100' buffer zone? How early might the U of R be able to plant the infill screening adjacent to the residential neighborhoods? The earlier the planting enhancements and buffering occur, the more effective they will be over the life of the project.

Response: See response to comment 2 in this section. The 100 foot buffer plantings will grow and continue to mature in advance of the phased implementation of the South Campus Master Plan.

Comment 6: Commenter: A2
Please elaborate on the proposed "Post Planting Maintenance Program" that is discussed on page 73 of the S-DGEIS. While the plan as presented is effective, regular and consistent implementation of the maintenance program is the key to its' overall success over time. Will the U of R replace and/or improve upon the plantings if they prove to be in-effective over time? How will the monitoring plan be monitored, its' effectiveness determined, and provisions for corrections be made if needed?

Response: The University is committed to enhancing the buffer, and will monitor the progress of the plantings and ensure they are receiving sufficient water and protection from weeds. The monitoring will be done by a person with state and national certifications such as a national certified grounds manager and/or a state certified nursery landscape professional on an annual basis for a period of three years after planting. Should any plantings be determined to be compromised or dead, they will be replaced and continue to be monitored.

Comment 7: Commenter: A2
Please provide the locations of the supplemental planting areas (as referenced on p. 73 of the DGEIS). Will the buffer areas and supplemental planting areas be placed in a Conservation Easement? If not, how will these areas be protected from future development?

Response: A plan of the planting areas within the 100 foot buffer area is included in Appendix C. The buffer area will be maintained and will remain undisturbed, except for the installation of the proposed plantings, and essential utility crossings. The IPD Ordinance will include language to ensure the protection of the buffer and the limitations of any potential utility crossing work. It is anticipated that additional plantings in the buffer area will be added over time as deemed necessary during the Site Plan review process for future buildings. The IPD Ordinance includes a No Build Zone Map dated August 18, 2014 which identifies the location of the utility corridor crossing which will cut across the 100 foot buffer and will serve as the location in which the proposed utility upgrades will be installed. Upon completion of the proposed utility work, the area of disturbance will be restored and replanted, and will subsequently remain undisturbed.

Comment 8: Commenter: A3
The 100 ft. buffer areas shall be analyzed for gaps, especially along the existing residential properties. These gaps should be filled prior to any nearby construction.

Response: See response to comment 7 of this section. Gaps within the 100 foot buffer area were analyzed in order to determine appropriate locations for supplemental plantings. The aforementioned Landscape Buffer Plan will be implemented immediately following the official rezoning of the South Campus site to an IPD, in order to establish landscape screening in advance of future construction.

Comment 9: Commenter: A4
The plans depict a conventional office park development along East River Road similar to the Clinton Crossings project in the Town of Brighton in lieu of a campus-like setting implied by the project title and anticipated by the SOC members. This proposal does not address the aesthetic character of this campus. Unlike the other U of R campuses the South Campus already has several architectural styles. The section on Community and Neighborhood character on page 85 does not address this. Design guidelines should be proposed similar to the concepts of a form based zoning code in an attempt to create a campus aesthetic.

Response: Design guidelines for South Campus have been developed, and may be found in Appendix B of this FGEIS. It is important to note that South Campus includes a variety of programmatic uses which transition in density from high to low, as the site develops from the East River Road corridor, south into the residential zone. This transition was intentional in order to be sensitive to adjacent residential neighbors. While the South Campus already includes several architectural styles, each style is evocative of the time in which it was designed and built. This is typical of how the built form organically develops over time, and a variety of architectural styles over time is to be expected, similar to what one finds in other urbanized areas.

Comment 10: Commenter: A4
All landscaping materials should be indigenous to this area. The SOC discourages the installation of lawn sprinklers.

Response: Plant materials proposed for South Campus will be of species native to this area, which will not only ensure greater success for the health and longevity, but will complement the preserved natural areas on the site. Lawn sprinklers are not planned.

Comment 11: Commenter: A4

The proposed project will ultimately include pedestrian, parking and safety lighting. All lighting should be consistent with the Dark Sky requirements. In addition, LED light fixtures should be considered. A comparative cost analysis which considers the capital, operation and maintenance costs should be provided before LED light fixtures are rejected.

Response: As with recently completed University projects, LED light fixtures are increasingly becoming the norm, as they offer great long term benefit with regard to maintenance and operational costs. LED light fixtures and or the latest generation of energy efficient fixtures will likely be installed in each phase of South Campus, and lighting design will meet dark sky requirements.

Comment 12: Commenter: A4

Exterior lighting standards should propose foot-candle maximum, fixtures that are energy efficient, and are dark sky compliant. Is the site lighting privately owned or will a town lighting district be established?

Response: See the above response to comment 11, which references the lighting standards proposed for South Campus. With regard to foot candle maximums, this level of detail will be reviewed by the Town as part of the site plan application for each phase of development. Site plan applications will include a proposed "neighbor friendly" lighting plan with specified light fixtures and associated foot candles. Light spillage across property lines will be avoided. The University of Rochester will maintain the lighting located throughout South Campus, as the lighting will be privately owned, so a Town lighting district will not be established as part of this project.

Comment 13: Commenter: P5

The southern part of the property was originally zoned as low density residential. You are back into residential property. So please keep an eye on the height of the buildings. The light pollution, the zoning from parking lots into people's backyards that they don't experience today, noise, et cetera. I just ask that you really think through that development when you put it into — do not affect the character of the neighborhood on the other side.

Response: It is the University of Rochester's intent to develop the South Campus respectfully. The Current Plan, located in Appendix A of this FGEIS, will guide future development of the South Campus. Also, as each project goes into final site plan design and review by the Town, specific impacts with regard to light pollution, parking, noise, etc, will be analyzed on a case by case basis by the Town of Brighton staff and the Planning Board as part of the site plan approval process.

Comment 14: Commenter: P7

I suggested some seven years ago that they begin the buffering planting now. Why wait? You know you are not going to build a hundred feet from the properties. You heard Ed talk about parking lots being lit right near the backyards of Crittenden Road.

And the response was fairly clear, saying, yes, after the rezoning we will put in buffer plantings. And I really encourage that to happen. I hope not just where it was indicated tonight near where the immediate building will take place, because it is going to take awhile for that to grow, not just there but again, this area near Crittenden Road where the parking lots will be. Why not get those plantings in now, whether the buildings are in five, ten, fifteen, twenty, or twenty-five years, you know, how long it takes trees to grow?

Response: Planting enhancements within the 100 foot buffer zone will be implemented during the first spring after approval of the IPD Rezoning or as soon thereafter as possible given planting feasibility, in coordination with the Town.

Comment 15: Commenter: A8
I would ask that now, the very first thing you do, before you do anything, is to put in the buffer, put in the trees, all around the existing homes, especially, behind Southland but along the whole — wherever you are going to be impacting the homes, to put them in now and twenty-five to thirty years, they will be tall and they will be a real buffer. Don't wait until you do any of the building.

Response: Planting enhancements within the 100 foot buffer zone will be implemented during the first spring after approval of the IPD Rezoning or as soon thereafter as possible given planting feasibility, in coordination with the Town.

Comment 16: Commenter: A9
I am wondering if there is an analysis, particularly in the residential areas along Southland Drive, Norman Road, Crittenden Road, as far as the heights of the buildings proposed, along with the buffer and the tree line, and to see how much will be visible from the residential areas. I think that would be helpful in order to determine the impact of those sites for people to look at.

Response: Photo simulations have been prepared depicting potential building massing/impacts to these viewsheds and may be found in Appendix D of this FGEIS.

Comment 17: Commenter: A10, A12
I agree that we should start the buffer zones as soon as possible to get those trees up. And I also strongly agree as well that it would be helpful if we set other proposals that have elevations of what the buildings will look like from different vantage points.

Response: Planting enhancements within the 100 foot buffer zone will be implemented during the first spring after approval of the IPD Rezoning or as soon thereafter as possible given planting feasibility, in coordination with the Town.

A 3-D model of the Master Plan concept site plan was prepared to develop photo simulations of the future building elevations as they relate to various vantage points adjacent to the residential areas. Please refer to the photo simulations in Appendix D of this FGEIS.

Comment 18: Commenter: A12
I would just like to say, again, you are conducting your affairs in a good neighbor way, and we are expecting and hopeful that you are going to continue that. You have heard from some of the residents there. And I think that one of the points Louise brought up, you can get started on the buffering sooner than later. And I think that it would go a long way toward demonstrating your good faith with the neighbors and a buffer plan for the University, which we are looking forward to more information in that regard.

Response: Planting enhancements within the 100 foot buffer zone will be implemented during the first spring after approval of the IPD or as soon thereafter as possible given planting feasibility, in coordination with the Town.

The buffer areas adjacent to the residential zones were field walked and thoroughly studied to identify 'bare spots' and other areas where planting enhancements will provide the most benefit t to the neighbors. Key areas were located and photo documented during both winter (no leaves) and summer (fully leafed-out) conditions. The intent is to supplement the existing deciduous plantings with native evergreen species to provide year-round buffer enhancements.

A detailed landscape buffer planting plan has been prepared, to indicate the enhanced buffers adjacent to residential areas. It will be implemented during the first spring after the IPD Rezoning or as soon thereafter as possible given planting feasibility, in coordination with the Town. Spring planting will allow the new plants to get established prior to winter. The proposed Landscape Buffer Planting Plan may be found in Appendix C of this FGEIS.

In its commitment to enhance the buffer, the University will monitor the progress of the plantings and ensure they are receiving sufficient water and protection from weeds. The monitoring will be done by a person with state and national certifications such as a national certified grounds manager and/or a state certified nursery landscape professional on an annual basis for a period of three years after planting. Should any plantings be determined to be compromised or dead, they will be replaced and continue to be monitored.

C. TRAFFIC & TRANSPORTATION

Introduction

A Traffic Impact Study (TIS) was completed to reflect the potential impacts of the Master Plan concept site plan with the best information available at the time. As such, the future build-out scenarios are a 'best engineering judgment' of vehicle increases on the surrounding roadway system, and the associated impacts to the streets, roadways and intersections.

To determine the best way to develop agreeable monitoring measures, the University representatives have had several recent meetings with all local transportation agencies and Town representatives to discuss the potential traffic impacts, and how the University plans to monitor the impacts incrementally over time. A meeting was held with MC DOT and T.Y. Lin International (University consultant) representatives on May 13, 2014 to have preliminary discussions on the comments received. A second meeting was held on May 27, 2014, with all the senior traffic/ transportation/ Public Works representatives in attendance, including the Town of Brighton, Monroe County DOT, NYS DOT and City of Rochester, as well as the University and its consultant team. A sign in sheet and minutes from the meeting are included in Appendix E. The purpose of the discussions was to determine reasonable and acceptable transportation system monitoring procedures as the University grows over time. A third follow-up meeting was held with Town staff on May 29th to further discussions and begin to craft the language for the traffic study updates and mitigation enforcement in the IPD Ordinance.

In a letter to the Town dated June 10, 2014, the Monroe County DOT stated that they completed their review of the May 2014 FGEIS, and that their comments on the Traffic Impact Study were addressed. The letter states that there are many unknown factors contributing to the traffic impact conclusions, which make it difficult to identify specific mitigation measures. Therefore, the MC DOT concurs that the best approach is to continue to update the regional TIS every five years to monitor potential traffic impacts. The next TIS update will be completed in the fall of 2015. MC DOT's letter is included in Appendix E.

Comment 1: Commenter: A1
An active transportation plan should be prepared that links and interconnects the South Campus/project to the Lehigh Valley Trail, the Medical Campus and the River Campus.

> Response: An active transportation plan has been developed which provides pedestrian and bicycle connectivity throughout the South Campus site, and connects north (via improvements currently under construction on the Kendrick road Bridge) to the U of R Medical Campus, and the River Campus. RG&E owns a 40 foot strip of land which runs along the entire western property boundary of the South Campus site, parallel to the Lehigh Valley Trail. This strip of land contains overhead transmission power lines strung from steel towers. Given RG&E's ownership of the power corridor running parallel to the trail, connections to the Lehigh Valley Trail which would need to cross the RG&E owned transmission corridor are not proposed. However, the Lehigh Valley Trail can be accessed from South Campus at East River Road, and a connection will be made from South Campus to the Lehigh Valley Trail near Crittenden Road which will also serve as an emergency access to the southern section of the South Campus property at the time of its development.

See Appendix E, Figure 1 of this FGEIS for a depiction of the Active Transportation Plan and interconnectivity in and around the South Campus area.

Comment 2: Commenter: A1
RGRTA and UR Shuttle stops should be incorporated into the plans for this campus with the intent of increasing RGRTA service. The plans should include internal bus stops and strategies to improve and encourage public transportation.

Response: The University of Rochester South Campus is currently served by the Rochester Transit Service (RTS) as part of RGRTA's overall network. RTS bus line S1 (Greece Express) passes through the South Campus area at East River Road prior to heading north over the Kendrick Road Bridge toward the main campus. The S1 line provides service to the University of Rochester Medical Center, College Town, and the South Avenue corridor in the City of Rochester.

In addition to future RTS service, transportation to the South Campus site is currently operational in the form of the existing University of Rochester Blue Line shuttle service which accesses South Campus via Kendrick Road, and includes a stop at the Laboratory for Laser Energetics (LLE) facility, and the Whipple Park apartments. As the South Campus Master Plan is realized over time, additional stops may be located along Murlin Drive adjacent to new facilities. The Blue Line shuttle connects South Campus to the Medical Campus/College Town area, as well as the River Campus. See Appendix E, Figure 3 of this FGEIS for a map of the U or R's shuttle service system.

The University and RGRTA meet regularly to discuss ridership, the need for additional or modified stops throughout the campus, enhanced bus stops and shelters for interconnection of RGRTA stops with University shuttle stops, and express service to various areas of the community. Similar to the ongoing plans and development of College Town, it is likely that RTS bus stops will be added to the South Campus site as it becomes further developed. The demand for future stops will continue to be coordinated with RGRTA as public ridership and transportation links continue to increase throughout the campus. See Appendix E, Figures2, 3 and 4 of this FGEIS for a depiction of the current RTS and University shuttle routes through the South Campus.

Comment 3: Commenter: A1
Parking capacities should be defined by specific uses. Parking in the South Campus cannot be used as an off-site lot for general University parking needs. The Planning Board should be granted the flexibility during site plan approval to discuss land banking the parking.

Response: Parking shown on the current plan for South Campus is intended to serve South Campus land uses only, and will not be used as off-site lots for other University of Rochester facilities. Per Town Code section §205-12 Parking Schedule and §205-29 Off-site parking in IPD Districts, parking will be sufficient to accommodate the usual needs of the use without requiring parking/loading anywhere outside the district. As each project is proposed, parking demands will be calculated for the intended use and discussed with the Planning Board. For clinical uses, a typical ratio is 5.0/1000 GSF is used. Residential parking demands will likely be similar to Town Code requirements at 1.5 spaces per unit. Land banking is anticipated, and is the desired outcome for both the Town and the University, so

the Brighton Planning Board will have the flexibility to discuss it during the site plan approval process for each project or phase of the master plan development.

Comment 4: Commenter: A1
The Board has concerns with interior road configuration of the project. These concerns can be addressed during the preparation of the required Current Plan.

Response: The Current Plan, which may be found in Appendix A of this FGEIS, includes revision to the interior road configuration based on discussion had with the Planning Board.

Comment 5: Commenter: A2
Comments and responses presented in T.Y. Lin International's letter dated December 13, 2013 should be incorporated into the FEIS, concerning traffic (items 1-3).

Response: T.Y. Lin International's letter of December 13, 2013, which was a response to Stantec comments received in November, has been included in Appendix E of this FGEIS for the purpose of including the traffic related discussion items.

Comment 6: Commenter: A2
A listing of the specific required transportation improvements along with who will be directly responsible for making those improvements should be further identified. This listing should particularly include who is responsible for aligning Murlin Drive with Kendrick Road and the possible traffic signal at Site driveway 2 with East River Road.

Response: Murlin Drive has already been aligned with Kendrick Road, and was done so via the completion of the roundabout and other E. River Road roadway improvements implemented by the State DOT in 2013. A traffic signal on East River Road just east of the Laser Lab has been identified as future mitigation, which will be paid for by the University.

A list of specific transportation improvements, along with who will likely be directly responsible for making those improvements, will be formulated once the mitigation components are agreed upon through working with Monroe County DOT.

Comment 7: Commenter: A2
A new traffic study should be prepared for any new major development (50,000 sq. ft. or more).

Response: The Draft IPD Ordinance identifies thresholds for additional traffic studies. Please refer to Appendix A. At a minimum, the University has committed to updating the Traffic Study every 5 years, starting in 2015. Also note that the U of R is committed to reimburse the Town for expenses relating to the review and coordination of future traffic studies which relate to the development of South Campus.

Comment 8: Commenter: A2
Any new traffic counts required by the City of Rochester need to include all of the intersections presented in the SDEIS. These traffic counts should be updated and analyzed and presented to the Town Of Brighton.

Response: The TIS will be updated in 2015 with new traffic counts for each of the outdated intersections.

Comment 9: Commenter: A2
Any future traffic analysis should use a more updated traffic analysis program, such a VISSIM that can show the combined traffic effects of the expressway, expressway ramps and arterial intersections.

Response: The expressway can be analyzed with software such as VISSIM.

Comment 10: Commenter: A2
Figure 4 shows an emergency access to the rezoned property from the Lehigh Valley Trail. The proposed emergency access must cross lands owned by RG&E. Will RG&E grant the necessary easement to the University? The appropriate easements will be required. The emergency access must be improved to be consistent with the NYS Fire Code requirements. A schedule regarding the construction of the emergency access should be provided.

Response: The University of Rochester is currently coordinating the necessary easements with RG&E. The emergency access will be designed to be consistent with NYS Fire Code requirements. Though this emergency access will only become necessary when future phases of the South Campus are developed - particularly the new residential areas in the southern limit of the property – the University is currently in the process of securing the necessary easements from RG&E. The timing of the emergency access installation will be linked to the timing of the residential construction, and the emergency access road will be installed prior to any residential development within the South Campus property. The specific timing will be part of the Site Plan review process for future phases which focus on development in the southern half of the South Campus site, and include any residential components. However, coordination with RG&E regarding the necessary cross access easement is being handled currently, in an effort to ensure that the easement is in place prior to the triggers which will necessitate the construction of the emergency access drive.

Comment 11: Commenter: A2
The proposed project should provide public interconnecting trails between the rezone property and the Lehigh Valley Trail. Additionally, the campus should be designed to encourage pedestrian, bicycle and public transportation. Interior sidewalks, shared use trails and transit improvements should be provided.

Response: Interconnecting trails between the rezone property and the Lehigh Valley Trail are not proposed, as they would need to cross lands owned by RG&E, not the University. A trail connection is proposed at the southern end of the South Campus site near Crittenden Road which will also serve as emergency access to that portion of South Campus once it is developed. Figure 11A of the S-DGEIS illustrates the long term plan for sidewalk and trail connectivity throughout South Campus. As seen throughout the University of Rochester's

Medical Campus and River Campus, a network of sidewalks and multi-use pathways are an important component of dense development. As the South Campus develops further south on the property, each developed area will include interior sidewalks, shared-use trails, and transit improvements. Refer back to response2 of this section of the FGEIS for further detail, and see Appendix E, Figure 1 for the proposed Active Transportation Plan.

Comment 12: Commenter: A2
RGRTA and UR Shuttle stops should be incorporated into the plans for this campus with the intent of increasing RGRTA service. The plans should include internal bus stops and strategies to improve and encourage public transportation. Does the U of R have an agreement with RGRTA to provide service to internal bus stops?

Response: The University of Rochester is in constant conversation with RGRTA with regard to adding new bus stops when density increases on the campus. This is evident at the Medical Campus, where growth around Strong Memorial Hospital and the development of College Town along Mount Hope Avenue, are necessitating the placement of additional bus stops. Similarly, as the South Campus property begins to develop, the University of Rochester will coordinate with RGRTA the timing of implementing, and appropriate location of, new bus stops.

Comment 13: Commenter: A2
What is the status of the NYSDOT and MCDOT review of the Traffic Study? Their comments should be addressed in the SFGEIS.

Response: As stated in their June 10, 2014 letter to the Town, MCDOT has completed their review of the Traffic Study. Responses to their comments are included in the FGEIS. NYSDOT concurred with the comments that were made by MCDOT.

Comment 14: Commenter: A4
The project includes a large expansive parking area. Additional parking structures should be considered to increase green space, reduce stormwater runoff and improve the character of the proposed campus development

Response: Parking structures are included as part of the Current Plan which may be found in Appendix A. As future phases of development go into final design, and the specific forms of those future buildings begin to take shape, parking will be an important consideration and may result in additional structured parking if needed. While it is acknowledged that parking structures can reduce the footprint of impervious surface, structured parking has a high cost associate with the construction, maintenance, and operation of said facilities. This will be a consideration in the planning for structured parking as the master plan develops.

Comment 15: Commenter: A4
Emergency access at the southern portion of this development appears to be on an unimproved trail owned by the Town.

Response: The emergency access route will be located parallel to the unimproved trail owned by the Town. The final design and specific location of this access route will be coordinated with and reviewed by the Town, including the timing of its implementation.

Comment 16: Commenter: A4
An active transportation plan should be a component of this development. Page 23 references bicycle and pedestrian accommodations as part of the Kendrick Rd modifications. Will these changes occur and will the connections at the new roundabout accommodate bicycles as shown on Figure 11? Page 89 references a sidewalk and/ or shared use trail being developed as buildings are constructed along Murlin Drive. Dedicated pedestrian and bicycle lanes as well as bike parking stations should be incorporated as all buildings are developed as part of the site infrastructure. This should be shown on Figure 11A. RGRTA and UR Shuttle stops should be incorporated into the planning with the intent of increasing RGRTA service.

Response: Public sidewalks have been constructed on E. River Road and Kendrick Road as part of the roundabout project recently completed by the NYS DOT. Sidewalks extend easterly on E. River Road beyond the limits of the roundabout project. North of the Kendrick Road Bridge and south of the roundabout, widened multi-use trails are constructed that extend onto University property that provides bicycle and pedestrian interconnections throughout the campus.

The improvements to the Kendrick Road Bridge, which will include a widened bridge that accommodates pedestrian and designated bicycle lanes, is currently under construction. Please see the response to comment 1 of this section which refers to the active transportation plan (Appendix E, Figure 1). Figure 11A of the S-DGEIS lays out an interconnectivity plan for South Campus. Please also refer to responses to comments 2, 3, 11, and 12 of this section of the FGEIS for information pertaining to pedestrian/bike accommodation, RGRTA, and University of Rochester shuttle transportation.

Comment 17: Commenter: A4
Page 80 of the S-DGEIS states, "the University will continue to work with RGRTA to extend bus stops to new growth areas along E. River Road". The project should include internal bus stops and/or a central transit center that will provide convenient access to the proposed facilities. Smart bus shelters that provide arrival/departure and destination information should be provided. A strategy to improve and encourage public transportation to the proposed project should be developed.

Response: Please see response to comment 2 of this section of the FGEIS.

Comment 18: Commenter: A4
Parking capacities should be defined by specific uses and stated as both a maximum and minimum. Capacity should be built to less than the maximum with the intent of land banking undeveloped area for potential need in the future.
Parking in this development cannot be used as an off-site lot for general University needs.

Response: Please refer to response to Comment 3 in this section.

Comment 19: Commenter: A4
Surface parking should be minimized by defining a percentage of parking required need being in garage facility. The architectural character of these structures should be defined with consideration for facing the exterior of these facilities with active uses such as offices.

Response: Please see Appendix A for the Current Plan, Appendix B for Design Guidelines and Standards, which outline specifics regarding surface and structured parking, their location, and intended appearance.

Comment 20: Commenter: A4
Pervious pavements should be considered where applicable such as sidewalks, trails, and driveways.

Response: The inclusion of pervious pavement will be considered where appropriate. The U of R has implemented some pervious parking areas on the Medical Campus and seriously considers these options when developing new sites.

Comment 21: Commenter: A4
The parking areas should be designed to encourage pedestrian and bicycle traffic.

Response: Considerations for the accommodations of pedestrians and bicyclists will be part of the final design for all parking areas on the South Campus.

Comment 22: Commenter: A4
Response B1 to the 2005 comments states "When a proposed project is submitted for review within the IPD, the anticipated impacts to emissions will be reviewed against baseline measurements to ensure the area is still at or below emission allowances. This review should be completed for the imaging building project.

Response: This review will be completed for the Imaging Building when that project is formally submitted.

Comment 23: Commenter: A4
The transportation system serving the project should include specific lanes or lane markings to accommodate bicycle traffic. Bicycle infrastructure such way finding signs, bike racks and bike lockers should be located to encourage bicycle commuting.

Response: The master plan developed for South Campus includes an active transportation component which provides multi-use trails parallel to Murlin Drive. This is similar to how the Medical Campus and River Campus have been developed, both of which incorporate streets, sidewalks, and multi-use trails to accommodate bicyclists. The Kendrick Road Bridge is currently being reconstructed to include bike lanes, and will provide a connection between the bike paths which exist on the Medical Campus/Mid Campus and proposed bike paths at South Campus. In addition, the City of Rochester has funding in place for the construction of a cycle track along the south side of Elmwood Avenue which will increase and improve safe bicycle access to the U of R. Bike racks and other bicycle related amenities will be incorporated into South Campus where appropriate as the campus develops.

Comment 24: Commenter: A4
The Multiversity Concept described in the Town of Brighton's Comprehensive Pedestrian and Bicycle Master Plan identifies the Lehigh Valley Trail as a key bicycle/pedestrian corridor linking the University of Rochester and RIT. The South Campus project should include public interconnections to the Lehigh Valley Trail to encourage and facilitate bicycle and pedestrian access to the Universities.

Response: See response to Comment 1 of this section of the FGEIS.

Comment 25: Commenters: A6, A7

April 21, 2014 letter comment 2:
We have concerns that the area surrounding the U of R may become very congested at certain periods with the proposed development, even with mitigation and signal timing adjustments. This area will need to be monitored closely, and may require additional mitigation and/or less intense development.

There are many intersections where individual movements are identified as failing at the 5 and/or 20 year build timeframe. The first step to try to mitigate these concerns is to apply phasing and timing adjustments to the traffic signals, however, these will likely not be sufficient to mitigate all of the concerns. If the phasing and timing adjustments do not mitigate the problem, alternate mitigation must be identified to correct the situation. If safety problems develop, specific turning movements may need to be restricted.

Response: It is agreed that the area will need to be monitored closely over time, and may require additional mitigation. The Traffic Impact Study was completed to reflect the potential impacts of the Master Plan concept site plan with the best information available at the time. As such, the future build-out scenarios are a 'best engineering judgment' of vehicle increases on the surrounding roadway system, and the associated impacts to the streets, roadways and intersections.

To determine the best way to develop agreeable monitoring measures, the University representatives have had several recent meetings with all local transportation agencies and Town representatives to discuss the potential traffic impacts, and how the University plans to monitor the impacts incrementally over time. A meeting was held with MC DOT and T.Y. Lin International (University consultant) representatives on May 13, 2014 to have preliminary discussions on the comments received. A second meeting was held on May 27, 2014, with all the senior traffic/transportation/Public Works representatives in attendance, including the Town of Brighton, Monroe County DOT, NYS DOT and City of Rochester, as well as the University and its consultant team. A sign in sheet and minutes from the meeting are included in Appendix E. The purpose of the discussions was to determine reasonable and acceptable transportation system monitoring procedures as the University grows over time. A third follow-up meeting was held with Town staff on May 29th to further discussions and

begin to craft the language for the traffic study updates and mitigation enforcement in the IPD Ordinance.

Increases to traffic volumes will depend on two factors: additional building construction and proposed uses of those buildings. Different uses of buildings will generate different vehicular trip numbers, with drivers on the road at various times of the day. For example, the Laser Lab located on the South Campus has a large building footprint, but has relatively few employees for a building that size. And the building was expanded a number of years ago, but the use was the same, so the number of new employees was not proportional to the increase in building square footage. Therefore, using number of trips generated from development of the South Campus will be more realistic than putting limitations on building square footage.

As the S-DGEIS was being prepared, the Town requested that new traffic counts be taken at several Town intersections to verify assumptions made in the traffic study. We found that the assumptions made were conservative; i.e., the numbers of cars counted were less than the anticipated volume projections in the study. These types of comparisons indicate that the best way to monitor potential impacts is to do so over time, in an agreeable manner, to ensure the roadway system is not overloaded to the point where safety issues arise.

As stated in the S-DGEIS and in this document, each new project will be subject to review and approval by the Town to ensure the project addresses potential impacts. As with any project application submitted to the Town, the University will provide environmental impact assessment related to the project, including traffic, stormwater, water usage, sewers, woodlot impacts, etc.

Regarding traffic, the Review and Approval section of the Draft IPD Ordinance (refer to Appendix A) includes the following language, which is also part of the approved City Ordinance for the University's Planned Development:

> *"Each application for development in the IPD shall be accompanied by traffic and parking management documentation as described in the sections below."*
>
> *"A Parking Capacity Analysis Report completed by the University shall be updated periodically and shall be made available to the Town Planner upon request."*
>
> *"Applications involving construction of a building generating 100 peak hour trips are required to include a traffic analysis; provided, however, that in any event the Traffic Impact Study shall be updated or replaced every five years, commencing in 2015. The Town Planner shall review the information to determine if there are potential adverse impacts upon the level of service of the neighboring street system and whether mitigation measures are necessary."*

The University has had ongoing discussions with RGRTA for years. The goals are to identify and provide opportunities for increased transit ridership volumes, bus stop locations and expansion of the successful express routes to service targeted neighborhoods in the City and surrounding Towns where University and Medical Center staff are concentrated.

Other transportation system enhancements, initiatives and mitigation that reduce vehicular use:

- The South Campus is directly connected to the Medical Center and River Campus by secondary roadways, private roads, sidewalks and multi-use trails. These connections provide continuous and safe bike and pedestrian access and vehicular access directly connected to I-390, avoiding the need to use of the local street network. Please refer to Appendix E for the *Active Transportation Plan*.

- The University Transit system already provides circulator routes to the South Campus and other off-site University locations in Brighton and the City. Services will be expanded as growth continues.

- The S-DGEIS reflected the reduction of Institutional Use and in increase in residential use on the South Campus. This change to residential use results in a reduction of new traffic volumes on the roadway network, thus traffic mitigation from the original proposal (all institutional use).

Finally, regarding the County's notes on the potential need for alternative mitigation at failing movements at identified intersections at the 5 and/or 20 year build timeframes: based on the information provided in the TIS, only 2 left turn movements at local intersections in the City were projected to fail as a result of University Growth. We believe that the growth percentage used in the analysis is very conservative and may be a contributing factor to the projected levels of service. The effect of future development on the surrounding network will be more apparent in the updated version of the TIS (to be completed in 2015) as new traffic turning movements will be collected and the growth plan will be updated. Each intersection will be reevaluated and proposed mitigation will be revisited. At a minimum, the traffic study will be updated and resubmitted in 2015, 2020 and 2025. Monitoring the overall growth within the University and the surrounding traffic network every five years will enable the University to reevaluate the density of the remaining development plan and implement necessary mitigation measures.

Comment 26: Commenters: A6, A7

April 21, 2014 letter comment 3:
The report identified that dual westbound left turn lanes be implemented as a mitigation measure on Elmwood Avenue at Kendrick Rd. in the 20 year build scenario. Many years ago, the extension of the existing westbound left turn lane was identified as a mitigating measure at this intersection, but it has never been done. We recommend the U of R extend the existing westbound left turn lane now, and evaluate the need for the dual left turn lane in future updates of the campus master plan.

Response: It is plausible that the extension of this lane will negate the need for a dual left turn lane for the 20 year build scenario. This will be further explored in the updated 2015 TIS.

Comment 27: Commenters: A6, A7

April 21, 2014 letter comment 4:

The report identified that the new roundabout at the E. River Rd / Kendrick Rd intersection will fail in the 20 year build scenario, yet no mitigation was proposed. During the design phase for the roundabout, a potential SB right turn slip ramp was considered and ultimately deemed not necessary at the time. This option should be explored as potential mitigation.

Response: In fact, the roundabout is not projected to fail in the 20-year build scenario. Additional analysis was performed and the information was provided to Monroe County DOT for their review and concurrence (refer to Appendix E).

All approaches will operate at acceptable levels of service for the full-build scenario with mitigation. Mitigation includes adding a second lane to the southbound approach. The far right lane would operate as a slip right with stop control and second lane would provide access to the roundabout for the through and left turning movements. Similarly, for Murlin Drive, adding a second exiting lane onto the roundabout will mitigate delays: one lane for vehicles bound for Kendrick Road and westbound to East River Road, and a 2nd lane for vehicles heading east on East River Road.

Comment 28: Commenters: A6, A7

April 21, 2014 letter comment 5:
The proposed development places a lot of additional pressure on the I-390 corridor, which is already close to capacity and backs up northbound daily south of I-490. Even after all of the I-390 improvements, delays will likely continue. The proposed I-390/ I-490 improvement project may provide some improvements to the congestion in this area; however the exact construction schedule is uncertain.

Response: There are currently some short-term delays in the I-390 corridor in the University area during rush hours.

Slow downs are best regulated by more consistent traffic progression. For example, on-ramps with longer entry transitions provide better opportunities for drivers to create and find gaps to enter the flow and keep it moving at more consistent speeds, even if the speeds are reduced. The new ramps being designed and built by NYS DOT at E. River Road, Kendrick Road and West Henrietta Road have these longer transitions that will improve flow. The future projects at E. Henrietta Road and the I-390/I-490 interchange will meld in well with the any significant growth at South Campus, which will lag behind the completion of the highway projects.

As discussed with the local transportation agencies at our recent meetings, it was agreed that leaving a congested expressway to find quicker routes on the local street rarely works in the driver's favor. Therefore, this would be an unlikely result of University growth.

As the additional updates to the TIS are submitted every five years, starting next year with a 2015 update, traffic patterns arising from the proposed improvement projects will be reflected in the reports. The updated reports will provide incremental analyses to monitor growth and operations of the roadway network and the effects of the highway improvements on the adjacent intersections within the study area

Comment 29: Commenter: A6

Comment number 1: Pg 19 - Kendrick Road NB on-ramp to I-390 is under construction for past year.

Response: The updated TIS, proposed for completion in 2015, will update referenced the existing roadway improvements. Several comments in this section reference roadway improvement projects that were either recently completed or under construction at the time the TIS analysis was completed in 2010.

Comment 30: Commenter: A6

Comment number 2: Pg 20–data for I-390 is old, from 2008, and should probably be updated.

Response: The data for I-390 will be updated in the 2015 update to the TIS.

Comment 31: Commenter: A6

Comment number 3 & 4: Pg 20 – the data & description of W Henrietta Rd and E Henrietta Rd are inconsistent with the portion north of I-390, which is Mt Hope Ave, a city street.

Response: Acknowledged. This will be changed in the 2015 update to the TIS.

Comment 32: Commenter: A6

Comment number 5: Pg 20 – There are several other "major roadways" within the study area, not listed such as Westfall Rd., E. River Rd., Kendrick Rd, Elmwood Ave., etc.

Response: All major roadways will be included the 2015 update to the TIS.

Comment 33: Commenter: A6

Comment number 6: Pg 21 – All counts referenced on this page are old — 2005 or older and not usable.

Response: Please refer to the response to comment25.

Comment 34: Commenter: A6

Comment number 7: Pg 22/23 – While we agree with the methodology used to "grow" the old count data, we feel that the new counts should have been more geographically spread out. None of the counts were north of the expressway, thus missing the main U of R growth area, and not confirming no growth in those areas

Response: The original TIS was completed for the 2005 DGEIS and submitted to the Town of Brighton. In 2010, a revised version of the TIS that included more recent counts within the City of Rochester was submitted to the City of Rochester. With the development proposed at

that time, the intersections within the Town of Brighton were not included in the study area. In 2013, the development plan detailed in the TIS was updated for the S-DGEIS. The expansion included development in the South Campus and the 2010 study was expanded to include additional intersections within the Town of Brighton. Due to the age of the available traffic volumes, new TMC's were requested by the Town of Brighton at select locations to confirm the anticipated growth values. New TMC's will be collected in 2015 to for the planned five year update to the TIS.

Comment 35: Commenter: A6

Comment number 8: The Kendrick Rd I-390 northbound on-ramp will require users to cross a busy on-ramp that is not there today, so not really an improvement to the bike/ped users of this area.

Response: A designated bicycle lane is proposed along on each side of Kendrick Road in this area.

Comment 36: Commenter: A6

Comment number 9: Pg 79 – E. Henrietta Rd. bridge over the canal and 390/15A ramp improvements will be awarded as a design-build project in 2014, and thus will be completed much sooner than 2019.

Response: Yes, the bridge is currently under construction. The anticipated date of completion is 2015.

Comment 37: Commenter: A6

Comment number 10: A discussion regarding background growth should occur here as well.

Response: This will be expanded on in the 2015 update to the TIS

Comment 38: Commenter: A6

Comment number 11: Pg 79 – Trip generation – for AM peak hour, 626 entering + 187 exiting = 813 trips not the 903 references as the total?

Response: This is a typo, the exiting volume for the AM peak hour in the South Campus is actually 331 vehicles and the total is 1,013. This number was applied to the trip distribution for South Campus.

Comment 39: Commenter: A6

Comment number 12: Pg 79 – 390/590 Expressway systems – the report states that 85% of the traffic generated to & from the south campus would use the 390/590 systems. I-390 NB

already breaks down in the PM peak hour daily between here and I-490, and thus cannot handle the additional volumes.

Response: For the 2015 update to the TIS, highway analysis will be included for the section of I-390 NB from East Henrietta Road to I-490.

Comment 40: Commenter: A6

Comment number 13: Pg 80 – We concur that the U of R should be required by the Town and the City to submit traffic impact reports for all new development for the Town, County, City & State's review.

Response: Noted

Comment 41: Commenter: A6

Comment number 14: Pg81 — 5 year plan – For the record, MCDOT owns and maintains all of the public signals surrounding the U of R and maintains the private ones as well. We are continually evaluating the timings and adjusting them as needed to optimize traffic flow. If there is ever a concern with a specific signal, we can be contacted to take a look.

Response: Noted. It is anticipated that the intersections will need to be tweaked as development occurs in and around the University.

Comment 42: Commenter: A6

Comment number 15: Pg 81 – 5year plan – There has been a standing recommendation and requirement for the U of R to extend the WB left turn lane on Elmwood Ave at Kendrick Rd. for many years, but has not been completed, which will improve operations at the intersection of Elmwood/Kendrick.

Response: Please refer to the response for comment 26

Comment 43: Commenter: A6

Comment number 16: Pg 82 - 20 year plan - Potential traffic signal at Laser Lab/E. River Rd. must meet signal warrants.

Response: A signal warrant analysis for the intersection will be included in the 2015 update to the TIS for the 20 year plan.

Comment 44: Commenter: A6

Comment number 17: Pg 82 - 20 year plan - The existing WB left turn lane on Elmwood at Kendrick should be extended as promised years ago before considering dual left turns. The

existing left turn lane overflows during the PM peak hour today. Dual left turn lanes must run as protected only and are generally inefficient during off peak hours.

Response: Please refer to the response for comment 26

Comment 45: Commenter: A6

Comment number 18: Pg 82 - 20 year plan - Install SB right turn lane on W. Henrietta Rd at E. River Rd. - Who are the other supposed contributing developers, and has this been identified to them?

Response: Mitigation contribution from additional developers for any presently known development beyond the improvements planned for University growth is not anticipated. Although the bridge is wide enough to accommodate six lanes, three southbound approach lanes (as outlined in the 20 year mitigation) may not be feasible based on the current northbound approach alignment. The 20 year mitigation was proposed to better balance the background scenario (redistributed traffic from the NYS DOT improvements and growth) in combination with the U of R growth. Without the southbound exclusive right turn lane, the southbound approach is anticipated to operate at a LOS 'E' with a fully developed South Campus. The traffic impacts will continue to be monitored over time via subsequent studies.

Comment 46: Commenter: A6

Comment number 19: Pg 82 - 20 year plan - It should be noted that as part of the Mt. Hope III project, we anticipate implementing WB dual left turns at the Westfall/Mt. Hope intersection

Response: Noted. This can be implemented into the analysis for the 20 year plan in the 2015 update to the TIS.

Comment 47: Commenter: A6

Comment number 20: Pg 83 - 20 year plan - There is discussion of synchronizing signals at 3 locations along Kendrick Rd. at future Alpha Rd; at Lattimore Rd; at Westmoreland Ave, however none of these intersections are currently signalized, so the text should read evaluate the warrants for and if warranted, install signals at and synchronize ... The U of R should pay their fair share.

Response: The text modifications will be implemented in the 2015 update to the TIS.

Comment 48: Commenter: A6

Comment number 21: Pg 83 - 20 year plan - Note that consideration should be given to widening Kendrick to provide additional lanes before installing traffic signals at the intersections.

Response: The text will be updated in the 2015 update to the TIS to include this information.

Comment 49: Commenter: A6

Comment number 22: Fig 11A - We do not recommend the U of R cut off the trail crossing 390 at the old RR bridge. It's a better connection than putting users through the new interchange, and makes a nice buffer from Genesee Valley Park. Alternately, the trail could be accommodated within the site development

Response: The existing stone dust trail crossing I-390 and the canal, north of East River Road, will remain in place in its current form. However, with the widening improvements to the Kendrick Road Bridge currently under way will provide enhanced accommodations for bicyclists (via designated bike lanes) and pedestrians (via new sidewalks). Similarly, the new roundabout which was constructed at the intersection of East River Road and Kendrick Road contains high visibility crosswalks and pedestrian refuge islands, making it a safer place to cross East River Road. The Kendrick Road crossing connects directly with a multi-use trail along the west side of Kendrick Road In the City portion of the campus which makes connections to the Medical Campus, Elmwood Avenue, and destinations beyond. The unimproved connection over the old railroad bridge feeds into a parking lot, and does not provide a direct connection to a multi-use trail. The old railroad bridge also has not been improved to properly accommodate bicyclists and pedestrians.

<u>Comments and Responses:</u>

Comment 50: Commenter: A6

Comment number 23: Pg 25 - Comment D10 - Only a few locations south of I-390 were counted; No new information was collected north of I-390 where the campus has been expanding.

Response: Please refer to the response to comment 28.

Comment 51: Commenter: A6

Comment number 24: Pg 25/26 - Comment D12 - Ok, but what about the rest of Kendrick Rd. to the north? It should be widened as well.

Response: Yes, five lanes are recommended for the northern section of Kendrick Road for the 20 year build out.

Comment 52: Commenter: A6

Comment number 25: Pg 27 - Comment D17 - The growth rate question was not completely addressed in the traffic study.

Response: Three key intersections within the Town of Brighton were recounted to verify the growth percentage used for the TIS. A traffic volume comparison table and copies of the counts are included in Appendix E of the S-DEIS.

Comment 53: Commenter: A6

Comment number 26: Pg 28 - Comment D18 - Peak hour factor usage cannot be verified without seeing actual synchro files.

Response: the Synchro files are included for your review.

Comment 54: Commenter: A6

Comment number 27: Pg 30 - Comment D18 - Pedestrian clearance times cannot be confirmed without seeing actual synchro files.

Response: Please see the response to comment 54.

Comment 55: Commenter: A6

Comment number 28: Pg 31 - Comment D18 - Kendrick Rd - the report must clearly identify in the recommendations section that Kendrick Rd. will be widened to 5 lanes, by the U of R, as mitigation, once justified by the analysis.

Response: The 2015 update to the TIS will include this language.

Comment 56: Commenter: A6

Comment number 29: Pg 32 Comment re: cycle lengths at Mt. Hope/Westfall - The NYSOOT cycle lengths will likely conform to our cycle lengths to continue progression out of the City. We are constrained with other adjacent intersections. In addition, the shorter cycle length is making things worse.

Response: Acknowledged. The cycle lengths in the Synchro analysis for the 2015 update to the TIS will be modified to 120 seconds.

Comment 57: Commenter: A6

Comment number 30 & 33: Pg 33/35 – Comment re: pedestrian clearance times and pedestrian splits - Cannot verify without seeing the Synchro files.

Response: Please see the response to comment 54.

Comment 58: Commenter: A6

Comment number 31: Pg 34 - Comment re: E. River Rd. / I-390 - There is no mention of the 3rd WB lane shown at the site driveway, but it is never mentioned as a recommendation.

Response: The additional WB lane is included in the Synchro analysis and will be included in the text for the 2015 updated TIS.

Comment 59: Commenter: A6

Comment number 32: Pg 34 - Comment re: E. Henrietta/Westfall intersection - The NB right turn lane and intersection improvements were completed by the Westfall Rd III project by MCOOT. The analysis still fails with no mitigation shown.

Response: The overall intersection and three movements (the northbound through movement, the southbound left turn movement and the southbound through, through/right lane) are projected to fail for the PM background condition. With the development in place and modification to the signal timing, the overall delay is reduced and the northbound through movement is mitigated to a LOS 'E'.

Comment 60: Commenter: A6

Comment number 34: Pg 35 - Comment re: Mt Hope / Elmwood - This is unacceptable. If geometric constraints do not allow for additional needed lanes, required by the development, then perhaps development density should be reduced. Mitigation is required.

Response: There eastbound through lanes are not currently proposed or recommended for this location. Further mitigation for this intersection will be addressed in the 2015 update to the TIS as the traffic volumes and signal timing plans will be updated and will provide a more comprehensive overview of the anticipated impact to the intersection.

<u>TIS Report – December 2013</u>

Comment 61: Commenter: A6

Comment number 35: Pg 2 - Update the portion regarding the existing transportation network.

Response: Acknowledged

Comment 62: Commenter: A6

Comment number 36: Pg 5 - 5 year plan - Synchro does not show that any of the proposed optimization of signal timings, phasing and coordination is helpful.

Response: The recommendation to optimize signal timings, phasing and coordination is intended to balance the intersections and improve the corridor.

<u>20 Year Plan:</u>

Comment 63: Commenter: A6

Comment number 37: Pg 6 – Show Kendrick Rd being widened to 5 lanes for its entire length as modeled in Synchro.

Response: Acknowledged, the updated 2015 TIS will include this recommendation.

Comment 64: Commenter: A6

Comment number 38: Pg 6 – E River Rd & Site Drive #2 – add "if and when warranted"

Response: Acknowledged, this will be included in the 2015 TIS.

Comment 65: Commenter: A6

Comment number 39: Pg 6 – Elmwood & Kendrick – Change to: "Protected only WB left turns and add NB third lane.

Response: Acknowledged, this will be included in the 2015 TIS.

Comment 66: Commenter: A6

Comment number 40: Pg 6 – Westfall & Mt Hope – Mt Hope III project shows it as dual WB left turns, and WB thru/rt.

Response: Acknowledged. This will be included in the 2015 TIS.

Comment 67: Commenter: A6

Comment number 41: Pg 6 – W Henrietta & E River; For the changes proposed on SB approach, we assume this means widening the bridge over I-390?

Response: Widening the bridge over I-390 is not proposed.

Comment 68: Commenter: A6

Comment number 42: Pg 6 – Cycle lengths should remain at 120 seconds for optimum efficiency and coordination.

Response: Acknowledged. This will be modified in the 2015 TIS.

Comment 69: Commenter: A6

Comment number 43: Pg 6 – Synchro runs do not show any of the optimization changes making any improvements.

Response: The recommendation to optimize signal timings, phasing and coordination is intended to balance the intersections and improve the corridor. The list will be modified in the 2015 TIS.

Comment 70: Commenter: A6

Comment number 44: Pg 6 – Many of the intersections shown fail; see individual comments. Without mitigation, this could indicate that the proposed development density should be reduced.

Response: The effect of future development on the surrounding network will be more apparent in the updated version of the TIS (to be completed in 2015) as new traffic turning movements will be collected and the development plan will be updated.

Comment 71: Commenter: A6

Comment number 45: Pg 7 – What about signalizing "Beta Rd" @ Kendrick Rd?

Response: A traffic signal warrant will be investigated for this location in the 2015 TIS update.

Comment 72: Commenter: A6

Comment number 46: Pg 7 – E River Rd is shown as 3 lanes WB instead of 2 lanes WB at the site driveway, and WB left turn lane is needed there, so widening is proposed, yet not shown here as mitigation.

Response: Acknowledged. This will be included in the 2015 TIS.

<u>Existing Roadways and Conditions</u>

Comment 73: Commenter: A6

Comment number 47: Figure 2 – Existing Lane Configuration – is full of errors. Should be updated.

Response: The existing lane configuration figure is reflective of the lane configuration for the base condition and will be updated in the 2015 TIS.

Comment 74 through Comment 80: Commenter: A6

The following addresses Comment 74 through Comment 80 regarding the existing intersection descriptions. Each comment is after the response:

Response (Comment 74 through Comment 80): The existing intersection descriptions are reflective of the lane configuration for the base condition and will be updated in the 2015 TIS.

Comment 74: Commenter: A6

Comment number 48: Pg 13 – Mt Hope & Westmoreland/Westfall – A NB right turn lane exists as well.

Comment 75: Commenter: A6

Comment number 49: Pg 14 – Mt Hope/Crittenden/E Henrietta – update information here.

Comment 76: Commenter: A6

Comment number 50: Pg 14 – Mt Hope & Elmwood - Add EB right turn lane.

Comment 77: Commenter: A6

Comment number 51: Pg 14 – E Henrietta & Westfall – Add dual WB lefts and NB right turn lane.

Comment 78: Commenter: A6

Comment number 52: Pg 15 – E River/Kendrick/Murlin – Update info – now roundabout.

Comment 79: Commenter: A6

Comment number 53: Pg 15 – E River/I-390 SB off ramp – Update info – now has an on ramp also.

Comment 80: Commenter: A6

Comment number 54: Pg 16 – Kendrick & Crittenden – Update info – has N/S right turn lanes also.

<u>Table 1:</u>

Comment 81 through Comment 91: Commenter: A6

The following addresses Comment 81 through Comment 91 regarding the Jurisdiction designation. Each comment is after the response:

Response (Comment 81 through Comment 91): The Jurisdiction description table will be modified to include the modifications in the 2015 TIS.

Comment 81: Commenter: A6

Comment number 55: - Mt Hope Avenue is a City of Rochester Street.

Comment 82: Commenter: A6

Comment number 56: - NY Rte 15A (E Henrietta Rd) is NYSDOT south of canal and is City Street north of canal.

Comment 83: Commenter: A6

Comment number 57: - Kendrick Road – a portion between E River and Westmoreland is a Town of Brighton road.

Comment 84: Commenter: A6

Comment number 58: - E River Rd – portions are City streets.

Comment 85: Commenter: A6

Comment number 59: - All of the intersections with Mt Hope Ave are the City of Rochester's jurisdiction.

Comment 86: Commenter: A6

Comment number 60: - All of the intersections with E Henrietta Rd north of the canal are City jurisdiction, except with Stan Yale & Hospital which is private.

Comment 87: Commenter: A6

Comment number 61: - E River Rd & Kendrick Rd (new roundabout) is Monroe County DOT jurisdiction.

Comment 88: Commenter: A6

Comment number 62: - Kendrick/Lattimore and Kendrick/Crittenden are City jurisdiction.

Comment 89: Commenter: A6

Comment number 63: - Elmwood/Kendrick and Elmwood/South are City jurisdiction.

Comment 90: Commenter: A6

Comment number 64: - Monroe County DOT owns and maintains the signs and traffic signals on all City streets.

Comment 91: Commenter: A6

Comment number 65: Fig 3 – Include E. River/Crittenden in study areas.

Comment 92: Commenter: A6

Comment number 66: Fig 4A – Why not get new counts at E River/Kendrick & I-390 S on/off ramp?

Response: New counts at all locations including this location will be collected as part of the 2015 update.

Comment 93: Commenter: A6

Comment number 67: Pg 22 – Update the background info – some of the work has already been completed.

Response: Acknowledged

Comment 94: Commenter: A6

Comment number 68: Pg 23 – Update information – much of this work is done.

Response: Acknowledged

Comment 95: Commenter: A6

Comment number 69: Pg 223 – The recommendation to widen Kendrick to 5 lanes should have been a specific recommendation on page 7 up front.

Response: Acknowledged, it will be added to the 2015 update to the TIS.

Comment 96: Commenter: A6

Comment number 70: Pg 25 – College Town – update information – signal has been installed at new Celebration Drive.

Response: Yes, this was planned to occur within the first five years. In the 2015 update to the TIS, this will be included in the analysis as an existing condition.

Comment 97: Commenter: A6

Comment number 71: Pg 26 – Five year build – trip generation – regarding taking no "pass by" trip credits, there would not have been many proposed developments which could have taken advantage of this option anyway.

Response: Acknowledged.

Comment 98: Commenter: A6

Comment number 72: Pg 27 – 20 year full build – We completely disagree with the statement that the 471 new residential units on the Mid-Campus will not generate any new trips. We concur that the rate may be less than usual based on the factors noted, however, many students have vehicles and wish to travel further than public transportation can provide.

Response: Freshman and sophomores living in student housing are not permitted to have their vehicle on campus. During a recent analysis of trips for the current development blend in College Town, trips were generated for the residential units. Based on the current development plan, the total number of projected trips to/from College Town is less than the overall College Town trips used for the study

Comment 99: Commenter: A6

Comment number 73: Pg 27 – 20 year build – How can they say 471 new units at Mid Campus will not generate any new trips but 400 new units at South Campus will generate typical rate minus 10%? This makes no sense and just contradicts their own reasoning!

Response: Please see the response to comment 98.

Comment 100: Commenter: A6

Comment number 74: Pg 27 – Note that the report shows the abandoned rail line pedestrian trail will be cut off by proposed development where it is linked between River Campus and Mid Campus.

Response: Please see the response to comment 49

Comment 101: Commenter: A6

Comment number 75: Pg 28 – Mid Campus residential trip generation calculations/summary is missing.

Response: Trip generation calculations for the proposed residential units in the South Campus and for College Town are included in Appendix B of the TIS. A majority of the residential units in College Town are anticipated to be used for underclassmen who are not allowed to have vehicles on campus. Recently, trips were generated for the developer for the now progressing College Town based on the current development site plan. To provide a conservative analysis, the trips for the entire development were calculated. Based on the current site plan, the overall number or trips projected for College Town (including the residential units) is less than the projected number or trips specified in the 2013 TIS. A trip generation summary for the current College Town site plan is included in Appendix 'E'. Note that the updated traffic volume counts in 2015 will capture the proposed College Town traffic volume and it will become the existing condition.

Comment 102: Commenter: A6

Comment number 76: Pg 28 – Once a space is vacated, someone can, and likely will move in. Should not be reducing trips for a vacated space that will remain.

Response: The credit was taken for trips that were already included in the base existing condition. They were subtracted out based on the land use at the time in the area where College Town is now being constructed. Once the report is updated in 2015, the credit will be removed.

Comment 103: Commenter: A6

Comment number 77: Pg 28 – note that Appendix B to the traffic report was not much help.

Response: Trips generation rates for the land uses were included in this section.

Comment 104: Commenter: A6

Comment number 78: - The verbal description % of the trip distribution dot not match the % shown in the figures?

Response: Due to the proposed expansion of the South Campus and its proximity to I-390, approximately 7% more of the of the total traffic is anticipate to utilize I-390, thus reducing the trip generation percentages on the exterior streets surrounding the University. The following serves as an Amendment to the TIS and replaces paragraph 2 on page 29 of the Report.

The following represents the site trips distributed to the study area from the major roads leading into the study area: 6% from the west via Elmwood Avenue, 6% from the east via Elmwood, 8% from the north on Mt. Hope and 5% from the south via West Henrietta Road, 2% from the west via East River Road, 3% from the east via Westfall road, 43% from the east via I390 and 27% from the west via I-390.

Comment 105: Commenter: A6

Comment number 79: Pg 32/33 – There are several failing movements for the 5 year build scenario shown.

Response: Please refer to the response to Comment 25 in this section of the FGEIS.

Comment 106: Commenter: A6

Comment number 80: Pg 38 – The report should reflect current conditions. Much of this text is outdated and needs revision. The Mt Hope at College Town intersection was analyzed as a "T" intersection and it is a four way intersection.

Response: Noted, this information will be updated in the 2015 update.

Comment 107: Commenter: A6

Comment number 81: Pg 39 – Update information – improvements at Westfall/E Henrietta Rd are already done, installed by our Westfall III project, not CityGate.

Response: Noted, this information will be updated in the 2015 update.

Comment 108: Commenter: A6

Comment number 82: Pg 40 – Update information.

Response: Noted, this information will be revised in the 2015 update.

Comment 109: Commenter: A6

Comment number 83: Pg 42 – Update information – now a signal, not stop controlled.

Response: Noted, this information will be revised in the 2015 update.

Comment 110: Commenter: A6

Comment number 84: Pg 43 – E River Rd & Murlin – update info – now a roundabout.

Response: Noted, this information will be revised in the 2015 update.

Comment 111: Commenter: A6

Comment number 85: Pg 53 – E River & Kendrick – same as above.

Response: Noted, this information will be revised in the 2015 update.

Comment 112: Commenter: A6

Comment number 86: Pg 53 – The Mt Hope at College Town intersection was analyzed as a "T" intersection and it is a four way intersection.

Response: Noted, this information will be revised in the 2015 update.

Comment 113: Commenter: A6

Comment number 87: Pg 55 – Westfall & E Henrietta – This intersection still falls into the 20 yr. build scenario. MCDOT, the Town of Brighton and U of R all knew that this intersection & Westfall/Clinton would have some failing movements in the future. Only mitigation is less development or reduced density.

Response: Please refer to the response for comment 25

Comment 114: Commenter: A6

Comment number 88: Pg 56 – Crittenden & Mt Hope – Note that the Mt Hope Improvement Project is complete and there was and is no plans for a WB right turn lane here. Fort Hill Terrace was severed and terminated just east of Mt Hope.

Response: The text currently notes removal of the Fort Hill Terrace connection as part of the Mt. Hope Avenue improvement project and the northwest approach was improperly referenced as the WB approach. It is correctly identified in the LOS table and the Synchro analysis. All improvements from the Mt. Hope Avenue project (that are currently in place) will become a part of the existing conditions for 2015 update to the TIS

Comment 115: Commenter: A6

Comment number 89: Pg 56 – Crittenden & Mt Hope – We do not concur with considering left turn restrictions as possible future mitigation.

Response: This recommendation will be removed from the text for the updated 2015 TIS.

Comment 116: Commenter: A6

Comment number 90: Pg 56 – Elmwood & Mt Hope – update – An EB right turn lane was already installed as part of the project. A WB right turn lane is not feasible.

Response: The eastbound approach was improperly referenced as the WB approach. It is correctly identified in the LOS table and the Synchro analysis. The text will be modified in the 2015 update to the TIS.

Comment 117: Commenter: A6

Comment number 91: Pg 57 – Westfall & Mt Hope – for the WB approach, the lane configuration should be a dual left, and a thru/rt as proposed by the Mt Hope II project.

Response: The current geometry for this intersection will be implemented in the 2015 update to the TIS.

Comment 118: Commenter: A6

Comment number 92: Pg 58 – Elmwood & Kendrick – The existing WB was identified as needing to be extended as mitigation by the U of R many years ago, and never done. That should be extended now, and creating dual lefts considered as the need arises in the future.

Response: Please refer to the response to comment 26

Comment 119: Commenter: A6

Comment number 93: Pg 59 – Elmwood & East – update info – not stop controlled any longer.

Response: The new traffic signal installed in this intersection will be implemented into the existing conditions in the 2015 update to the TIS.

Comment 120: Commenter: A6

Comment number 94: Pg 60 – With all the new signals proposed along the Kendrick Rd corridor, signals must be coordinated, so new conduit between them is a must.

Response: Acknowledged.

Comment 121: Commenter: A6

Comment number 95: Pg 62 – E River Rd & S Campus Drive – Per Synchro runs – the WB approach has 3 WB thru lanes and a WB left turn lane.

Response: The synchro runs are reflective of two through lanes and a shared left/through lane.

Comment 122: Commenter: A6

Comment number 96: Pg 63 – VIII –Traffic Signal Warrant Analysis – Provide the warrant analyses for all of the proposed future signals.

Response: The warrant analysis will be included in the 2015 update to the TIS.

Comment 123: Commenter: A6

Comment number 97: Pg 64 – No discussion of the proposed bus "station" throughout campus; that is supposedly eliminating any new trips for 471 new residential units.

Response: The University is currently working with RGRTA to establish new bus stops on Crittenden Boulevard and Elmwood Avenue. A bus station is no longer under consideration for College Town.

Comment 124: Commenter: A6

Comment number 98: Pg 69 – 71 – 5 year plan – same comments as earlier in report.

Response: Acknowledged

Comment 125: Commenter: A6

Comment number 99: Appendix "B" – Pg 28 indicates the College Town credit is detailed in this appendix. A write up explanation here would have been very helpful.

Response: The credit was based on the amount of development that remained on the now College Town site when the turning movement counts were collected. The developments were relocated off campus for College Town to be constructed. In order to avoid double counting trip on the network, a net difference was calculated between the proposed College Town trips and the existing trips associated with the development that had occupied the space when the counts were collected. The credit for College Town will be eliminated from the trip generation calculations one the existing condition is re established in the 2015 update to the TIS.

Comment 126: Commenter: A6

Comment number 100: Ta? B-2 – Where is referenced note?

Response: The note in Table B-2 is intended to reference Table B-3

Comment 127: Commenter: A6

Comment number 101: Ta? B-3 – why is College Town taking credit for Brooks Landing?

Response: At the time the counts were taken, an office with approximately 135 employees named "Brooks Landing" was located on Elmwood Ave.

Comment 128: Commenter: A6

Comment number 102: Ta? B-3 –Where are these functions moving to? Are the trips truly ending, or just relocating to another space?

Response: Please see the response to comment 125

<u>Appendix "D" (generally all 2027 runs discussed below)</u>

Comment 129 through Comment 150: Commenter: A6

The following addresses Comment 129 through Comment 150 regarding the existing intersection descriptions. Each comment is after the response:

Response (Comment 129 through Comment 150): All general comments regarding the 2027 Synchro runs will be implemented in the 2015 Update to the TIS.

Comment 129: Commenter: A6

Comment number 103: Appendix "D" – general – All cycle lengths should remain at 120 seconds. The shorter cycle lengths create coordination issues.

Comment 130: Commenter: A6

Comment number 104: Roundabout @ E River & Kendrick – shows roundabout failing in the PM peak in 2027. What mitigation is proposed? MCM run w/mitigation still shows it failing.

Comment 131: Commenter: A6

Comment number 105: E River & I-390 – missing existing AM & PM left turn phase.

Comment 132: Commenter: A6

Comment number 106: Mt Hope & College Town – missing 4th leg; missing N/S arrow phases; inadequate pedestrian crossing time E/W and wrong cycle length. Same comments on "with mitigation" run.

Comment 133: Commenter: A6

Comment number 107: Westfall & E Henrietta – PM peak hour fails, even with "mitigation."

Comment 134: Commenter: A6

Comment number 108: Crittenden & Mt Hope – very tight – NB left turn fails in AM, even with "mitigation."

Comment 135: Commenter: A6

Comment number 109: Crittenden & Mt Hope – several movements fail in PM, even with "mitigation."

Comment 136: Commenter: A6

Comment number 110: Elmwood & Mt Hope – missing SB left turn phase in AM – re-analyze.

Comment 137: Commenter: A6

Comment number 111: Elmwood & Mt Hope – several movements fail in PM, even with "mitigation."

Comment 138: Commenter: A6

Comment number 112: Westfall & Mt Hope – several movements fail in PM, even with "mitigation." As noted try dual WB lefts and a WB thru/rt.

Comment 139: Commenter: A6

Comment number 113: E Henrietta & Iola – inadequate pedestrian crossing time in AM; left turn phase 8 sec too short.

Comment 140: Commenter: A6

Comment number 114: Crittenden & Kendrick – phase 1 should have thrus and lefts moving together in PM.

Comment 141: Commenter: A6

Comment number 115: Elmwood & Kendrick – use 120 sec cycle length.

Comment 142: Commenter: A6

Comment number 116: Elmwood & Kendrick - re-run as protected only WB left turns.

Comment 143: Commenter: A6

Comment number 117: Lattimore & Kendrick – Synchro shows Kendrick having 2 lanes each way but report does not identify the widening to create such. E/W do not need left turn phasing.

Comment 144: Commenter: A6

Comment number 118: Westmoreland & Kendrick – pedestrian crossing time is too short in AM.

Comment 145: Commenter: A6

Comment number 119: Kendrick & ? – Assume this is new I-390 NB on ramp? Left turn phase too short; why not let NB continue?

Comment 146: Commenter: A6

Comment number 120: Kendrick & Alpha – left turn phase #5 too short; pedestrian crossing time too short; in PM, do NB/SB lefts need to be protected similar to AM?

Comment 147: Commenter: A6

Comment number 121: Elmwood & South still fails even with "mitigation."

Comment 148: Commenter: A6

Comment number 122: E Henrietta & MCH – still fails in PM with "mitigation."

Comment 149: Commenter: A6

Comment number 123: E River & ? - #506 – WB approach needs left turn lane runs show more lanes than proposed?

Comment 150: Commenter: A6

Comment number 124: Kendrick & Beta – road is not mentioned in recommendations; left turn phase is too short; ped crossing time is too short.

Comment 151: Commenter: A6

Comment number 125: Appendix E – need signal warrant analysis for all future proposed signals.

Response: A traffic signal warrant analysis will be included in the 2015 update for all the intersections with a proposed traffic signal.

Comment 152: Commenter: A6

Comment number 126: Appendix G – overall traffic vol comparison summary table – the 3 intersections studied are NOT representative of overall study area, since most growth is north of I-390, and these are all south of I-390.

Response: The table was included for the Town of Brighton to provide a comparison of the existing volumes used in the TIS (calculated from previous counts) to the actual turning movement counts (performed as a result of an agreement with the Town).

D. STORMWATER/DRAINAGE/UTILITIES

Comment 1: Commenter: A2
The three proposed drainage related amenities are effective mitigation measures for both existing conditions and the project related impacts. Please provide the Town with an anticipated schedule for when each of the following amenities will be implemented:

- Revised storm sewer connections at Whipple Park;
- Construction of a berm to separate wetland ponding from the Furlong Creek area; and
- Construction of a drainage outlet to control ponding of wetland area.

Are each of the mitigation measures going to be implemented when the Imaging Building is constructed, or phased in over time as each new building is constructed?

Response: The proposed drainage improvements are identified as amenities which will be implemented following rezoning, and completed prior to the occupancy of the Imaging Building.

Comment 2: Commenter: A2
It is stated in the January 30, 2014 letter from the MCWA that the property is eligible for service and that there is enough existing capacity to serve the project as presently designed. It is further stated in the Engineer's Report that while available flows are adequate, the available pressure at the mains is too low to support normal building operation in a multi-story building without some sort of booster system. The Town remains concerned about the available water pressure / flows for a project of this size. The Recommended Standards for Water Works states, "The normal working pressure in the distribution system shall be at least 35 psi (240 kPa) and should be approximately 60 to 80 psi (410 - 550 kPa) and not less than 35 psi (240 kPa)." Table 1: "Available Pressure Under various Modeling Scenarios" indicates that the proposed water distribution network cannot provide these pressures under normal working conditions. Will the development require the installation of an area-wide booster pump station? The S-DGEIS must evaluate the improvements required to increase the normal working pressure.

Increasing the diameter of the existing water supply main as a backbone will reduce head-loss and may improve the working pressures to a satisfactory condition.

Response: The model does in fact indicate that under normal working conditions, pressures should remain in excess of 35 PSI; it is correct that during a worst case fire flow event in a future build multi-story building with a fire pump, pressures would fall below 35 psi, but would still be in excess of code requirements.

Pressure in excess of 55 PSI is not currently available due to the height of the pressure tank serving the area. The future development of the South Campus will not require installation of an area-wide booster. But increasing the available pressure would require the installation of either an area-wide booster pump or taller tank by MCWA.

MCWA has conducted a hydraulic analysis to determine whether their existing distribution system can accommodate the water demands of the overall South Campus project, and the analysis indicated that the existing distribution system has sufficient capacity to serve the Imaging Building project as presently designed with a second connection off of Southland Drive. Future development after the Imaging Building will require improvements to the distribution system including but not limited to a 12" water main connection from Crittenden Road at the Lehigh Valley Trail to Murlin Drive, and an 8" connection off of West Henrietta Road just south of East River Road with a 6" Pressure Sustaining Valve. The U of R will continue to work with the MCWA to develop a schedule regarding the implementation of these improvements to the water system. In addition, a hydraulic analysis will be conducted for each subsequent project located within the IPD District, as the results of the hydraulic analysis in the FGEIS only consider construction of the Imaging Building.

Comment 3: Commenter: A2

We suggest that the water distribution model used for the Imaging Building Water System Flow Analysis be extended to model a potential 12" connection to the existing 12" on Crittenden Road. Various lengths of 12' diameter waterman could be evaluated. Options for an additional connection of to a larger diameter offsite main on the north side of the project should also be investigated.

The Hydraulic model schematics suggest that there are two independent sources of supply for the proposed water distribution system. Simultaneous hydrant flow tests should be performed to confirm that the water supply from the south and the water supply from the north operate independently.

Page 25 of the S-DGEIS states, "The hydraulic model confirmed that the proposed systems are capable of serving the existing, new and proposed future domestic and fire flow loads without adversely affecting pressures in the existing services along East River Road, Murlin Drive, or Southland Drive." The hydraulic model does not evaluate the water pressures in the surrounding neighborhoods. The model should demonstrate that the proposed project will not significantly reduce system pressures and/or available fire flow within the surrounding neighborhoods.
The hydraulic calculations do not consider the head-loss associated with backflow prevention devises and meters. The combined head-loss associated with these devices can be 10 - 15 psi and result undesirable water pressures. The calculations should consider these devices.

Response: MCWA completed additional hydrant flow tests on June 4, 2014 and ran their system wide model with the newly collected data to check the future flow conditions of the South Campus. Their findings confirm that there is enough existing capacity to serve the first phase of development in the South Campus, with an additional connection to the Southland Drive. The University will make that connection. Future growth in the South Campus will continue to be monitored over time as each project is presented to the Town for review and approval to ensure there will be no negative impacts on the neighboring properties. If additional water supply system mitigation measures are needed in the future, it will be the University's responsibility to obtain approvals from the Town and MCWA and to implement the improvements. Please refer to Appendix F for the additional water system analysis and a letter of intent to provide water service from MCWA.

The July 8, 2014 MCWA letter lists the following:

Any future development will require MCWA approval and improvements to the distribution system including, but not limited to the installation of:

1) A 12" water main from Crittenden Road at the Lehigh Valley Trail to Murlin Drive and
2) An 8" connection off West Henrietta Road just south of East River Road, with a 6" Pressure Sustaining Valve (PSV) on the private side.

With regard to the question of backflow prevention and metering, it is correct that these were not included. For the proposed future building and other buildings being built on University property, the report states that domestic and fire water booster pumps will most likely be required, which will be sized to account for the 10-15 psi drop across an RPZ and flow meter. This has been the case at UR for some time - the Laser Lab building on East River Road has both domestic and fire booster pumps.

Comment 4: Commenter: A2

Booster pumps may also be required for domestic and fire service. While the University plans on conducting further analysis and preparing water reports for submission to the Town during final design, a generic or conceptual review of the potential amount and types of booster pumps needed for the full build should be identified now for planning and discussion purposes.

Response: For any multistory building in the area served by the existing water system, the low available head pressure makes potable water booster pumps a likely necessity.

Any multi-story building requiring standpipes will also require fire pumps. Any and all buildings will have preliminary fire and domestic pumps sized once the building height and occupancies have been determined.

As the South Campus is developed over time, the water supply system will continue to be monitored. For each building proposed in the South Campus, the University will prepare an individual water demand report for submittal and review by the Town and MCWA.

Comment 5: Commenter: A2

Page 13. The last sentence states, "Upstream of the culvert, the Furlong Creek flow area is not well defined into a channel until further upstream". The aerial photographs show that the channel immediately upstream of the 2 x 2 culvert that passes under the trail is very defined. Please clarify the intent of this statement.

Response: There are two flow paths through the Furlong Creek drainage area to the 2x2 culvert that passes under the trail. The first path is a result of flow nearly parallel to the culvert. The drainage path is through a moderately well-defined channel that extends approximately 530 feet upstream from the culvert. The second flow path reaches the culvert from the northwest. The drainage path is not well defined for the 950 feet upstream of the culvert. The next upstream 1,850 feet is a well defined channel with an approximately bottom width of 4 feet, and side slopes of 1.5:1 (h:v). The aerial photos of the site do show some portions of both channels where flow paths are more defined.

Comment 6: Commenter: A2

Page 25 The S-DGEIS indicates that a cross connection be installed between the main on Southland Drive and that on East River Road, from which the proposed Imaging Building and future buildings would be served. A construction schedule for this improvement should be provided.

Response: The proposed watermain connection to Southland Drive will be constructed as part of the Imaging Building project – the first proposed building in South Campus.

Comment 7: Commenter: A2
Portions of the project site are not located within a sanitary sewer district. The existing district must be extended or a new district formed before these areas can be served by sanitary sewers. When will the new district or district extension be pursued?

Response: The University will pursue extensions to the existing sanitary sewer district upon approval of the South Campus property rezoning in order to ensure that the entire South Campus property is part of a sanitary sewer district.

Comment 8: Commenter: A2
A map should be provided showing the anticipated sanitary sewer system serving the IPD property. The map must show which sewers are privately and publically owned. The DGEIS indicates that pump stations will not be required to convey wastewater from any portion of the Rezone property. The layout should confirm this statement.

Response: Maps of the existing sewer system, Figures S-1 and S-2, and maps of the proposed concept Site Plan overlay with sanitary sewers shown (Figures FS-1 and FS-2) are included in Appendix F. All sewers on the South Campus are publicly owned and operated by the Town of Brighton, with the exception of the Laser Lab laterals.

Based on the Preliminary Grading Plans completed (which were included in the S-DGEIS) and the depths of the existing sewer system, the existing sanitary sewer system layout is well positioned for future growth. In the southernmost portion of the site (the residential area) where the grades are the lowest, it may be determined in the future that a sanitary pump station would be needed to provide service to the nearest existing private sewer lateral. If so, it would be a private pump station installed, owned and operated by the University of Rochester.

Comment 9: Commenter: A2
The sewer flow data should be updated to reflect the revised IPD proposal. The Sanitary Sewer Report should be examined to confirm that the revised flow data does not invalidate the conclusion of this report.

Response: The Sanitary Sewer Report was examined, and flow calculations were updated to reflect the revisions to the Master Plan Concept site plan. Please refer to the flow calculations in appendix F. The receiving sewers have adequate capacity to accommodate future growth in the South Campus.

Comment 10: Commenter: A2
Section V.A. Topography, Geology & Soils should indicate that a Stormwater Pollution Prevention Plan, SWPPP, will be prepared for each phase of development. The SWPPP must be consistent with

the information presented in the environmental documents and must comply with the latest stormwater requirements. This information must also be included in the Mitigation section of the S-DGEIS.

Response: A SWPPP will indeed be prepared for each proposed project or phase of development. SWPPPs will be consistent the information presented in the environmental documents, and will comply with the latest stormwater requirements.

Comment 11: Commenter: A2
The mitigation section of the S-DGEIS must indicate that a geotechnical analysis will be completed for each phase to determine the effectiveness and ultimate design of the storm water management improvements.

Response: A geotechnical analysis will be completed for each phase of development in order to determine the ultimate design, and final location of, stormwater management improvements.

Comment 12: Commenter: A2
The project should consider alternative energy sources such as solar and geothermal. An alternative energy goal should be specified along with a strategy to meet this goal.

Response: As each project is proposed for the South Campus, design will follow the University's Sustainability Guidelines and goals. The University has LEED design certification goals for each project.

Comment 13: Commenter: A2
Page 28 the second bullet must be consistent with the latest NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity. The present permit requires that areas of disturbance greater than 5 acres in size where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures shall be installed and/or implemented within seven (7) days from the date the soil disturbance activity ceased.

Response: Agreed. Disturbance greater than 5 acres in size, where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures shall be installed and/or implemented within 7 days from the date the soil disturbance activity ceased. As each actual project moves forward it will required a project specific SWPPP. This information, or the most current regulation at that time, will be stated in each project SWPPP.

Comment 14: Commenter: A2
The first paragraph on page 40 must discuss the significance of the 3" orifice as it relates to the Town of Brighton's requirement to reduce the flows generated by the proposed site for a 10 year storm to the flows generated by the existing site during a 2 year storm event.

Response: The New York State Stormwater Management Design Manual states "The Channel Protection Volume (CPv) control orifice should be designed to reduce the potential

to clog with debris. An individual orifice may not be required for CPv at sites where the resulting diameter of the ED orifice is too small, to prevent clogging. Alternatively a minimum 3" orifice with a trash rack... is recommended"

Comment 15: Commenter: A2
A map should be provided showing the watersheds and analysis points listed in the table titled, Drainage Area, Culvert & Analysis Point Designations.

Response: A map depicting the watersheds and analysis points listed in the table titled Drainage Area, Culvert & Analysis Point Designations was included as Figure G of the Drainage Report located in Appendix A of the S-DGEIS. For convenience, Figure G has been reissued in Appendix F of this FGEIS which contains supplemental information relating to Stormwater/Drainage/Utilities.

Comment 16: Commenter: A2
Documentation should be included in the S-DGEIS demonstrating that the Erie Canal is a 5th order or larger stream.

Response: A map demonstrating that the Erie Canal becomes a 5th order stream at its confluence with the Genesee River was included as Figure L of the Drainage Report located in Appendix A of the S-DGEIS. For convenience, Figure L has been reissued in Appendix F of this FGEIS which contains supplemental information relating to Stormwater/Drainage/Utilities.

Comment 17: Commenter: A2
The table labeled Site Run-off w/Culvert Restrictions & Wetland Storage indicates that Subarea 3 will have a 0 stormwater release rate in the proposed condition. It is my understanding that a standpipe is proposed that will be capable of conveying stormwater. The release rate of the standpipe must be considered.

Response: The standpipe is equipped with 1-inch perforations at the set water surface elevation to maintain this level. The overflow of the riser structure will only be utilized in extreme storm events that exceed the 100 year frequency. The downstream end of the culvert discharges into a floodplain area subject to flooding. The resulting backwater elevations have been entered into the model for each storm event. The 10 year storm resulted in 0 cfs outflow and the 50 & 100-yr storms resulted in 0.1 cfs outflow. This was considered negligible enough to not be included. Refer to the pondpac models in the Drainage Report of the S-DGEIS to review how the outflow structure (Outlet #2) was modeled for the south wetlands.

Comment 18: Commenter: A2
Page 50 states, "The post-development drainage to the Red Creek tributary will have an 83%reduction in the pre-development runoff rate for the 100-yr storm event and a 38% reduction in the pre-development runoff volume. The post-development drainage to Furlong Creek will have a 5% reduction in the pre-development runoff rate for the 100-yr storm event and a 27% reduction in the pre-development runoff volume. The maximum ponding elevations for each of the storm events will

decrease in the North wetland and the Furlong Creek wetland". A table confirming these reductions should be provided.

Response: The corrected text from the S-DGEIS is: "The post-development drainage to the North Red Creek tributary will have an 3% reduction in the pre-development runoff rate for the 100-yr storm event and a 20% reduction in the pre-development runoff volume. The post-development drainage to Furlong Creek will have a 25% reduction in the pre-development runoff rate for the 100-yr storm event and a 29% reduction in the pre-development runoff volume. The maximum ponding elevations for each of the storm events will decrease in the North wetland and the Furlong Creek wetland". A table confirming these reductions should be provided"

The requested table follows:

Site Run-off

Drainage Area	Storm Event	Ex Runoff Volume (Ac-ft)	Pr Runoff Volume (Ac-ft)	% Volume Red.	Ex Runoff Rate (cfs)	Pr Runoff Rate (cfs)	% Rate Red.	Ex Wetland Ponding Elev.	Pr Wetland Ponding Elev.	Elev Change (ft)
North Red Creek Trib. (J-3)	1-Yr	5.0	3.9	22	27.8	25.7	8	526.5	526.1	-0.4
	2-Yr	6.4	5.1	20	36.7	34.2	7	526.7	526.2	-0.5
	10-Yr	12.0	9.5	21	72.2	70.5	2	527.3	526.8	-0.5
	25-Yr	14.8	12.0	19	89.4	87.0	3	527.6	527.0	-0.6
	50-Yr	17.7	14.5	18	106.9	103.8	3	527.8	527.2	-0.6
	100-yr	19.5	15.6	20	117.4	114.0	3	527.9	527.3	-0.6
Furlong Creek (Furlong Crk Wtlnd In)	1-Yr	6.2	5.5	11	40.0	27.8	31	521.0	520.8	-0.2
	2-Yr	7.1	6.1	14	55.1	38.9	29	521.3	521.0	-0.3
	10-Yr	12.3	9.3	24	120.9	88.7	27	522.6	521.9	-0.7
	25-Yr	15.2	11.3	26	153.6	113.9	26	523.2	522.4	-0.8
	50-Yr	18.9	13.6	28	187.6	140.3	25	523.6	522.9	-0.7
	100-Yr	21.1	15.0	29	208.4	156.5	25	523.8	523.1	-0.7

Comment 19: Commenter: A2

Page 50 states, "The ponding elevation in the South Wetland will increase as a result of the additional drainage area to this location. The ponding elevation will not overflow; to the Furlong Creek drainage area, the Lehigh Valley Trail, or the proposed outlet structure". This statement assumes that the infiltration rate and the size of the wetland area are sufficient to absorb the rainfall from each storm event. The drainage study should specify the anticipated increase in water elevation. The infiltration rate of the wetland soils area have not been documented or confirmed therefore, it is prudent to consider an outflow from this area that would be controlled by the

proposed standpipe. The calculations should be modified accordingly. The volume calculations should also be considered.

Response: An infiltration rate was not assumed for this wetland to account for winter/frozen ground conditions. Evaporation was also found to be negligible when considering worst case – winter conditions. The statements about the discharge of this facility are made considering baseline conditions and up to and including the 100 year storm event. The changes to the ponding elevation in the south wetland are shown on the table below:

South Wetland Volume & Elevation (D.A. #3)

	Storm Event	Inflow (cfs)	Outflow (cfs)	Volume (Ac-ft)	Max Elev (ft)
Existing	1-yr	41.4	8.1	1.2	525.7
	2-yr	51.5	11.1	1.6	525.8
	10-yr	90.4	24.4	2.6	525.9
	25-yr	108.5	30.7	3.2	526.0
	100-yr	137.7	41.0	4.3	526.2
Proposed	1-yr	27.4	0	2.6	526.3
	2-yr	33.5	0.1	3.2	526.4
	10-yr	56.7	0.1	5.5	526.7
	25-yr	67.3	0.1	7.4	526.9
	100-yr	84.4	0.1	10.6	527.2

Comment 20: Commenter: A2
Page 55 states, "*Ponding elevation overtops high point in swale (524.74'), so a portion of the drainage would flow south to Furlong Creek wetlands watershed in the swale; does not surmount ridge line/ground surface above swale (527.1') or Lehigh Valley Trail berm (527.3'). This statement seems to contradict itself. This contradiction must be resolved and explained.

Response: The topography of the south portion of the rezone campus is such that a ridge running east to west separates the South wetland and furlong creek wetland drainage areas with the exception of a swale that runs north and south along the Lehigh Valley Trail. The swale connects the two wetland areas and has a high point in it at elev. 524.74 that directs flows in opposite directions towards the respective wetlands. In high flow conditions, the ponding in the South wetland area gets higher than 524.74 and thus surmounts the high point and flows south in the swale towards the Furlong Creek wetland. One of the proposed amenities is to construct a berm within the swale to eliminate this passage point through the ridge. Once this is completed, the ridge will completely control the separation between the two drainage areas. The lowest point along this ridge is at elevation 527.1 ft. The Lehigh Valley Trail contains the south wetland along its west border. The lowest point along the Trail

is elevation 527.3 ft. Therefore, in order to surmount the ridge and flow to the Furlong Creek wetland, the south wetland would have to pond higher than 527.1. In order to surmount the Lehigh Valley Trail and flow to the west over this point, the south wetland would have to pond higher than 527.3. The proposed 100-yr ponding elevation for the south wetland is 527.1 ft therefore it will not surmount the ridge line or the trail berm.

Comment 21: Commenter: A2
The table "Existing Ponding Elevations & Volumes" indicates that the Furlong Creek Wetland volume is much larger than the S. Wetland Volume. Aerial photography suggests that the S. Wetland Volume is substantially larger than the Furlong Creek Wetland Volume. Please explain and document this discrepancy.

Response: The south wetland has a footprint of approximately 7.7 Acres at elevation 526 that is stagnant water and visible on an aerial photo. This was set as the "bottom" elevation of the south wetland. Available storage volume was taken from elevation 526 to elevation 528. After elevation 528, water starts being dispersed to other locations. The Furlong Creek wetland does not have a ponding water elevation that is visible on an aerial photo. At elevation 519 the topography becomes very flat with the exception of a small depression/swale that conveys water to the outlet. Elevation 519 was taken as the Furlong Creek bottom storage elevation. This wetland area ponds up to elevation 525 before water starts being dispersed to other discharge locations. The available storage/ponding was taken between these two elevations. With this consideration, the Furlong Creek wetland has approximately the same footprint as the South Wetlands (Elev. 525 vs. Elev. 528) however it has 6 vertical feet of storage versus the 2-ft at the South Wetlands.

Comment 22: Commenter: A2
The S-DGEIS must provide a schedule regarding the implementation of the Furlong Creek amenities.

Response: The Furlong Creek amenities will be implemented following the IPD rezoning, and completed prior to occupancy of the first building phase.

Comment 23: Commenter: A2
The third amenity, construct an outlet structure in the South Wetland to control the ponding elevation, discharges to a drainage swale between the two former railroad tracks to a culvert beneath the western railroad track. This improvement will require the cleaning of the existing drainage swale. Calculations must be performed to demonstrate that the capacity of the culvert beneath the western track has sufficient capacity to accommodate the flows from the S. Wetland Pond and Furlong Creek.

Response: The weir riser structure controls the outflow from the south wetlands outlet structure (amenity #3). The existing 18 inch diameter culvert provides a slightly less discharge rate than the outlet structure amenity. Calculations reinforcing the statement that the swale has sufficient storage volume to store this extra runoff until it can pass through the culvert have been provided in Appendix F of this FGEIS.

Comment 24: Commenter: A2
The tables titled, "TSS Comparison of Pre & Post Construction Pollutant Loading" and "TP Comparison of Pre-&Post Construction Pollutant Loading" indicate that proposed pollutant loading for D.A. #4 is 0. There is not development proposed in D.A. #4 therefore, the existing and proposed pollutant loading should be identical. Please explain this discrepancy.

Response: Development is not proposed within D.A. #4. However, 2.6 acres of existing development within D.A. #4 are proposed to be redirected to D.A. #3 (amenity #1) thus resulting in a decrease in impervious area for proposed conditions in D.A. #4. The pollutant loading calculation is based on a runoff coefficient (R'). This coefficient is derived from the 90% rainfall event, 1 year rain amount, and Rv coefficient which is calculated based on the percent impervious area. The proposed changes will remove all impervious areas from this drainage area thus creating a negligible Rv value and resulting Runoff Coefficient and pollutant loading.

Comment 25: Commenter: A2
A map showing the TSS and TP pollutant loading per cover delineation for each drainage area in the existing and proposed condition must be provided.

Response: A map showing the TSS and TP pollutant loading per cover delineation has been prepared and may be found in Appendix F, as Figure F1 of this FGEIS.

Comment 26: Commenter: A2
How will the proposed drainage improvements impact the wetlands? The proposed improvements along with their impacts should be reviewed by the New York State Department of Environmental (NYSDEC) Conservation NYDEC's comments should be addressed in the SFGEIS.

Response: Dave Gasper, P.E. of the DEC Albany Wetlands division was contacted, and he referred us to the regional DEC office for further discussion on this matter. We contacted Craig Jackson, P.E., Environmental Engineer II of the Region 8 office with a request to discuss and review the project. A meeting was scheduled and held with NYS DEC on June 26, 2014 to review and discuss potential stormwater and wetland impacts from future development of the South Campus, including the first proposed project, the Imaging Building on East River Road. Meeting highlights and summary items included:

- **DEC noted a preference to install the stormwater amenities in the summer when wetland water levels are lower**
- **Both the FGEIS and the Findings Statement need to describe the University's past efforts with the chorus frogs and vernal ponds that were constructed previously as part of the Laser Lab expansion.**
- **DEC understands and agrees that site conditions may change in the future, such as wetland size and shape**
- **DEC stated the need for the University to negotiate with the Town how maintenance of the overflow drainage culvert crossing under the Town trail will be covered. It was suggested that the University be responsible for seasonal cleaning and the Town be able to do major or emergency repairs and charge the University for them, should the need arise.**

- DEC permitting process for installation of the stormwater amenity facilities and the Imaging Building stormwater facilities needs to be decided: one process or two? The application(s) will require a public notification and comment process.
- The application for the amenities will need to include documentation of land ownership and easements to verify rights and authorizations to implement the amenities

Based on the meeting outcome, the University commits to: obtaining all required permits from NYS DEC; installing the drainage amenities in the summer/drier season; will provide seasonal maintenance on the overflow drainage culvert and will be reimburse the Town for major or emergency repairs, should the need arise; and to secure and provide to the Town and DEC the needed easements and authorizations to perform work on adjacent landowners properties.

Regarding the chorus frogs and vernal ponds: the vernal pond/wetland located behind the Laser Lab was constructed as mitigation to the Laser Lab expansion project. Refer the wetland delineation maps included in the S-DGEIS Appendix C, Drawing W-1, 'L' Wetland. This wetland is a 0.55+/- acre marsh specifically developed to provide and enhance chorus frog habitat documented in this area. Construction of this wetland was required to mitigate the habitat disturbance resulting from the Lab project. Disturbance of this wetland area will be avoided by future development.

Comment 27: Commenter: A2
If the project is approved, the proposed drainage improvements should be completed immediately after approval.

Response: The proposed drainage improvements are identified as amenities which will be implemented following rezoning, and completed prior to the occupancy of the first building.

Comment 28: Commenter: A4
Is the sewer system privately owned or will a town sewer district be established?

Response: The main sewers are owned by the Town, which has easement. Service runs to individual buildings are privately owned by the University. Portions of the South Campus are outside the district. The University will petition the Town Board to extend the district in the future if buildings are proposed in locations that lie outside the district.

Comment 30: Commenter: A4
The depth to the water table will impact the operation of the stormwater management facilities, construction techniques and construction methods. The water table depth must be confirmed and any mitigation measures that are required to mitigate high ground water should be identified and reviewed.

Response: The bottom of the bioretention facilities will require a minimum of three feet vertical separation from the seasonally high water table, or bedrock. This will be determined through soil testing as each facility is constructed. If the groundwater separation is found to be insufficient, modifications to the design will be required. This may include raising the bioretention facility with the possible need to incorporate pumping for conveyance, or an

alternative design meeting the NYSDEC Stormwater Management Design Manual for new construction (such as proprietary stormwater filters, underground sandfilters, or an alternative green design practice).

Comment 31: Commenter: A4
The stormwater management facilities should consider the anticipated increased storm intensities associated with climate change.

Response: The stormwater management designs are based on the conceptual master plan development, and utilize only two components for treatment and detention (bioretention & detention pond). Many other options are available that can be used in combination with these two practices should additional treatment/detention be required. Additionally, as each phase of development undergoes site plan review, a final stormwater management design or evaluation of adequacy will be required. At that time, the current or forecasted storm events can be used if it is felt that they largely differ from the ones used in the current master plan design. The current design uses rainfall data from the NYSDEC 24 hour rainfall list by County which is based on a SCS type II intensity curve. This is the currently acceptable rainfall data to use within the engineering community.

Comment 32: Commenter: A4
The proposed stormwater management system utilizes a pumping scenario to control the flow of stormwater from an underground storage area. Ifpossible, the use of a pumping system should be avoided to reduce energy consumption.

Response: The pumping system proposed in drainage area #3 would be necessary even if underground detention were not proposed. The reason for this being that the stormwater management practice (bioretention system) must be built up in order to provide sufficient separation from the groundwater table. In doing so, gravity flow becomes difficult. Other options for runoff reduction volume/water quality volume are available that operate with less head, and which may allow gravity conveyance to be an option. Bioretention was conservatively used as the stormwater management practice for the master plan because it has the greatest development footprint, and does not preclude utilizing other methis as each phase of development goes into final design. Other design options can be considered when the actual a future phase of development is proposed, along with ways to alternatively energize a pumping system should one be implemented.

Comment 33: Commenter: A4
The proposed development reduces the pervious cover within the watershed and subsequently the volume of stormwater that infiltrates into the soil. How will this affect the water table and ultimately the wetland ecosystem?

Response: The current soils have very poor drainage/infiltration properties making groundwater recharge limited. The proposed development will compensate for the reduced groundwater recharge by utilizing bioretention facilities. These facilities will replace the native soils with engineered soils that have a higher infiltration capacity. This will allow recharge of the groundwater both prior to the soil saturation point, and when it reaches infiltration capacity.

Comment 34: Commenter: A4
The Utilities/ Energy section on page 84 references reducing water demand. Rainwater harvesting

should be used in lieu of a traditional irrigation system. Rainwater harvesting and on-site storage as part of overall design scheme is strongly recommended.

Response: The University does not generally install irrigation systems, with the exception of small planting beds (e.g., annual plant beds) in high visibility areas. Similar to other recently completed projects, the University has installed rain gardens as part of their sustainability green initiatives program.

Comment 35: Commenter: A4
The drainage channel that bisects Drainage Area 1 should be retained. A natural vegetative buffer along each bank shall be provided adjacent to the Creek to absorb floodwaters, to trap sediments, to protect wildlife habitats and to protect scenic qualities. This buffer area must be shown on the plans.

Response: This drainage channel, and its corresponding buffer, will be retained as it located within development prohibited areas (i.e. wetlands and old growth habitat areas which are being protected per the Current Plan found in Appendix A of this FGEIS).

Comment 36: Commenter: A4
Stormwater management facilities that retain water can increase the temperature of the water discharged to the natural watercourse. What provisions are proposed to reduce the temperature of the water discharged from the project site?

Response: Currently, stormwater runoff from the site discharges to either wetlands (North – North Red Creek Tributary, South – Furlong Creek) or the Erie Canal. The wetlands provide extended detention time and already contribute to an elevated runoff temperature. The proposed drainage model will re-direct runoff from a majority of the large developed areas to the Erie Canal. For the most part, existing development on the site will continue to direct runoff to the wetlands (this is true for drainage areas number 1 & 2). Drainage area #3 will have a greater volume of water directed to the wetlands that will include some new development areas. This area discharges through infiltration or evaporation. Therefore, elevated runoff temperatures will not have downstream impacts. Detention is provided for the runoff to the Erie Canal only in the extent necessary to match pipe conveyance capacities. It is possible this will result in a slight temperature increase, but it would be negligible, and the Erie Canal is a man-made "conveyance channel" which is not subject to the downsteam impacts of a natural waterbody that supports life-forms.

Comment 37: Commenter: A5
This project may need to be in compliance with either the State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from Construction Activities (GP-0-10-001) or the MS4 (Municipal Separate Storm Sewer Systems) General SPDES Permit (GP-0-10-002) (if located within an MS4's jurisdiction). Operators of construction activities that involve one acre or more of land disturbance (or may be less in an MS4's area) must obtain SPDES permit coverage through either an individual permit or either GP-0-10-001 or GP-0-10-002. To obtain coverage under a General Permit, all conditions of the permit must be met, including preparation and implementation of an appropriate Storm Water Prevention Pollution Plan (SWPPP) and the filing of a completed Notice of Intent (NOI) form with the NYSDEC. For further information and required forms, see the NYSDEC website. If you believe your project would be covered under one or more of the General Permits and would NOT require any other DEC permits, you may apply for

coverage by filing a Notice of Intent with NYSDEC Division of Water, 625 Broadway, Albany NY 12233-3505. If your project involves other DEC permits, please contact this office.

Response: Each phase of development will be in compliance with the SPDES General Permit for Stormwater Discharges and Construction Activity, or the MS4 General SPEDS Permit. A SWPPP will be generated for each project phase, and the appropriate coordination and permitting process will be followed.

Comment 38: Commenter: A5

The stream(s) near/in the project area has (have) a NYS Stream Classification of Class C and is therefore not considered a MYS protected water body. A determination has been made that the stream would not be considered a navigable stream as defined in the Protection of Water Regulations (6NYCRR Part 608). As this section of stream is not navigable or protected, disturbance of the stream's channels and banks will not require a permit from the DEC. Standard sedimentation and erosion controls should be employed to avoid contravention of the water quality standards However, your project may be subject to Federal regulations. You should contact the United States Army Corps of Engineers' staff at the Buffalo District Office, 1776 Niagara Street, Buffalo NY 14207. They can also be reached by phone at (716) 879-4330.

Response: It is acknowledged that any disturbance to the stream channel and its banks will not require a permit from the NYS DEC, however; standard erosion control methodologies will be implemented adjacent to any area of disturbance. Coordination with the Army Corps of Engineers will be executed for any project which proposes disturbance to a stream channel on the South Campus site.

Comment 39: Commenter: A5

A portion of a stream is located on the subject property. Streamsides, sometimes called riparian zones or stream corridors, are the link between land and water, and the health of streams depends in large part on the condition of the streamside. Over the past two decades, research has shown that naturally vegetated corridors along streams perform numerous services essential for human health and welfare. Healthy stream corridors can reduce floods; trap sediment; remove dissolved contaminants; provide shade; contribute leaf matter (important for insect food and fish habitat); provide wildlife habitat; offer recreational opportunities; and increase aesthetic value and desirability of a property.

In order to protect the stream corridor consider the following:

Maintain a healthy, vegetated streamside buffer by preserving trees and shrubs along the stream edge and limiting logging to removing large branches that fall into the stream and divert streamflow and cause erosion.

Control water flow through the streamside buffer to filter contaminants and reduce erosion by managing stormwater runoff from dwellings to prevent channelized flow; minimizing impervious areas near the streamside by using stone or brick instead of pavement for driveways and walkways; and excluding vehicles, livestock, or excessive pedestrian traffic.

Prevent contaminants from entering the stream corridor by minimizing or eliminating buffer area exposure to fertilizer, herbicides, pesticide, animal waste, household and automotive chemicals, trash, debris, and piles of leaf litter and by maintaining septic systems.

Response: The practices outlined by the NYS DEC will be incorporated in any proposed future design plan which may include disturbance to a stream bank.

Comment 40: Commenter: P5

Over the years I lived through multiple flooding events. Over the years, I have met with Town and County engineers regarding the flooding and water flow that builds up in the back yards on some of the north side of Crittenden Road, immediately before the railroad embankment culvert.

This flow is due to several sources, including property on the University's properties. So, how is this area impacted by the U of R's and primarily the Whipple Park development? It does cause an inconvenience several times during the year. So, we have also concerns beyond that is when you have these major events, the amount of water that comes in now if it starts threatening more property damage. So that is the concern of the people in this area themselves.

Before adding anything to this area, we should really do these improvements to the wetlands and then to Furlong, just to make proper handled properly, and if you have to make any changes, we can make it before adding much more flow to the area

Response: The University of Rochester is very minor contributor to flooding in this area. Currently, only about 2.7 acres of development contribute runoff to this location. One of the project amenities is to redirect the 2.7 acres of runoff onto the University of Rochester South Campus property. The second drainage amenity which involves a berm construction within the wetlands will eliminate overflow from the south wetland to the Furlong Creek wetland. These amenities will improve the situation, however; most of the area contributing to the flooding referenced in the comment is not from the University of Rochester South Campus property.

Comment 41: Commenter: P5

I would highly encourage looking at the power towers in that wetland area. The concrete bases are below water. What that means is the steel on the towers I corroding. That is an issue. You start corroding the base of the tower and over time, it can come down. My concern is no one studied those towers.

Response: The University of Rochester raised this concern with RG&E in their planning meetings for the new substation. RG&E is aware of the location and condition of the towers, which are stated to be in sound condition. The towers are owned and maintained by RG&E, and are located on a strip of land owned by RG&E. They are currently upgrading sections of the transmission & distribution lines in the area and will continue to monitor conditions and take corrective action as necessary.

Comment 42: Commenter: A10
One of the other amenities you suggested is the drainage improvements in the area, and some suggested that perhaps Whipple Park is exacerbating the historic drainage problems along Crittenden and elsewhere.

I would be interested in when those drainage amenities would be put into place, particularly, insofar as they may already be working to mitigate the problems caused by Whipple Park itself if, in fact, that is the case

Response: The proposed drainage improvements are identified as amenities which will be implemented immediately follow rezoning, and completed prior to the occupancy of the first building.

E. ENVIRONMENTAL

Comment 1: Commenter: A2
Questions and concerns have come up regarding the types of materials, biological agents, etc. that may potentially be present over time within the proposed research buildings that could potentially be released to the environment due to accidental releases and catastrophic events. What types of provisions and protocols can be established between the University and the Town of Brighton regarding emergency preparedness, coordination of joint emergency response, "right to know" reporting, etc.?

> Response: The University has a policy of using only small quantities of chemicals and biological agents in research labs specifically to reduce any risks associated with the storage, use, accidental spilling, or release due to a catastrophic event. For research involving biological agents, the University is only engaged in bio safety levels 1 and 2 – the lowest categories of risk. Any potential labs that might be built in the institutional zone on the South Campus would adhere to both these protocols. All labs are designed to rely on engineering controls to protect both the environment and staff and researchers within them. We keep MSDS on file for all chemicals used throughout the institution. We submit our Resource Conservation Recovery Act (RCRA) requirements to the local authorities to maintain compliance and to ensure that first responders are aware of any materials present in the building. The University has good working relationships with the Town's emergency responders and continues to look at ways to improve safety and reduce risks. If there is a spill of a chemical in a lab and it is less than 1 mL, our protocol is to have the researcher clean it up. If the spill is greater than 1 mL but less than 1 gal, the University spill cleanup team responds. If greater than 1 gal, municipal hazmat teams respond.
>
> As stated in the South Campus IPD Draft Zoning Ordinance (Appendix A) provisions are included for design and development laboratories, and "wet laboratories". If these types of laboratories are proposed, the ordinance states requirements for site plan approval and conditional use approval by the Planning Board, if located within 200 feet if the border of the South Campus IPD zone. The ordinance also includes the performance standards set forth in the Town of Brighton Comprehensive Development Regulations § 203-168D.

Comment 2: Commenter: A2
Page 28 of the DGEIS states, "It is recommended that a Phase 1B investigation be conducted when a specific project site and proposal is identified within the Rezone property". A Phase 1B investigation should be completed for the proposed imaging building project.

> Response: A Phase 1B archeological investigation will be conducted in conjunction with the proposed Imaging building project.

Comment 3: Commenter: A2
Page 69 indicates states, "Enhancements will include expanded habitat in and around the existing wetland areas which adjoin existing habitat areas". These enhancements must be identified on the appropriate map.

Response: The University of Rochester as stated on page 69 will protect and avoid wetlands. When there is no other option but to impact a wetland, the wetland will be enhanced. With the proposed Imaging Building project there will be impact to the adjacent wetland. The proposed mitigation to this will be part of the final design plan for the project. A formal site plan application for the first phase of this development will be completed following the rezoning of the South Campus area to an IPD district. The formal site application will include final design of grading, stormwater management, landscaping, etc., and will incorporate any proposed enhancements to the wetland areas at that time. All of these plans will be subject to the review and approval of the Planning Board and Town staff.

Comment 4: Commenter: A2

Page 71 states, "As the South Campus site begins to be developed, the U of R will implement a replanting program that focuses on re-planting and replacement of trees with species that are native to the South Campus site. Tree placements will be carefully planned to complement the existing natural habitats, and to enhance the existing and proposed buffer areas. Proposed disturbance to areas of Woodlot EPOD will be subject to Town review on a case by case basis as the build out contemplated by the Master Plan is done over time". The replanting plan must be described in detail including the location of the plantings and the anticipated installation schedule.

Response: A plan detailing this mitigation and illustrating the proposed buffer planting may be found in Appendix C of this FGEIS. Tree planting enhancements in the 100 foot buffer will be implemented during the first spring after the IPD Rezoning and prior to occupancy of the first proposed building.

With regard to the replanting of trees as part of mitigation to areas of woodlot EPOD that could be impacted in the future, replanting plans for those potential future impacts will be prepared at the time of final design for each project on a case by case basis and will be subject to the review and approval process for each proposed project.

Comment 5: Commenter: A2

Page 72 describes mitigation to compensate for disturbance to the Woodlot EPOD. Is this mitigation the same as the replanting and replacement program? Additionally, page 72 indicates saplings with trunks of one to two inches in diameter will be densely planted in the areas designated for woodlot restoration. Chapter 207 of the Code of the Town of Brighton requires that tree species shall be a minimum of seven feet of overall height immediately after planting and a minimum caliper of three inches measured at four feet above grade. The project should preserve as many trees and as much mature vegetation as possible, including but not limited to the preservation of trees and mature landscaping to screen or obscure the view of the proposed development from the surrounding residential areas. A detailed tree mitigation plan should be prepared. The mitigation plan should be implemented immediately upon approval in order to fully establish the necessary buffers.

Response: Yes, the replanting and replacement program discussed in the S-DGEIS is intended to act as a mitigation method for areas of woodlot EPOD which may be disturbed in the future. That said, any disturbance to the woodlot EPOD will need to follow the requirements of the Town of Brighton Code, and will be subject to the review and approval of the Town.

A planting program for future areas of disturbance to the woodlot EPOD will be finalized as part of the site plan approval process of each future project. While the Chapter 207 of the Town Code does require tree species with a minimum seven feet of overall height and a minimum caliper of 3 inches upon planting, this requirement will be met for ornamental plantings located throughout the maintained and manicured site areas. For the creation and establishment of new woodlot areas, a much more successful and natural method of replanting will be to plant smaller trees in a dense fashion in order to achieve a naturalized woodlot appearance. These smaller trees will grow at a faster rate, and become established more quickly if smaller nursery stock is utilized.

Comment 6: Commenter: A2

The response to Comment A4 states, "impact of a catastrophic fire on the release of biological agents will be included as part of the environmental assessment if deemed necessary by the Town of Brighton". What would be the impact of a catastrophic fire at the proposed imaging building? Would radioactive material be released into the atmosphere?

Response: The imaging facility will have very small amounts of low level radioactive material for nuclear imaging, a technique for producing images of various body parts using small amounts of radioactive tracers. Doses used in nuclear imaging are provided in an "as needed" batch. In other words, no radioactive material is stored in the nuclear medicine areas unless it is needed for that day. This limits the risk to an inadvertent release since the most that may be released is less than 40 Tbq (less than 1 curie) of Tc-99m. In a fire, or other catastrophic event, the Tc-99m would not be dispersed. Prior to its use, individual doses of Tc-99m are stored in small lead containers. Should a fire consume the facility, the containers would continue to shield the syringes, and eventually the containers would melt over them, preventing dispersal. Should 100% of the syringes be out of their lead containers a fire or explosion could disperse the material, but the concentration would be so low as to be unmeasurable.

Even if all the material were to go into one person, the risk would be small to that individual, since Tc-99m is designed to be used in diagnostic imaging, and its risk to the patient is very low (equivalent to two CT scans). Why is that? Tc-99m has a 6 hour half-life. In other words, after 2 days (48 hours) essentially nothing is left. It can put out enough energy to make an imaging system work for a short time then it decays to an essentially stable product, and remains that way. Tc-99m has been used in nuclear medicine studies for more than 40 years, and has a safe record for use.

Comment 7: Commenter: A3

The significant tree list as shown in appendix B is missing trees #1, #60 and #61. Do these trees exist, and if so, need to be shown on Figure 8.

Response: The significant tree list uses a numbered identification sequence beginning with the number 2, therefore; there is no tree ID using the number 1. The trees for numbers 60 and 61 were inadvertently omitted and are as follows:

ID	Tag#	Species	DBH	Health	Structure
60	467	Oak, Pin	35	"Good"	"Fair"
61	468	Cottonwood	36	"Fair"	"Poor"

With the inclusion of the ID information for trees 60 and 61, the significant tree list and its adjoining figure (which were included in Appendix B of the S-DGEIS) represents a complete list of all significant trees, having a caliper of 30 inches and greater, located on the South Campus site.

Comment 8: Commenter: A3
While saplings with trunks of one and two inches in diameter are adequate for woodlot mitigation within the leftover (after disturbance) wooded area, trees planted for additional woodlot lot mitigation will need to be planted at code requirements of 3 – 3 ½ inches in diameter.

Response: Areas of woodlot mitigation are intended to be replanting in a naturalized fashion with smaller planting in order to ensure a higher success rate (see response to comment 5 of this section). Ornamental planting planned for the maintained areas of site development will be installed per the minimum size standards of the Town of Brighton Code.

Comment 9: Commenter: A3
Woodlot mitigation should be completed immediately after disturbance of each woodlot area.

Response: Woodlot mitigation plans will be completed for each proposed project, and will be implemented prior to occupancy. This mitigation will be installed immediately after disturbance, and incorporated into the approved project design plans.

Comment 10: Commenter: A3
With the enhancement of the wetlands will adequate uplands exist to support amphibian life after full build-out?

Response: Yes, the area to the immediate southeast of the existing Laboratory for Laser Energetics (LLE), and to the west of the proposed Imaging Building site, includes areas of upland habitat which will go undisturbed, and which will be able to support amphibian life. Additional, large tracts of upland habitat adjacent to the larger wetland area adjacent to the Lehigh Valley Trail will go undisturbed and exist as habitat for a variety of wildlife post full build-out of South Campus.

Comment 11: Commenter: A3
The use of "'cool pavement" technologies, pervious concrete, or geo- grid pavements should be further analyzed and possibly incorporated into the project to help mitigate the overall loss of pervious surface and reduce the heat island effect. Installation and maintenance of these technologies over the entire site may be cost prohibited, but a combination of these technologies with conventional pavement will provide additional benefits to the community.

Response: "The University of Rochester is committed to responsible, sustainable development that attains a balance between economy, the environment and society by meeting the needs of the present without compromising the ability of future generations to

meet their own needs. At a minimum, all new developments, renovations and additions shall meet the goals and objectives outlined in the University of Rochester Council on Environmental Sustainability."

The University designs its facilities to meet the requirement levels of LEED silver with a minimum target of LEED certification.

Comment 12: Commenter: A3
Since a 20+ year full-build time frame is anticipated, periodic updates of the environmental reports/studies (e.g. woodlots, wetlands) is encouraged. These updates wil document environmental changes and determinene ifadditional mitigation is required.

Response: See response to comment 6 of the Process/Zoning/Policy section of this FGEIS.

Comment 13: Commenter: A4
The 2007 University of Rochester Master Plan commits the University to "embed the values of a sustainable future" in its planning and declares that "sustainable campus development will permeate decision making at all levels." The S-DGEIS proposal should establish a comprehensive framework to ensure an enduring and vibrant future for this campus of the U of R. This proposal should convey a comprehensive campus plan based on sustainable campus planning principles as reflected in the U of R's 2007 Campus Master Plan (http://www.rochester.edu/adminfinance/masterplan/i ndex.html) as well as adhering to the sustainability principles adopted by the University of Rochester.

Response: Please refer to response to Comment 11 in this section.

Comment 14: Commenter: A4
Page 3 states, "The new graduate apartment units will be energy efficient, in compliance with the most current building codes and will employ green building measures". This is vague. All new construction should follow the latest version of the USGBC LEED program or an industry recognized comparable program. The green building measures should be described in the S-DGEIS.

Response: The University designs its facilities to meet the requirement levels of LEED silver with a minimum target of LEED certification.

Comment 15: Commenter: A4
The S-DGEIS does not discuss the use of green building measures for the Office/Research/Clinical buildings. Will these building include green building measures provisions? Will any of the proposed building be LEED compliant? Additionally, buildings should be designed to have a minimal impact on the natural environment. This should include measures such as mitigating bird collisions on glass.

Response: Please refer to responses to Comments 11 and14 in this section. Future buildings will be designed to minimize impacts on the natural environment. The Sustainability section of the Master Plan Design Guidelines states: "The goal is to create a

balance of personal and environmental health across five broad categories: Nature, Energy, People, Water and Materials. Innovation is encouraged."

To mitigate Bird collision with glass, reflective glass curtain wall system will not be permitted in the proposed design guidelines for the south campus.

Comment 16: Commenter: A4
The project should include provisions for recycling trash that will be generated by the residents and offices occupying the site. The S-DGEIS should include a discussions regarding recycling.

Response: The University of Rochester currently has an extensive recycling program inclusive of the south campus and will continue its efforts with the proposed development of the south campus. In the 2013 calendar year, the University recycled 8,321 tons of material. This resulted in a waste diversion rate of 37.9. These numbers are a significant increase from 2012, in which we recycled 3,722 tons of material with a waste diversion rate of 30.1%. Current Programs include:

- Full time recycle coordinator
- E Cycle Day is the annual electronics collection and recycling event hosted by University Facilities and Services. Old, broken, and unwanted electronic equipment such as cell phones, computers, chargers, and other items are collected and recycled safely. Over 25,000 lbs. of electronic equipment is sent for recycling annually.
- The University participates in RecycleMania, an annual competition between over 600 colleges and universities across North America. RecycleMania lasts a period of ten weeks, and evaluates different categories of waste minimization and recycling such as paper, corrugated cardboard, per capita waste, and overall best recycling rate
- Carpet Reclamation Program - Carpet reclamation recovers nylon from broadloom carpet and uses it to make new engineered resins. In 2008 the University recycled 16,200 square feet of carpet. It is estimated that this averted 19.1 cubic yards of landfill and saved more than one million BTU's and 10,260 gallons of water.
- Move Out Clean Out - This program provides convenient ways for students to donate and recycle clothing, shoes, food, and electronics at the end of the academic year. Donation sites are placed at dormitories and other central locations. Donated items are sent to local charities.
- Pallet Recycling - Damaged pallets are ground up for landscape mulch and usable pallets are redistributed.
- Printer Cartridge Recycling Program- Used printer cartridges are collected for remanufacturing and the proceeds are utilized to plant trees on University campuses.
- Shred Fest is the annual personal document secure shredding event hosted by University Facilities and Services. Open to University students, staff, and faculty, participants are invited to drop off unwanted personal documents from home such as files, folders, notebooks, and bills, to be shredded and recycled

Comment 17: Commenter: A4
Alternative energy sources can significantly cut greenhouse gas emissions and energy costs over time. Will the project include the installation of alternative energy technologies such as solar, wind

and geothermal?

Response: Please refer to the responses to Comments 11 and 15 in this section.

Comment 18: Commenter: A4
The removal of trees and the clearing of or constructing on any land area is regulated activities within a Woodlot Protection District. Several of the stormwater/green infrastructure improvements are located within the Woodlot Protection District. The existing trees absorb storm water, provide habitat for natural wildlife and are a part of the bird migration route from Canada to the South Americas. The applicant shall preserve as many trees and as much mature vegetation as possible, including but not limited to the preservation of trees and mature landscaping to screen or obscure from view the proposed development. Additionally, all development within the Woodlot Protection District must comply with ARTICLE XVI, EPOD (2) Woodlot Protection District of the Code of the Town of Brighton.

Response: It is acknowledged that any future impacts to the woodlot EPOD will need to following the requirements outlined in the Town of Brighton Code, and will be subject to the review and approval of the Town. Specific impacts to woodlot EPOD areas will be determined and reviewed on a case by case basis as each project proceeds into final design and is formally submitted to the Town.

Comment 19: Commenter: A4
The proposed buildings should consider orientation and spacing to maximize the potential for passive solar heating and shading devises to minimize the cooling load. Photo Voltaic's for electric should be used particularly on the large flat roof areas. The applicant should contact NYSERDA to investigate funding programs for photo voltaic installations. A claim that the systems are not financially practical must be supported by a financial analysis that includes the savings associated with the NYSERDA funding programs.

Response: Please refer to the responses to Comment 11 and 15 in this section.

Comment 20: Commenter: A4
Regional materials should be used to construct the proposed project. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream.

Response: Please refer to the responses to Comment 11 and 15 in this section. Each project will undergo LEED analysis; regional material use and diversion of construction debris will be part of the analysis for each proposed building.

Comment 21: Commenter: A4
As noted on page 69 the identification of wildlife on the site has not been updated since the 2005 DGEIS. Much can change over a 10 year period. Page 70 notes that there will be sufficient habitat

areas but this does not address the potential destruction of existing habitat. Also on page 70 are references limiting development in these areas as much as possible. This is vague. Similarly on page 72 it is stated that the U of R will make every effort to avoid disturbances in and near wetlands and follow guiding principles. Protection of these sensitive areas should be the guiding principles - development in these areas should be avoided.

Response: While it is the goal of the S-DGEIS to assess the potential impacts of the proposed Master Plan at full-build, it is a Generic document, or Generic Environmental Impact Statement, as it assess what could be developed, versus a specific actual project. Protection of sensitive areas has been the guiding principles of the revised Master Plan discussed in the S-DGEIS, as well as the Current Plan located in Appendix A of this FGEIS. The Master Plan was carefully revised in order to reduce the impacts to sensitive environmental areas/habitats located on the South Campus site. For example:

- The parcel of land north of East River Road and west of Kendrick Road contains a federal wetland, and any proposed development of this parcel has been removed. Previously, the DGEIS completed in 2005 illustrated development in this location.

- The large tract of wetlands along the western edge of South Campus, adjacent to the Lehigh Valley Trail, will not be impacted nor will the 100 foot adjacent area pertaining to the NYS DEC regulated wetland.

- The areas of old growth habitat were delineated, and the Master Plan layout revised, in order to preserve these important habitat zones and remove any occurrence of proposed disturbance from them.

- As future projects go into final design and are formally proposed to the Town, impacts to the woodlot EPOD will be surveyed, assessed, and appropriate mitigation plans with regard to the replanting program will be developed and approved on a case by case basis.

Comment 22: Commenter: A4

The proposed project includes the construction of large impervious surfaces which cause the immediate area to become warmer than the surrounding land forming an island of higher temperatures known as "heat island effect". Additional trees of substantial size should be provided within the parking areas to create a canopy large enough to offset the "heat island effect". In addition, light roof particularly flat roofs and pavement colors, (concrete in lieu of asphalt) should be provided which further reduces this phenomenon.

Response: Trees will be planted in and around parking areas as part of the final design for each future project in order to reduce the "heat island effect" from large impervious surfaces. Specific tree varieties, sizes, and locations (in addition to roof materials and pavement colors) will be detailed for each phase of final design as future projects are formally submitted to the town as part of the site plan review process.

Comment 23: Commenter: A4
The proposed development will generate more noise than the natural site. How much additional noise will the developed site generate and how will this increase in noise be mitigated? Supporting documentation should be provided.

Response: The proposed density is more intense along the highway corridor, where building and parking lot noise will be 'lost' within ambient noise levels. That is, existing traffic noise on the highway system will be louder than additional noises generated from the South Campus.

Noise levels are measured in units called decibels (dB) which diminish logarithmically over distance. For instance, noise levels decrease from 3- to 4.5 dB for each doubling of distance from the source. Therefore, with the tree buffers and distances from neighbor receivers, it is unlikely that increased noise levels will be perceived by the neighbors.

It is the University of Rochester's intent to develop the south campus respectfully. As each project goes into site plan design and review by the Town, specific impacts with regard to noise will be analyzed on a case by case basis by the Town of Brighton staff and the Planning Board as part of the site plan approval process.

Comment 24: Commenter: A4
The proposed buildings will obstruct the sunlight from reaching the old growth forest and wetland areas. How will this affect the existing trees and vegetation? The building heights in these areas should consider the impact on the existing vegetation.

Response: There are two areas of old growth habitat on the south Campus site, as depicted on Figure 4 of the S-DGEIS. The northern old growth area is adjacent to Master Plan buildings SC-25 and SC-26 which are designated for institutional use, and the southern old growth area, adjacent to buildings SC-15, SC-16 and SC-17 which are designated for residential use. These buildings are all located in a portion of the South Campus site which could produce buildings with heights up to 60 feet based on the Current Plan located in Appendix A of this FGEIS.

Shadows cast by potential new development will not be static, but rather constantly in motion. The proposed buildings in this area will not be more than four stories in height based on the building height limitations, and are not of a sufficient bulk or mass to permanently obstruct sunlight from reaching the old growth habitat, or the site wetlands. While small areas of habitat may fall within shadows cast from adjacent buildings during various times of day, the nature of constantly moving sunlight on the site is such that these areas of shade will be brief, and the adjacent habitats will receive many hours of unobstructed light.

Comment 25: Commenter: A5
While the Department asserts jurisdiction over NYS regulated freshwater wetlands, the U. S. Army Corps of Engineers regulates federally protected wetlands. For questions regarding federal wetlands, and the federal process, contact the U. S. Army Corps of Engineers at:

Chief, Regulatory Branch, U. S. Army Corps of Buffalo District, 1776 Niagara Street, Buffalo, NY 14207 or (716) 879-4330.

Response: The Army Corps of Engineers has been engaged throughout the proposed IPD Rezoning process, including review of the updated wetland delineation and its subsequent report. Any future potential impacts to site wetlands or stream corridors will be coordinated with the Army Corps of Engineers for the necessary approvals.

Comment 26: Commenter: A5

A review of the NYS Archaeological Site Map (circles & squares map) indicates that the project site is located within an archaeologically sensitive area. It is suggested that recommendations be sought from NYS OPRHP regarding the potential impacts on historic and archeological resources from the development of this area. Additional information can be found on NYS OPRHP's website (use Internet Explorer rather than Netscape) at http://www.oprhp.state.ny.us/nr/ or by calling them at (518) 237-8643.
Potential impacts to these resources must be considered in the State Environmental Quality Review (SEQR) documentation. For example, previous disturbance should be described to indicate whether future project components will have the potential to further affect archeological resources.

Response: A Phase 1B archeological investigation will be conducted in conjunction with the proposed Imaging building project. Subsequent archeological investigations will be conducted, as needed, on a case by case basis for future project phases.

Comment 27: Commenter: P4

My concern is what the buildings may contain, with regards to germs and chemicals that could produce significant amount of morbidity and mortality. If the U of R would be doing that kind of research (like the Center for Disease Control is doing), I would like the Town then to make a restriction that they cannot do any of that highly toxic type of work without going through the Town for approval.

Response: Please refer to the response to Comment 6 in this section.

Comment 28: Commenter: A8
I think that Bob Levine had a very good point about what will be done in the research labs. What kind of research are you going to do? You probably don't know right now, but I know that research depends on grants and the type of grants they get from the government and other entities.

But there probably should be a mechanism in place from the Town's point of view that you and the Town can discuss what kind of research is going to be done in the labs. So that it will ease at least the people's position of who live near there.

Response: Refer to the Draft IPD Ordinance in Appendix A which outlines the allowable uses for future buildings and labs. Specific details of future lab research are unknown at this time. Future buildings and their uses will be submitted to the Town for review and approval.

SECTION III: WATER SUPPLY SYSTEM SUPPLEMENT TO S-DGEIS

The Water Supply Analysis Report provided in the S-DGEIS analyzed a portion of the study area for the anticipated first phase of South Campus development along East River Road.

Based on comments received from the Town, revised water supply system analysis was completed for full build conditions. Several meetings were held to discuss the analysis methodology to address the Town's concerns, including meetings with the Town Engineer and their consultants, and with Monroe County Water Authority (MCWA). The additional analysis was updated for potential full-build conditions.

MCWA completed additional flow tests on June 4, 2014 to support the water supply system analysis model work completed by the University's team. MCWA also ran their system wide model with the newly collected data to check the future flow conditions for the first phase of development in the South Campus. Their findings confirm that there is enough existing capacity to serve the first phase of development with a new water main connection off Southland Drive. The University will complete that connection. In a letter dated July 8, 2014, MCWA provided a "Letter of Intent to provide Water Service to the University of Rochester South Campus".

The July 8, 2014 MCWA letter also lists the following:

Any future development will require MCWA approval and improvements to the distribution system including, but not limited to the installation of:

1) A 12" water main from Crittenden Road at the Lehigh Valley Trail to Murlin Drive and
2) An 8" connection off West Henrietta Road just south of East River Road, with a 6" Pressure Sustaining Valve (PSV) on the private side.

The additional analysis and letter from MCWA are included in Appendix F. Future growth in the South Campus will continue to be monitored over time as each project is presented to the Town for review and approval to ensure there will be no negative impacts on the neighboring properties.

If additional water supply system mitigation measures are needed in the future, it will be the University's responsibility to obtain approvals from the Town and MCWA and to implement the improvements.

As each building in the South Campus is proposed, the water demand and pressure will be calculated, and potential impacts to the supply system will be re-examined, to ensure there is adequate supply without impacting flow and pressure to the neighboring residents. A complete water system evaluation report (suitable to the Town) shall be completed during the site plan application process and prior to any further development and as requested by the Town.

SECTION IV: CONCLUSION

This FGEIS contains written responses to all substantive comments received on the S-DGEIS either at the public hearing, or submitted in writing. The FGEIS also summarizes all new information collected or prepared since the completion of the S-DGEIS.

The full build-out of the University of Rochester has been envisioned in the 2009 University of Rochester Campus Master Plan and updated for the South Campus in 2014. It considers the development of approximately 5 million square feet of new research, clinical, academic and residential growth over the next 25+ years, primarily focusing on the Mid-Campus/Medical Center area (in the City of Rochester). It also addresses potential build out of the South Campus (in the Town of Brighton). In addition to the future expansion to the Laser Lab, near term plans include the construction of a three story, Imaging Building on East River Road at 90,000 gross square feet. The building will have the potential to add a 4th story for a total of +/-120,000 gross square feet. There are no current plans for major growth at the South Campus in the near or mid-term timeframe. If plans were to change within that timeframe, further Town site plan review will occur and, potentially, additional environmental review.

Additional studies, mapping and information are provided in the FGEIS to ensure that all elements of this application have been identified and appropriate mitigation proposed to the extent possible. A revised water system analysis has been completed to complement the Master Plan. Additional stormwater analysis was also completed in response to comments received.

As documented in this FGEIS, key potential impact elements will continue to be monitored incrementally over time, as growth in the South Campus continues. Those elements include but are not limited to:

- Tree Planting in the residential buffer areas
- Management of Stormwater Drainage
- Traffic impacts and mitigation to the roadway network
- Water Supply System
- Sanitary Sewer System

It is the belief of the applicant that all substantive comments have been identified and addressed in this FGEIS, and that the FGEIS provides adequate documentation of the project intent, impacts and mitigation measures.

EXHIBIT NO. 5

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 7, 2014 from Chief of Police Mark T. Henderson regarding a request to authorize the acceptance of the funds and terms regarding the use of $15,320.00 from the New York State Attorney General's inVEST Program to be used to offset fifty percent of the cost of the purchase of 33 protective vests by the Brighton Police Department, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the acceptance of the funds and terms regarding the use of $15,320.00 from the New York State Attorney General's inVEST Program to be used to offset fifty percent of the cost of the purchase of 33 protective vests by the Brighton Police Department.

Dated: September 10, 2014

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 7, 2014

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

RE: NYS Attorney General inVEST Partnership Award

Dear Board Members:

New York State Attorney General Eric Schneiderman recently announced that his office is funding a Bullet Proof Vest (inVEST) Partnership. The program is similar in nature to the Department of Justice (DOJ) Bulletproof Vest Partnership (BVP) wherein participating law enforcement agencies receive reimbursement for fifty percent of the purchase price for bulletproof vests. The status of the DOJ funding is currently awaiting congressional approval. Due to the uncertainty of the federal program (*of which we have been a participant in for a number of years)* we applied for 2015 reimbursement through the New York State Attorney General's Office.

On August 4, 2014 we received formal notification that the Brighton Police Department has been selected to receive vest reimbursement funding from the inVEST Partnership. The Office of Attorney General will reimburse the Brighton Police Department fifty percent of the purchase price of 33 protective vests, or up to $15,320.00.

I hereby request that the police department be allowed to accept the terms and conditions of the NYS Attorney General's Office inVEST Partnership Award for purchase of bulletproof vests in 2015.

Respectfully,

Mark T. Henderson
Chief of Police

EXHIBIT NO. 6

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 8, 2014 from Chief of Police Mark T. Henderson regarding a request to authorize the Supervisor to execute agreements with Veterinarians and Veterinary Technicians for the Town's annual rabies clinic for a total cost not to exceed $520.00, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute agreements with Veterinarians and Veterinary Technicians for the Town's annual rabies clinic for a total cost not to exceed $520.00.

Dated: September 10, 2014

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 8, 2014

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

Dear Board Members:

I recommend that the Supervisor be authorized to execute an agreement for professional services between the Town of Brighton and two veterinarians, as well as two veterinary technicians, for veterinary and related services to be performed at our annual Rabies Clinic on Saturday, October 4, 2014. The terms and rates for the services provided pursuant to this agreement are unchanged from last year, with a total amount for services not to exceed $520.00. There is sufficient funding in the 2014 Animal Control budget to support this request.

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

Sincerely,

Mark T. Henderson
Chief of Police

MTH:dm

c: Captain David Catholdi
Bruce Blackman, Animal Control Supervisor

EXHIBIT NO. 7

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated August 5, 2014 from Town Clerk Daniel Aman regarding a request to authorize the amendment of the Table of Organization to remove the Security Worker (Part-time) position from the schedule and move the Security Worker (on-call)position to a Flat Salary position on the wage schedule, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the above requested amendment to the Table of Organization.

Dated: September 10, 2014

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

Daniel Aman
Town Clerk/Receiver of Taxes

David Marcus
Deputy Clerk / Deputy Receiver

To: Christopher Werner, Chair, Finance & Admin Services Committee
From: Daniel Aman, Town Clerk
Date: August 5, 2014
Re: Organization Table Changes

Since the Town Board earlier this year added a second full time laborer position, I would like to remove the Security Worker (P.T.) from the Table of Organization. I feel that we have a gap in our coverage as a result and need to have a contingency plan for when the Laborer is out sick or on vacation. I propose that we leave the Security Worker (on-call) in the table, but that the title is moved to Flat/Salaried Positions list on the wage schedule at $14.32 per hour. This will bring the wages for this position in line with the Court Attendant positions. This on call Security Worker position will ensure that we will have coverage for any outside groups – who typically reserve rooms several months in advance, and not have to cancel reservations at the last minute.

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

TOWN OF BRIGHTON
PART-TIME PERMANENT AND SEASONAL EMPLOYEE WAGE SCHEDULE
2014 BUDGET

	Part-Time Seasonal		Part-Time Permanent				
	Step A	Step B	Step 1	Step 2	Step 3	Step 4	Step 5
Group I: Cleaner	N/A	N/A	$ 10.81	$ 11.20	$ 11.60	$ 12.00	$ 12.42
Group II: Telephone Operator Court Attendant Animal Control Officer II Recreation Assistant III	N/A	N/A	$ 12.43	$ 12.89	$ 13.34	$ 13.85	$ 14.32
Group III: Recreation Assistant II Clerk IV Office Clerk IV Student Intern	N/A	$ 8.00	$ 13.44	$ 13.92	$ 14.41	$ 14.91	$ 15.47
Group IV: Recreation Assistant I Animal Control Officer I Seasonal Laborer	$ 8.00	$ 8.40	$ 14.40	$ 14.95	$ 15.49	$ 16.02	$ 16.58
Group V: Recreation Leader III Clerk III Office Clerk III Account Clerk/Typist	$ 8.50	$ 8.90	$ 15.40	$ 15.99	$ 16.53	$ 17.07	$ 17.69
Group VI: Lifeguard II Recreation Leader II	$ 9.00	$ 9.40	$ 16.39	$ 16.97	$ 17.56	$ 18.19	$ 18.84
Group VII: Recreation Leader I Recreation Supervisor Supervising Lifeguard Clerk II Deputy Receiver of Taxes Drafting Technician (Seasonal) Payroll Clerk Security Worker	$ 9.50	$ 9.90	$ 17.67	$ 18.36	$ 18.97	$ 19.64	$ 20.34
Group VIII: Lifeguard I (WSI)	$ 10.00	$ 10.40	$ 18.86	$ 19.52	$ 20.21	$ 20.91	$ 21.66
Group IX: Student Intern (Engineering)	$ 10.50	$ 10.90					
Group X: Micro Computer Support Technician	N/A	N/A	$ 20.79	$ 21.85	$ 22.92	$ 24.08	$ 25.31

Note: All clerical and telephone operator on-call positions will be paid at the Entry Step rate (Step 1) for the appropriate title. All other on-call positions for titles listed on this schedule will be paid at the seasonal rate.

This Wage Schedule provides for a 2% wage increase from 2013 for part-time permanent employees only.

EXHIBIT NO. 8

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated August 27, 2014 from Director of Personnel and Human Resources Gary Brandt regarding a request to authorize the establishment of a Half Pay Sick Leave Policy for Permanent Part Time employees who work a minimum of 20 hours per week together with a copy of the proposed policy, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the establishment of a Half Pay Sick Leave Policy for Permanent Part Time employees who work a minimum of 20 hours per week in accordance with the terms and conditions set forth in the subject memorandum and the existing policy.

Dated: September 10, 2014

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

TO: Christopher Werner, Chair, Finance & Administrative Services Committee

FROM: Gary Brandt, Director of Personnel & HR

DATE: August 27, 2014

RE: Half Pay Sick Leave Policy Amendment

I am requesting that the Town Board authorize an extension of the existing Half Pay Sick Leave Policy for Permanent Full Time employees (attached) to include Permanent Part Time employees who work a minimum of 20 hours per week.

The Town offers both long term disability (LTD) insurance and short term disability (STD) insurance through a group plan with CIGNA as arranged by Brown & Brown of NY. However these group plan policies require that eligible employees must work a minimum of 30 hours per week which prohibits the Permanent Part Time employees access to these policies.

The half pay sick leave is not an employee benefit that is frequently used. In the past 5 years, only 3 Permanent Full Time employees of our total eligible Full Time employees have applied for and been approved for this benefit due to an extended medical issue which prevented them from working, e.g. surgery, extended illness, etc.

If approved by the Town Board, Permanent Part Time employees would be eligible for this benefit under the following schedule:

One year of Service	=	2 Weeks of Half Pay Sick Leave
Two years of Service	=	4 Weeks of Half Pay Sick Leave
Three years of Service	=	6 Weeks of Half Pay Sick Leave
Four years of Service	=	8 Weeks of Half Pay Sick Leave
Five years of Service	=	10 Weeks of Half Pay Sick Leave
Six years of Service	=	12 Weeks of Half Pay Sick Leave

Prior to using Half Pay Sick Leave benefits, an employee must use all existing accrued leave time in their leave time bank, with the exception of 5 days leave which may be applied to the

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5250 • Fax: 585-784-5373
http://www.townofbrighton.org

waiting period to access this benefit policy. This is consistent with the existing Half Pay Sick Leave policy.

If approved for this benefit, the half pay sick leave for Permanent Part Time employees can only be accessed once during employment with the Town of Brighton.

All prior Half Pay Sick Leaves have been supported by qualifying specific medical documentation. All other provisions of the existing Half-Pay Sick Leave policy for permanent full time employees shall apply to this amended policy.

Attached is the current Town policy and the City of Rochester policy on Half Pay Sick Leave.

The current Town of Brighton Half Pay Sick policy was last reviewed in April, 2004.

w/attachments

c: Wm. Moehle

Suzanne Zaso

Compensation Policies

SUBJECT: **HALF-PAY SICK LEAVE**

Policy: Effective July 1, 1994, all full-time non-represented employees who have been employed by the Town for one or more year(s) shall be entitled to half-pay sick leave for a maximum period of twelve (12) weeks under the following conditions:

Conditions: The employee provides standard medical certification by the attending physician verifying that the employee is unable to work due to illness or injury;

The employee has exhausted all accumulated sick, personal, vacation and comp leave time. However, the employee may choose to keep, five (5) days of paid sick leave before being placed on half-pay sick leave. This time may be used when the employee returns to work;

The employee has no record of sick leave abuse during his term of employment;

Waiting Period: The employee is subjected to an unpaid waiting period of five (5) working days; (The employee will be allowed to use the five (5) days of paid leave held in reserve to offset the waiting period if he or she desires.)

It is understood that the foregoing half-pay provision applies only to an employee's illness (and cannot be applied for the care of an ill family member);

Compensation Policies

SUBJECT: **HALF-PAY SICK LEAVE**

Conditions:

The half-pay sick leave benefit may not be granted more than once during any twelve-month period. The 12 month period is measured backward from the date an employee uses any half-pay sick leave.

Upon the recommendation of the Department Head, the Personnel Director and the approval of the Town Supervisor or his/her designee, an extension of half-pay sick leave may be granted.

HALF-PAY SICK LEAVE

If you have been employed by the Town for one or more year(s) you may be entitled to half-pay sick leave for a maximum period of twelve (12) weeks under the following conditions:

You have exhausted all accumulated sick, personal, vacation and compensatory leave time. (You will be allowed, however, to keep five (5) days of paid sick leave before being placed on half-pay sick leave. This time may be used when you return to work.)

You provide standard medical certification by the attending physician verifying that you are unable to work due to illness or injury.

You have no record of sick leave abuse during your term of employment.

You will be subject to an unpaid waiting period of five (5) working days. You will be allowed to use the five (5) days of paid leave held in reserve to offset the waiting period if you desire.

This half-pay sick leave benefit applies only to an employee's illness and cannot be applied for the care of an ill family member. This half-pay sick leave benefit may not be granted more than once during any twelve-month period. The twelve-month period is measured backward from the date an employee uses any half-pay sick leave.

Town of Brighton Half Pay Sick Leave* Determination Form

Employee Name: _____

Employee Dept: _____

Employment Date: _____

Employee Eligible: Yes _____ No _____

Description of Need: _____

_____

_____

_____

Expected Duration: _____

_____

Physician Statement: Yes _____ No _____

Supervisor Approval: Yes _____ No _____

Dept. Head Approval: Yes _____ No _____

Personnel Approval: Yes _____ No _____

Supervisor Approval: Yes _____ No _____

Copy of approval must be sent to Finance Dept., the Department Head, the employee and the Director of Personnel.

- **Half Pay Sick Leave is an existing Town of Brighton Personnel Policy, applicable to eligible full time non-represented employees once in a 12 month time period. Maximum duration is 12 weeks total time in any twelve month period.**

CITY OF ROCHESTER, NEW YORK	EFFECTIVE DATE July, 1987	PAGE NO. 1 of 4
APPROVED BY Donna L. Turner, Director/BHRM	REVISION DATE June, 2007	REVIEWED DATE
POLICY / PROCEDURE Sick Leave		

1. INTRODUCTION

Sick leave is provided to compensate employees for time lost due to injury or illness.

2. DEFINITIONS

2.1. Sick Leave - time off at full pay due to non-work related injury or illness.

2.2. Half-Pay Sick Leave - time off at one-half pay.

2.3. Extended Unpaid Sick Leave - is granted when all sick leave allowances have been exhausted.

3. SCOPE

3.1. Policy is for All APT and Confidential employees. Union employees should refer to their union contract.

3.2. *Procedure is for All City Employees*

4. POLICY

4.1. Sick Leave Accumulation

4.1.1. Accrual will begin from date of hire and accumulate at a rate of 1 day per calendar month to a maximum of 180 days.

4.1.2. If absence exceeds 3 days, employee must provide the supervisor with a physician's statement of disability within 5 days of commencement of the leave.

4.1.3. Employee must provide the supervisor with a physician's statement verifying the continuation of the disability once every 30 days during the period of disability.

4.2. Half-pay Sick Leave

4.2.1. Employees are eligible for up to 90 working days of half-pay.

4.2.2. Employees must exhaust sick leave bank before being allowed to use half-pay sick leave.

4.2.3. While an employee is receiving half-pay sick leave, there is no accrual of vacation, sick leave or personal leave.

4.2.4. An employee may elect to utilize vacation and/or personal leave in advance or following exhaustion of half-pay sick leave. In order to exercise this option, the employee must advise his/her supervisor.

4.2.5. Half-pay Sick Leave Utilization

4.2.5.1. Employee uses any number of days of half-pay sick leave.

4.2.5.2. Employee returns to active full-time employment.

4.2.5.3. If employee needs to use half-pay sick leave within the year of returning to work, he/she will be entitled to 90 days minus the number of days already used. (Ex. If the employee uses 30 days in January and then needs to use it again in November, he/she will be eligible for 60 (90-30) days.)

4.2.5.4. After returning from leave for one full year, the employee becomes eligible for 90 days of half-pay sick leave again.

4.2.6. Upon exhaustion of vacation, personal and half-pay sick leave, the employee may request the Department Head to grant an unpaid leave of absence for medical reasons as established in Leave of Absence Policy.

4.3. Return to work following Sick Leave/Half-pay Sick Leave

Employees absent for 30 days or more must provide a physician's statement approving return to work. An employee may be required to be examined by a City-designated physician prior to reporting to work.

5. PROCEDURE

5.1. Sick Leave

Responsibility		Action
Employee	1.	Reports sickness to supervisor.
	2.	Submits Doctor's Certificate, if required, upon return to work.
	3.	Records sick leave on time card.
		OR
Supervisor	3.	Records sick leave for employee if employee has not returned to work by the day HRS time cards are due.

5.1.1. Fire Department - Sick leave is recorded on Daily Time Sheets

5.1.2. Police Department - Sick leave is recorded on Duty Roster.

5.2. Half-pay Sick Leave

Responsibility		Action
Employee	1.	Requests half-pay sick leave, in writing.
	2.	Obtains a physician's statement with nature and expected duration of disability.
	3.	Submits physician's statement to the Supervisor.
Department	4.	Approves request and submits approval and PASS Form with exact dates to the Bureau of Human Resource Management.
Human Resource Management	5.	Reviews request for half-pay sick leave and enters information into HRS System.
Department	6.	Notifies employee by letter of approval or denial of extended sick leave request and return-to-work deadline.
	7.	Completes employee's time card when employee is on sick leave.
	8.	Forwards time card to Payroll.

5.3. To restore employee to payroll after extended sick leave

Responsibility		Action
Employee	1.	Obtains required Physician's statement and/or City Physician's permission to return to work.
Department	2.	Submits request, approval and PASS Form with exact date to the Bureau of Human Resource Management.
Human Resource Management	3.	Reviews request for return-to-work and processes Pass Form.
Department	4.	Notifies employee of approval or denial of return-to-work request.

6. EXCEPTIONS

6.1. Extended sick leave and temporary non-payroll status do not apply to IAFF and Police Locust Club Members

7. RESPONSIBLE UNIT(S)

BHRM/Benefits, BHRM/Information Systems, BHRM/Staffing

8. CROSS REFERENCE

8.1. Policy on Supplemental Pay Benefits for AFSCME Employees Receiving Workers' Compensation

8.2. Policy on Supplemental Pay Benefits for APT/Confidential Employee Receiving Workers' Compensation

8.3. APT Employee Handbook

8.4. Confidential Employee Handbook

8.5. Union Contracts

EXHIBIT NO. 9

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that a joint memorandum dated August 28, 2014 from Director of Personnel and Human Resources Gary Brandt and Director of Finance Suzanne Zaso regarding a request to revise the Comp Time Policy for employees, together with a copy of the proposed revisions to the policy, be received and filed; and it is further

RESOLVED, that the Town Board hereby revises the Comp Time Policy for full time non-represented employees in accordance with the terms and conditions set forth in the subject memorandum referred to above.

Dated: September 10, 2014

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

TO: Christopher Werner, Chair, Financial & Administrative Services Committee

FROM: Gary Brandt, Director of Personnel & HR

Suzanne Zaso, Director of Finance

DATE: August 28, 2014

RE: Revisions to Comp Time Policy

Below please see the planned revisions to the Comp Time Policy for employees, which was last amended in March, 2002. All questions and concerns from our prior discussion of this policy on August 5th have been addressed in the language below.

Policy:

It is the policy of the Town of Brighton to conform to the Fair Labor Standards Act, as amended for public sector employers. Pursuant to these rules the Town provides most full-time, non-represented employees compensatory time off in lieu of overtime pay.

Administration:

*For all approved hours worked over the scheduled work week **up** to forty (40) hours, affected employees will be awarded compensatory time at straight time. For all approved hours worked in **excess** of forty (40) hours, the affected employees will be awarded compensatory time at one and one-half (1.5) hours for each overtime hour worked. (29 U.S.C. Section 207(o); C.F.R. Section 553.20)*

Employees may earn unlimited approved compensatory time but may only maintain a maximum of 120 hours of compensatory time in their time bank. Compensatory time earned must be taken in the calendar year when worked and earned. If an employee is unable to schedule to take the time before the end of the calendar year, the department head may grant an extension to the end of the first quarter of the following calendar year. The department head notify the Director of Finance and the Director of Personnel & HR of any extension of the use compensatory time.

*Times sheets prepared by any employee **earning** or **taking** compensatory time must have that time sheet co-signed by the appropriate department head which acknowledges that compensatory time was earned or used. Any hours worked by employees over and above their normal workweek schedule must have approval of the department head.*

*Employees may **earn** compensatory time in one-half (.5) hour increments, and employees may **take** compensatory time in one hour increments or greater, and with approval of the appropriate department head.*

FLSA Covered Employees:

The following full time non-represented positions are covered by this policy:

Clerk I, Office Clerk II, Office Clerk III, Office Clerk IV

Coordinator of Data Processing, Senior Network Technician, Budget Officer, Accountant, Senior Account Clerk

Recreation Supervisor, Senior Citizen Program Specialist

Deputy Town Clerk, Deputy Town Clerk-Receiver of Taxes & Assessments

Assistant to the Supervisor, Secretary of the Supervisor

Clerk to the Justice

Administrative Analyst

Town Engineer, Assistant Engineer, Junior Engineer, Engineering Assistant, Maintenance Mechanic, Fire Marshal, Associate Planner, Planner, Building Inspector, Planning Technician, Superintendent of Parks, Deputy Highway Superintendent

**Department Heads are covered under a separate policy: Compensatory Time for Dept. Heads*

**Unrepresented Labor class employees are paid for overtime as per FLSA*

Separation from Service:

Upon an employee's separation from Town service for resignation or retirement, all accrued compensatory time will be paid for time worked in that calendar year at the employee's pay rate at separation. If separation from Town service is for just cause, the Supervisor shall approve any payment of accrued compensatory time paid out.

EXHIBIT NO. 10

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 27, 2014 from Recreation Director Rebecca J. Cotter regarding a request to authorize the acceptance of $3,550.00 in cash donations to support the Sunset Serenades Concert Series, be received and filed; and it is further

RESOLVED, that the Town Board hereby gratefully accepts the $3,550.00 in cash donations to support the Sunset Serenades Concert Series.

Dated: September 10, 2014

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, PARKS & COMMUNITY SERVICE DEPARTMENT
220 Idlewood Road
Rochester, NY 14618
http://www.townofbrighton.org
(585) 784-5260
Fax: (585) 784-5365
TTY: (585) 784-5381

August 27, 2014

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

I respectfully request your permission to authorize Town Supervisor William Moehle to accept $3550 in cash donations for the Sunset Serenades Concert Series. These donations have come in to support the concert series from area businesses for the 2014 concert series. Monies have been used to secure and pay for performers during the 6 week concert series.

Please let me know if you have any questions or concerns regarding this request.

Thank you for your consideration,

R Cotter

Rebecca J. Cotter
Recreation Director
Town of Brighton

Run On 08/27/2014 02:58 PM
Run By Rebecca Cotter
Sessions 2014 Sunset Serenades

Roster Report

Sunset Serenades Sponsorship 2014 Sunset Serenades

	Name	Amount Paid
1.	Legacy at Clover Blossom	$500.00
2.	Children's Center	$150.00
3.	Wegmans Food Markets Inc	$2,000.00
4.	Friendly Home	$200.00
5.	St. Johns Meadows	$200.00
6.	ESL Federal Credit Union	$500.00
		$3,550.00

Totals for Roster Report

$3,550.00

EXHIBIT NO. 11

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 27, 2014 from Recreation Director Rebecca J. Cotter regarding a request to authorize the acceptance of $1,300.00 in cash donations to support the 2014 Fun Fit Five K run, be received and filed; and it is further

RESOLVED, that the Town Board hereby gratefully accepts the $1,300.00 in cash donations to support the 2014 Fun Fit Five K run.

Dated: September 10, 2014

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, PARKS & COMMUNITY SERVICE DEPARTMENT
220 Idlewood Road
Rochester, NY 14618
http://www.townofbrighton.org
(585) 784-5260
Fax: (585) 784-5365
TTY: (585) 784-5381

August 27, 2014

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

I respectfully request your permission to authorize Town Supervisor William Moehle to accept $1,300 in cash donations for the Fun, Fit Five K. These donations have come in to support the Five K from area businesses for the 2014 race. Monies have been used to secure and pay for the timing system, t-shirts and other expenses relating to the race.

Please let me know if you have any questions or concerns regarding this request.

Thank you for your consideration,

R. Cotter

Rebecca J. Cotter
Recreation Director
Town of Brighton

Run On 08/27/2014 02:58 PM
Run By Rebecca Cotter
Sessions Fun Fit Five K - Sponsorships

Roster Report

FUN FIT FIVE K Fun Fit Five K - Sponsorships

	Name	Amount Paid
1.	JP Morgan Chase	$100.00
2.	Gary Godden	$400.00
3.	LDL Pools	$500.00
4.	Summit Federal Credit Union	$300.00
		$1,300.00

Totals for Roster Report $1,300.00

EXHIBIT NO. 12

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 27, 2014 from Recreation Director Rebecca J. Cotter regarding a request to authorize the transfer of $13,000.00 from A.REC 6772 4.51(Contractual Instructors)account to A.REC 6772 1.20 (Part Time Wages) account to support payment of the remaining hourly part-time wages for 2014, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the transfer of $13,000.00 from A.REC 6772 4.51(Contractual Instructors)account to A.REC 6772 1.20 (Part Time Wages) account to support payment of the remaining hourly part-time wages for 2014.

Dated: September 10, 2014

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, PARKS & COMMUNITY SERVICE DEPARTMENT
220 Idlewood Road
Rochester, NY 14618
http://www.townofbrighton.org
(585) 784-5260
Fax: (585) 784-5365
TTY: (585) 784-5381

August 27, 2014

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

I respectfully request your permission to authorize the budgetary transfer of funds in the amount of $13,000 to cover remaining part time wages for 2014. Money is available in the 2014 budget to support this transfer. $13,000 will transfer from A. Rec. 6772 4.51(Contractual Instructors) to A. Rec. 6772 1.20 (Part Time Wages). This transfer is necessary due to departmental shifts in how instructors were being paid for services. Shifting from contractual basis to an hourly wage basis.

Please let me know if you have any questions or concerns regarding this request.

Thank you for your consideration,

R. Cotter

Rebecca J. Cotter
Recreation Director
Town of Brighton

EXHIBIT NO. 13

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated August 25, 2014 from Deputy Highway Superintendent Timothy J. Anderson regarding a request to authorize the transfer of a total of $13,912.25 from various accounts as detailed in said correspondence to D.HWY 5130 4.08 (Machinery - Vehicle Parts/Comp)account to support payment for vehicle parts purchases for the remainder of 2014, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the transfer of $13,912.25 from various accounts as detailed in said correspondence to D.HWY 5130 4.08 (Machinery - Vehicle Parts/Comp)account to support payment for vehicle parts purchases for the remainder of 2014.

Dated: September 10, 2014

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

Operations Center

1941 Elmwood Ave. / Rochester, New York 14620 / Phone (585) 784 - 5280 Fax (585) 784 – 5385

August 25, 2014

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

Re: Transfer of funds - Machinery

Honorable Members:

I recommend that a transfer be approved from the following:

Highway – Parks – Maintenance Supplies (A.HWY.7110 4.11) in the amount of $600
and
Highway – Road Repair – Equipment (D.HWY.5110 2.30 in the amount of $587.25
and
Highway – Road Repair – Sewer Construction/Repair (D.HWY.5110 2.80) in the amount of $6,500
and
Highway – Road Repair – Drainage Materials/Supplies (D.HWY.5110 4.05) in the amount of $1,500
and
Highway – Road Repair – Sewer Repair Materials (D.HWY.5110 4.07) in the amount of $3,000
and
Highway – Machinery – Tools (D.HWY.5130 2.19) in the amount of $1,725
To:
Highway – Machinery – Machinery – Vehicle Parts/Comp D.HWY.5130 4.08 in the amount of $13,912.25

The funds are proposed to be used to cover vehicle parts purchases for the remainder of the year.

Sincerely,

Timothy J. Anderson
Deputy Highway Superintendent

Cc: M. Hussar
S. Zaso
T. Keef
A. Banker

EXHIBIT NO. 14

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated September 2, 2014 from Police Chief Mark T. Henderson regarding a request to authorize the acceptance of $2,559.20 in funds from the New York State Attorney General's Community Overdose Prevention Program and to further amend the 2014 Police Department Operating Budget by increasing expenditures in A.POLICE 3120 4.14 (Program Supplies) account by $2,559.20 to be fully supported by the above referenced funds, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the acceptance of $2,559.20 in funds from the New York State Attorney General's Community Overdose Prevention Program and to further amend the 2014 Police Department Operating Budget by increasing expenditures in A.POLICE 3120 4.14 (Program Supplies) account by $2,559.20.

Dated: September 10, 2014

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

September 2, 2014

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

Re: Donation and Appropriation

Dear Board Members:

Recently, the Police Department received funding from the New York State Attorney General's Office, Eric Schneiderman for the Community Overdose Prevention Program. This program provides training, supplies and equipment to the Brighton Police Department with nasally-administered naloxone.

I request that the Town Board authorize the acceptance of this funding. I further request that the 2014 Police Department Operating Budget be amended to increase expenditures in **A.POLCE 3120 4.14 Program Supplies** by $2,559.20 to be fully supported by an increase in revenues A.POLCE.3120 3330 NYS Aid-Drugs & Alcohol of the same amount.

Sincerely,

Mark T. Henderson
Chief of Police

MTH:jpo

EXHIBIT NO. 15

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated August 29, 2014 from Coordinator of Data Processing Susan Wentworth regarding a request to authorize the disposal as surplus of certain computer equipment determined to be of no further value or use to the Town and to authorize the donation of said equipment to the Not For Profit Agency - Action for a Better Community, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the disposal as surplus of the computer equipment set forth in the above referenced memorandum and authorizes the donation of said equipment to the Not For Profit Agency - Action for a Better Community.

Dated: September 10, 2014

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
2300 ELMWOOD AVENUE
ROCHESTER, NEW YORK 14618
(585) 784-5250 Fax (585) 784-5373

MEMORANDUM

To: The Honorable Town Board
Attn.: Finance and Administrative Services Committee
From: Susan Wentworth, Coordinator of Data Processing
Subject: Recommended Disposal of Certain Fixed Assets
Date: August 29, 2014

The Town has utilized the auction site, www.propertyroom.com for disposal of surplus computers and peripherals. In 2012, the Town Board authorized the auction of the following functioning equipment: 22 computers, 25 LCD monitors and 3 printers. The total revenue to the Town from the online auction was $61.73. The equipment that did not sell after 60 days was sent to an electronics disposal company.

The IT department has identified an agency that would accept the functioning computers, monitors and printers as a donation. The Action for a Better Community Agency has a program called Micrecycle that refurbishes donated computers and provides them at a low cost to low-income residents of Monroe County as well as agencies, organizations, day care centers, after-school programs, and schools who serve the low-income population.

I am requesting for the Town Board to authorize the donation of the following computers to The Action for a Better Community Agency's Micrecycle program. Based on past auction history, these systems would net the Town less than $50 in revenue.

Make	Model	Serial Number
Dell	OptiPlex GX620	23JMCC1
Dell	OptiPlex GX520	2GX7691
Dell	OptiPlex 740	2SV2VH1
Dell	OptiPlex 755	2T74YH1
Dell	OptiPlex GX520	4GX7691
Dell	Precision 390	59MPKF1
Dell	OptiPlex 755	6T74YH1
Dell	OptiPlex GX620	91M8691
Dell	OptiPlex GX620	B2JMCC1
Dell	OptiPlex 745	C5NPBD1
Dell	OptiPlex 760	DJ69TJ1
Dell	Precision T5400	F0JB6J1
Dell	OptiPlex 755	J9R7RH1

Thank you for your consideration.

Susan A. Wentworth

"building new beginnings for people in poverty"

ACTION FOR A BETTER COMMUNITY

Micrecycle

Description of Services: Micrecycle is a volunteer-based program that refurbishes donated computers, and provides them at low cost to low-income families, individuals and organization.

Micrecycle is a Microsoft Registered Refurbisher.

NOTE: Micrecycle also offers technical training for youth. Please see Technical Training for Youth under Youth Services.

Target Population / Eligibility Criteria: Micrecycle serves all low-income residents of Monroe County as well as those who serve low-income people, including agencies, organizations, day care centers, after-school programs, schools and more.

Hours of Operation and Service Delivery: Micrecycle is open Monday-Friday from 8:30 am to 5:00 pm. We accept delivery of donations from 9:00 am to 4:30 pm.

Location of Services: Micrecycle is located at **49 Stone Street**, which runs from E. Broad Street. to East Main Street in downtown Rochester.

Contact Information:

(585) 224-4040

micrecycle@abcinfo.org

www.micrecycle.org

ACTION for a BETTER COMMUNITY, INC.

©2000-2012 Action for a Better Community, Inc.
550 E. Main Street | Rochester, NY 14604
(585) 325-5116 | (585) 325-9108 - fax

Go to top

EXHIBIT NO. 16

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated August 29, 2014 from Coordinator of Data Processing Susan Wentworth regarding a request to authorize the disposal as junk of certain computer equipment determined to be of no further value or use to the Town, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the disposal as junk of the computer equipment set forth in the above referenced memorandum.

Dated: September 10, 2014

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
2300 ELMWOOD AVENUE
ROCHESTER, NEW YORK 14618
(585) 784-5390 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board
Attn.: Finance and Administrative Services Committee
From: Susan Wentworth, Coordinator of Data Processing SAW
Subject: Recommended Disposal of Certain Fixed Assets
Date: August 29, 2014

In accordance with the Town Board's Fixed Asset Policy and Procedures (as amended), I am requesting that Your Honorable Body authorize the disposal of certain fixed asset items in my care and custody as listed on the attached Fixed Assets/Inventory Update Sheet(s). The item(s) listed are no longer needed or available to support departmental operations. In this particular instance:

___ The item(s) listed have remaining value, are serviceable, and should be sold to the highest bidder by auction to be conducted by the Town, or by the Town's authorized agent.

___ The item(s) listed have remaining value, are serviceable, and should be sold to the highest bidder by means of a sealed bid.

_X_ The item(s) have no or minimal remaining value and/or are no longer serviceable and should be disposed of as junk.

___ The item(s) listed have been lost or destroyed and should be removed from the Town's fixed asset and inventory records.

The formal action being requested of the Town Board is the declaration as surplus or junk (as indicated above) of the item(s) listed on the attached. As the department head responsible for the care and custody of the item(s) listed, I would be happy to respond to any questions the Committee, or other members of the Town Board may have.

Copy to: S. Zaso, Finance Department

Attached: Fixed Assets/Inventory Update Sheet

TOWN OF BRIGHTON
DISPOSAL OF FIXED ASSET

DEPT. Information Systems

DATE August 28, 2014

REQUESTING EMPLOYEE Susan Wentworth

DEPT. HEAD SIGNATURE Susan A. Wentworth

TOWN I.D. # *	ITEM DESCRIPTION	MANUFACTURER	MODEL	YEAR	VIN or SERIAL NUMBER	COST	COMMENTS
005264	Computer	Dell	OptiPlex GX520	2006	4GX7691	$1,045.00	Donation
005265	Computer	Dell	OptiPlex GX520	2006	2GX7691	$1,045.00	Donation
005269	Computer	Dell	OptiPlex GX620	2006	91M8691	$1,195.20	Donation
005273	Computer	Dell	OptiPlex GX620	2007	B2JMCC1	$1,005.25	Donation
005224	Laptop	HP	Compaq 8510p	2008	CND8101RBK	$1,369.00	Recycle
005395	Computer	Dell	Precision 390	2008	59MPKF1	$1,979.10	Donation
005408	Computer	Dell	Precision T5400	2009	F0JB6J1	$1,646.50	Donation
005347	Computer	Dell	OptiPlex GX620	2007	D2JMCC1	$1,005.25	Recycle
005432	Computer	Dell	Precision T5400	2009	38347J1	$1,653.50	Recycle
005157	Laptop	HP	Compaq nx6125	2005	CND532077M	$1,149.00	Recycle
005224	Laptop	HP	Compaq 8510p	2008	CND8101RBK	$1,369.00	Recycle
005282	Laptop	HP	Pavillion dv1000	2006	CNF6110ZD6	$1,849.98	Recycle
005344	Laptop	HP	Compaq nx9420	2007	CND71101H4	$1,550.00	Recycle
005345	Laptop	HP	Compaq nx9420	2007	CND7102X95	$1,550.00	Recycle

* For vehicles use the last 6 characters of the VIN number.

Finance Office Use: _____ Town Board Authorization Date _____ Insurance Notification Date

Fixed Asset Disposal.xls

EXHIBIT NO. 17

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that a joint memorandum dated August 22, 2014 from Director of Personnel and Human Resources Gary Brandt and Finance Director Suzanne Zaso regarding a request to authorize the Supervisor to execute a Business Associate Agreement for 2014 with EBS-RMSCO, Inc. to act as Plan Administrator for the FSA and COBRA Plans, be received and filed; and it is further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Business Associate Agreement for 2014 with EBS-RMSCO, Inc. to act as Plan Administrator for the FSA and COBRA Plans.

Dated: September 10, 2014

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

TO: Christopher Werner, Chair, Finance & Administrative Services Committee

FROM: Gary Brandt, Director of Personnel & HR

Suzanne Zaso, Director of Finance

DATE: August 22, 2014

RE: Authorization to Execute Annual Business Associate Agreement with EBS-RMSCO, Inc. as Plan Administrator for FSA and COBRA Plans

Our ongoing relationship with EBS-RMSCO, Inc. requires that we sign an annual Business Associate Agreement with EBS-RMSCO, Inc. to maintain compliance with the federal Health Insurance Portability & Accountability Act of 1996 (HIPPA) and now the Health Information Technology for Economic & Clinical Health Act (HITECH) amendment, as well as 45 CFR 160.103 (Protected Health Information). The Act requires that plan administrators and plan sponsors (the Town) enter into an agreement which stipulates various agency functions and certain responsibilities with regard to the management and confidentiality of medical records (see attached letter and agreement).

We request that you authorize the Supervisor to execute this agreement for 2014 as the plan administrator for our FSA and COBRA plans sponsored by the Town.

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5250 • Fax: 585-784-5373
http://www.townofbrighton.org

EBS-RMSCO, Inc.
Employee Benefit Solutions

115 Continuum Drive | Liverpool, NY 13088
315 448-9000 | 315 476-8440 fax
www.ebsrmsco.com

July 11, 2014

Gary Brandt
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Re: Reminder to complete:
Updated Business Associate Agreement - Omnibus Final Rule
Amendment to Service Agreement – Affordable Care Act Legislation

Dear Gary:

The Office for Civil Rights of the U.S. Department of Health and Human Services issued the Final Omnibus Rule implementing a number of provisions of the Health Information Technology for Economic and Clinical Health (HITECH) Act. This rule acts to strengthen the privacy and security protections for health information established under HIPAA.

In accordance with the provisions we sent both our updated Business Associate Agreement and an Amendment to Service Agreement(s) for your review and signature. Please take immediate action to execute and return the Agreement and Amendment which should be addressed to:

EBS-RMSCO, Inc.
115 Continuum Drive
Liverpool, NY 13088
Attn: Client Contracts

Feel free to contact Mark Kelley should you have any questions. Again, we appreciate your prompt attention in executing and returning these documents.

If you have already returned these documents to us, please disregard this reminder.

Sincerely,

Mark Kelley
Manager, Product Development & Broker Relations EBS-RMSCO
115 Continuum Drive
Liverpool, NY 13088
(315)448-9148
Mark.kelley@ebsrmsco.com

Business Associate Agreement

This Business Associate Agreement ("BAA"), effective upon execution, is between Town of Brighton, with offices at 2300 Elmwood Avenue, Rochester, NY 14618, ("Organization"), and EBS-RMSCO, Inc., with offices at 115 Continuum Drive, Liverpool, NY 13088 ("Business Associate").

Organization and Business Associate are parties to one or more agreements pursuant to which Business Associate has agreed to provide certain services on Organization's behalf ("Agreement").

This BAA supersedes any prior BAA or similar terms incorporated into one or more Agreements between the Organization and the Business Associate.

Organization and Business Associate execute this BAA to comply with the requirements of the implementing regulations of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), as modified by the Health Information Technology for Economic and Clinical Health Act (the "HITECH Act"), otherwise known as the "HIPAA Rules." Specifically, the HIPAA Rules shall mean the Privacy, Security, Breach Notification, and Enforcement Rules at 45 CFR Part 160 and Part 164. The HIPAA Privacy Rule is the Standards for Privacy of Individually Identifiable Health Information at 45 CFR, Part 160 and Part 164, subparts A and E. The HIPAA Security Rule is the HIPAA Security Standards (45 C.F.R. Parts 160 and 164, Subpart C). The HIPAA Breach Notification Rule is the Notification in the Case of Breach of Unsecured Protected Health Information, as set forth at 45 CFR Part 164 Subpart D. Business Associate recognizes and agrees that it is obligated by law to meet the applicable provisions of the HIPAA Rules.

1. Privacy of Protected Health Information.

a) **Permitted Uses and Disclosures.** Business Associate is permitted to use and disclose Protected Health Information that it creates or receives on Organization's behalf or receives from Organization (or another business associate of Organization) and to request Protected Health Information on Organization's behalf (collectively, "Organization's Protected Health Information") only as follows:

i) **Functions and Activities on Organization's Behalf.** To perform functions, activities, services, and operations on behalf of Organization, consistent with the HIPAA Rules, as specified in the Agreement.

ii) **Business Associate's Operations.** For Business Associate's proper management and administration or to carry out Business Associate's legal

responsibilities, provided that, with respect to disclosure of Organization's Protected Health Information, either:

A) The disclosure is Required by Law; or

B) The Business Associate obtains reasonable assurances from the person or entity to whom the Protected Health Information is disclosed that it will be held confidentially and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person or entity; the person or entity will use appropriate safeguards to prevent unauthorized access to, use, or disclosure of the Protected Health Information, and the person or entity in possession of the Protected Health Information immediately notifies the Business Associate of any instance of which it is aware in which the confidentiality of the Protected Health Information has been breached; or

C) The Protected Health Information is de-identified.

b) **Minimum Necessary.** Business Associate will, in its performance of the functions, activities, services, and operations specified in Section 1(a) above, make reasonable efforts to use, to disclose, and to request of the Organization only the minimum amount of Organization's Protected Health Information reasonably necessary to accomplish the intended purpose of the use, disclosure or request. In addition, Business Associate also agrees to follow appropriate minimum necessary policies in the performance of its obligations under this BAA. This minimum necessary requirement does not apply to:

i) Disclosure to or request by a health care provider for Treatment;

ii) Use for or disclosure to an individual who is the subject of Organization's Protected Health Information, or that individual's personal representative;

iii) Use or disclosure made pursuant to an authorization compliant with 45 C.F.R. § 164.508 that is signed by an individual who is the subject of Organization's Protected Health Information to be used or disclosed, or by that individual's personal representative;

iv) Disclosure to DHHS in accordance with Section 5(a) of this BAA;

v) Use or disclosure that is Required by Law; or

vi) Any other use or disclosure that is excepted from the minimum necessary limitation as specified in 45 C.F.R. § 164.502(b)(2).

c) **Prohibition on Unauthorized Use or Disclosure.** Business Associate will neither use nor disclose Organization's Protected Health Information, except as permitted or required by this BAA or in writing by Organization or as Required by Law. This BAA does not authorize Business Associate to use or disclose Organization's Protected Health Information in a manner that will violate the 45 C.F.R. Part 164, Subpart E "Privacy of Individually Identifiable Health Information" ("Privacy Rule") if done by Organization, except as set forth in Section 1(a)(ii) of this BAA.

d) **Sale of PHI.** Business Associate shall not directly or indirectly receive remuneration in exchange for PHI except where permitted by the Agreement and consistent with applicable law.

e) **Marketing.** Business Associate shall not directly or indirectly receive payment for any use or disclosure of PHI for marketing purposes except where permitted by the Agreement and consistent with applicable law.

f) **Information Safeguards.**

i) **Privacy of Organization's Protected Health Information.** Business Associate will implement appropriate administrative, technical, and physical safeguards to protect the privacy of Organization's Protected Health Information. The safeguards must reasonably protect Organization's Protected Health Information from any intentional or unintentional use or disclosure in violation of the Privacy Rule, 45 C.F.R. Part 164, Subpart E and this BAA, and limit incidental uses or disclosures made pursuant to a use or disclosure otherwise permitted by this BAA.

ii) **Security of Organization's Electronic Protected Health Information.** Business Associate will implement administrative, technical, and physical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of Electronic Protected Health Information that Business Associate creates, receives, maintains, or transmits on Organization's behalf as required by the Security Rule, 45 C.F.R. Part 164, Subpart C. Business Associate shall implement policies and procedures and meet the Security Rule documentation requirements.

g) **Subcontractors and Agents.** Business Associate will require any of its subcontractors and agents, to which Business Associate is permitted by this BAA or in writing by Organization to disclose Organization's Protected Health Information, to provide reasonable assurances that such subcontractor or agent will comply with the same privacy and security safeguard obligations with respect to Organization's Protected Health Information that are applicable to Business Associate under this BAA.

2. **Compliance with Transaction Standards.** If Business Associate conducts in whole or part electronic Transactions on behalf of Organization for which DHHS has established Standards, Business Associate will comply, and will require any subcontractor or agent it involves with the conduct of such Transactions to comply, with each applicable requirement of the Transaction Rule, 45 C.F.R. Part 162. Business Associate will not enter into any Trading Partner Agreement in connection with the conduct of Standard Transactions on behalf of Organization that:

   a) Changes the definition, data condition, or use of a data element or segment in a Standard Transaction;

   b) Adds any data element or segment to the maximum defined data set;

   c) Uses any code or data element that is marked "not used" in the Standard Transaction's implementation specification or is not in the Standard Transaction's implementation specification; or

   d) Changes the meaning or intent of the Standard Transaction's implementation specification.

3. **Individual Rights.**

   a) **Access.** Business Associate will, within twenty (20) calendar days following Organization's request, make available to Organization or, at Organization's direction, to an individual (or the individual's personal representative) for inspection and obtaining copies Organization's Protected Health Information in a designated record set about the individual that is in Business Associate's custody or control, consistent with the requirements of 45 C.F.R. § 164.524. .

   b) **Amendment.** Business Associate will, upon receipt of written notice from Organization, promptly amend or permit Organization access to amend any portion of Organization's Protected Health Information in a designated record set, so that Organization may meet its amendment obligations under 45 C.F.R. § 164.526.

   c) **Disclosure Accounting.** So that Organization may meet its disclosure accounting obligations under 45 C.F.R. § 164.528:

      i) **Disclosures Subject to Accounting.** Business Associate will record the information specified in Section 3(c)(iii) below ("Disclosure Information") for each disclosure of Organization's Protected Health Information, not excepted from disclosure accounting as specified in Section 3(c)(ii) below, that Business Associate makes to Organization or to a third party.

ii) **Disclosures Not Subject to Accounting.** Business Associate will not be obligated to record Disclosure Information or otherwise account for the following disclosures of Organization's Protected Health Information:

A) That occurred before April 14, 2003;

B) For Treatment, Payment or Health Care Operations activities;

C) To an individual who is the subject of Organization's Protected Health Information disclosed, or to that individual's personal representative;

D) Pursuant to an authorization compliant with 45 C.F.R. § 164.508 that is signed by an individual who is the subject of Organization's Protected Health Information disclosed, or by that individual's personal representative;

E) For notification of and to persons involved in the care or payment related to the health care of an individual who is the subject of Organization's Protected Health Information disclosed and for disaster relief;

F) To law enforcement officials or correctional institutions in accordance with 45 C.F.R. § 164.512(k)(5);

G) For national security or intelligence purposes in accordance with 45 C.F.R. § 164.512(k)(2);

H) In a Limited Data Set;

I) Incident to a use or disclosure that Business Associate is otherwise permitted to make by this BAA; and

J) Otherwise excepted from disclosure accounting as specified in 45 C.F.R. § 164.528.

iii) **Disclosure Information.** With respect to any disclosure by Business Associate of Organization's Protected Health Information that is not excepted from disclosure accounting by Section 3(c)(ii) above, Business Associate will record the following Disclosure Information as applicable to the type of accountable disclosure made:

A) Disclosure Information Generally. Except for repetitive disclosures of Organization's Protected Health Information as specified in Section 3(c)(iii)(B) below and for disclosures for large Research studies as specified in Section 3(c)(iii)(C) below, the Business Associate must record Disclosure Information as required by the HIPAA Privacy Rule for each

accountable disclosure, including but not limited to: (i) the disclosure date, (ii) the name and (if known) address of the entity to which Business Associate made the disclosure, (iii) a brief description of Organization's Protected Health Information disclosed, and (iv) a brief statement of the purpose of the disclosure.

B) **Disclosure Information for Repetitive Disclosures.** For repetitive disclosures of Organization's Protected Health Information that Business Associate makes for a single purpose to the same person or entity (including Organization), the Disclosure Information that Business Associate must record is either the Disclosure Information specified in Section 3(c)(iii)(A) above for each accountable disclosure, or (i) the Disclosure Information specified in Section 3(c)(iii)(A) above for the first of the repetitive accountable disclosures, (ii) the frequency, periodicity, or number of the repetitive accountable disclosures, and (iii) the date of the last of the repetitive accountable disclosures.

C) **Disclosure Information for Large Research Activities.** For disclosures of Organization's Protected Health Information that Business Associate makes for particular Research involving 50 or more individuals and for which an Institutional Review Board or Privacy Board has waived authorization during the period covered by an individual's disclosure accounting request, the Disclosure Information that Business Associate must record is (i) the name of the Research protocol or activity, (ii) a plain language description of the Research protocol or activity, including its purpose and criteria for selecting particular records, (iii) a brief description of the type of Organization's Protected Health Information disclosed for the Research, (iv) the dates or periods during which Business Associate made or may have made these disclosures, including the date of the last disclosure that Business Associate made during the period covered by an individual's disclosure accounting request, (v) the name, address, and telephone number of the Research sponsor and of the researcher to whom Business Associate made these disclosures, and (vi) a statement that Organization's Protected Health Information relating to an individual requesting the disclosure accounting may or may not have been disclosed for a particular Research protocol or activity.

iv) **Availability of Disclosure Information.** Unless otherwise provided by applicable law, Business Associate will maintain the Disclosure Information for at least six (6) years following the date of the accountable disclosure to which the Disclosure Information relates.

Business Associate will make the Disclosure Information available to Organization within thirty (30) days following Organization's request for such

Disclosure Information to comply with an individual's request for disclosure accounting.

d) **Restriction Agreements and Confidential Communications.** Business Associate will comply with any agreement that Organization makes that either (i) restricts use or disclosure of Organization's Protected Health Information pursuant to 45 C.F.R. § 164.522(a), or (ii) requires confidential communication about Organization's Protected Health Information pursuant to 45 C.F.R. § 164.522(b), provided that Organization notifies Business Associate in writing of the restriction or confidential communication obligations that Business Associate must follow. Organization will promptly notify Business Associate in writing of the termination or alteration of any such restriction agreement or confidential communication requirement.

4. Privacy Obligation Breach and Security Incidents.

a) **Reporting.**

i) **Privacy Breach.** Business Associate will promptly advise the Organization of any use or disclosure of Organization's Protected Health Information not permitted by this BAA or in writing by Organization. Business Associate will provide initial notification to the Organization, following discovery and without unreasonable delay, but in no event later than three (3) business days following discovery, any "Breach" of "Unsecured Protected Health Information" as these terms are defined by the Breach Notification Regulation. This obligation to notify shall include any unauthorized acquisition, access, use, or disclosure, even where Business Associate has determined that such unauthorized acquisition, access, use, or disclosure does not compromise the security or privacy of such information, unless such acquisition, access, use or disclosure is excluded from the definition of breach in 45 C.F.R. 164.402(2). Business Associate shall cooperate with Organization in investigating the Breach and in meeting the Organization's obligations under the Breach Notification Regulation and any other security breach notification laws.

ii) In addition, following the initial notification referenced above, the Business Associate shall report any actual or reasonably suspected Breach to the Organization. Such report shall include the identification (if known) of each individual whose Unsecured Protected Health Information has been, or is reasonably believed by Business Associate to have been, accessed, acquired, or disclosed during such Breach. Business Associate will make the report to Organization's Privacy Officer not more than ten (10) business days after Business Associate learns of such non-permitted use or disclosure, or promptly thereafter as information becomes available. Business Associate's report will at least:

A) Provide a brief description of what happened, including the date of the breach and the date of discovery of the breach, if known;

B) Provide a description of the types of Unsecured Protected Health Information that were involved in the breach (such as whether full name, social security number, date of birth, home address, account number, diagnosis, disability code, or other types of information were involved);

C) Identify any steps individuals should take to protect themselves from potential harm resulting from the breach; and

D) Include a brief description of what the Business Owner is doing to investigate the breach, to mitigate harm to individuals, and to protect against any further breaches.

iii) **Security Incidents.** Business Associate will report to Organization any attempted or successful (A) unauthorized access, use, disclosure, modification, or destruction of Organization's Electronic Protected Health Information or (B) interference with Business Associate's system operations in Business Associate's information systems, of which Business Associate becomes aware. If any such security incident resulted in a disclosure of Organization's Protected Health Information not permitted by this BAA, Business Associate must provide the notice and report as required by Section 4(a)(i) and (ii) above.

Notwithstanding the foregoing, the parties hereby agree that this BAA is sufficient notification of the occurrence of multiple, unsuccessful security incidents including but not limited to attempted penetration of Business Associate's firewalls by computer viruses, attempted computer system hacks and other unsuccessful attacks on Business Associate's security and data infrastructure. Business Associate shall provide specific details on any such unsuccessful security incident upon Organization's specific request.

b) **Termination of Agreement.**

i) **Right to Terminate for Breach.** Either Party may terminate this BAA if it determines that the Other Party has breached a material provision of this BAA and, upon written notice to the Breaching Party of the breach, the Breaching Party fails to cure the breach within a reasonable period of time not to exceed thirty (30) days without the express, written consent of the Non-Breaching Party. The Non-Breaching Party may exercise this right to terminate this BAA by providing the Breaching Party with written notice of termination, stating the failure to cure the breach of the BAA that provides the basis for the termination. Any such termination will be effective immediately or at such

other date specified in the notice of termination. If for any reason the Non-Breaching Party determines that the Breaching Party has breached the terms of this BAA and such breach has not been cured, but the Non-Breaching Party determines that termination of the Agreement is not feasible, Organization may report such breach to the U.S. Department of Health and Human Services.

ii) **Obligations on Termination.**

Upon termination of this BAA for any reason, Business Associate shall return, or at Organization's request, destroy all Protected Health Information that Business Associate still maintains in any form, and shall retain no copies of such Protected Health Information, except that Business Associate may maintain one copy for archival purposes to verify that it provided the services under the contract. If return or destruction is not feasible, Business Associate shall retain the Protected Health Information, subject to all of the protections of this BAA, and shall make no further use of such Protected Health Information.

c) **Indemnity.** Either Party ("Indemnifying Party") shall indemnify, hold harmless and defend Other Party and its employees, officers and directors (each an "Indemnified Party") for any third party claim against agents allegedly resulting from any unauthorized use or disclosure of Protected Health Information by the Indemnifying Party's acts or omissions in violation of applicable law or this BAA (each a "PHI Breach Claim"). The selection of counsel, the conduct of the defense of any lawsuit and any settlement shall be within the sole control of the Indemnifying Party. The Indemnifying Party shall, at its sole cost and expense: (i) defend the Indemnified Parties from and against such PHI Breach Claim, and (ii) indemnify and hold the Indemnified Parties harmless from any damages or expenses (including reasonable attorney's fees) actually and finally awarded against an Indemnified Party for a PHI Breach Claim, or any settlement of a PHI Breach Claim made in lieu of further litigation.

5. Organization's Obligations.

a) Organization shall notify Business Associate of Organization's Notice of Privacy Practices, including any limitation(s) in accordance with 45 CFR 164.520, to the extent the Notice of Privacy Practices and/or such limitation(s) may affect Business Associate's use or disclosure of Protected Health Information.

b) Organization shall notify Business Associate of any changes in, or revocation of, the permission by an Individual to use or disclose Protected Health Information, to the extent that such changes may affect Business Associate's use or disclosure of Protected Health Information.

c) Organization shall notify Business Associate of any amendment or restriction to use or disclosure of Protected Health Information that Organization has agreed to in accordance with 45 CFR 164.522, to the extent that such restriction may affect Business Associate's use or disclosure of the Protected Health Information.

d) Organization shall ensure that any Secured Protected Health Information, as defined under the HITECH Act and guidance promulgated thereunder, transmitted by Organization to Business Associate shall be secured by a technology standard that is developed or endorsed by a standards developing organization that is accredited by the American National Standards Institute and is consistent with guidance issued by the Secretary specifying the technologies and methodologies that render Protected Health Information unusable, unreadable, or indecipherable to unauthorized individuals.

e) Organization shall not request Business Associate to use or disclose Protected Health Information in any manner that would not be permissible under the Privacy Rule, the Security Rule, or the HIPAA Final Rule, except as permitted pursuant to the provisions of Section 1 of this BAA.

6. General Provisions.

a) Inspection of Internal Practices, Books, and Records. Business Associate will make its internal practices, books, and records relating to its use and disclosure of Organization's Protected Health Information available to DHHS to determine Organization's compliance with the Privacy Rule, 45 C.F.R. Part 164, Subpart E, and the Security Rule.

b) Definitions. The terms "Covered Entity," "Electronic Protected Health Information," "Protected Health Information," "Standard," "Trading Partner Agreement," and "Transaction" have the meanings set out in 45 C.F.R. § 160.103. The term "Standard Transaction" has the meaning set out in 45 C.F.R. § 162.103. The term "Required by Law" has the meaning set out in 45 C.F.R. § 164.103. The terms "Health Care Operations," "Payment," "Research," and "Treatment" have the meanings set out in 45 C.F.R. § 164.501. The term "Limited Data Set" has the meaning set out in 45 C.F.R. § 164.514(e). The term "use" means, with respect to Protected Health Information, utilization, employment, examination, analysis or application within Business Associate. The terms "disclose" and "disclosure" mean, with respect to Protected Health Information, release, transfer, providing access to or divulging to a person or entity not within Business Associate. For purposes of this BAA, Organization's Protected Health Information encompasses Organization's Electronic Protected Health Information. Any other capitalized terms not identified here shall have the meaning as set forth in the HIPAA Rules.

c) **Amendment to Agreement.** Upon the compliance date of any final regulation or amendment to final regulation promulgated by DHHS that affects Business Associate's use or disclosure of Organization's Protected Health Information or Standard Transactions, the Agreement and this BAA will automatically amend such that the obligations imposed on Business Associate remain in compliance with the final regulation or amendment to final regulation.

Any other amendment or waiver of this BAA shall require a separate writing executed by the parties that expressly modifies or waives a specific provision(s) of this BAA.

7. **Conflicts.** The terms and conditions of this BAA will override and control any conflicting term or condition of Agreement. All non-conflicting terms and conditions of Agreement remain in full force and effect.

8. **No Third Party Beneficiaries.** Organization and Business Associate agree that there are no intended third party beneficiaries under, or other parties to, this BAA.

9. **Governing Law; Jurisdiction; Venue.** This BAA will be governed by and construed in accordance with the laws of the State of New York. Any action brought under this BAA will be brought in a court of competent jurisdiction venued in the County of Onondaga, State of New York.

WITNESS WHEREOF, Organization and Business Associate execute this BAA in multiple originals to be effective on the last date written below.

EBS-RMSCO, Inc.

By: Gregory A. Cohen

Name: Gregory A. Cohen

Title: Chief Operations Officer / Assistant Secretary

Date: April 23, 2014

Town of Brighton

By: _____
Officer Signature

Name: _____
Print Officer Name

Title: _____

Date: _____

EBS-RMSCO, Inc.
Amendment to Service Agreement(s)

This amendment ("Amendment") is effective as of January 1, 2014 and is by and among (1) Town of Brighton ("Employer"), (2) EBS-RMSCO, Inc. ("EBS-RMSCO") with its corporate office at 115 Continuum Drive, Liverpool, NY 13088, and, where applicable, (3) Employer plans identified in Exhibit A ("Plan(s)"), and shall serve as an amendment to any of the following services agreement(s) (individually and collectively referred to as the "Agreement(s)") currently in place with EBS-RMSCO, including any predecessors-in-interest, to the service provider identified in the agreement(s) referenced below:

Administrative Services Agreement – Medical/Dental/Rx ("ASA")

Flexible Spending Account Service Agreement ("FSA")

Health Reimbursement Account Service Agreement ("HRA")

Health Savings Account Service Agreement ("HSA")

COBRA Administration Services Agreement

Premium Billing Services Agreement

Retiree Billing Services Agreement

Now, therefore, for and in consideration of the mutual covenants set forth in the Agreements and this Amendment, the parties agree that the Agreements are amended as follows:

1. Employer shall be responsible for, and shall promptly pay or reimburse EBS-RMSCO for, all taxes and fees arising out of or related to the Agreements, except taxes on EBS-RMSCO's net income. Taxes and fees payable by the Employer include, without limitation, taxes and fees applicable to the transitional reinsurance program under the Affordable Care Act, or similar initiatives. Unless prohibited by applicable law, EBS-RMSCO reserves the right to fund these tax payments or fees by adjusting its Administrative Fees to pay such taxes or fees upon written notice to Employer.

2. EBS-RMSCO shall provide Employer with reports necessary for Employer to calculate and be responsible to pay all taxes and fees applicable to Comparative Effectiveness Research (CER), the Patient-Centered Outcomes Research Institute, or similar initiatives, as of the effective date of such mandates.

3. Except as specifically amended by this Amendment, the Agreements shall remain in full force and effect. In the event of any conflict or inconsistency between the terms of the Agreements and this Amendment, the terms of this Amendment shall control and prevail.

The parties hereby assent to this Amendment as of the date set forth above.

Town of Brighton

By: _____

Print Name: _____

Title: _____

Date: _____

Town of Brighton plan

By: _____

Print Name: _____

Title: _____

Date: _____

EBS-RMSCO, Inc.

By: Gregory A. Cohen

Print Name: Gregory A. Cohen

Title: Chief Operations Officer / Assistant Secretary

Date: April 23, 2014

Amendment to Service Agreement
Exhibit A
Page 1

Town of Brighton

FSA/HRA Administration

Town of Brighton Flexible Spending Account

<Insert Legal Flexible Spending Account/Health Reimbursement Account Plan Name>

<Insert Legal Flexible Spending Account/Health Reimbursement Account Plan Name>

<Insert Legal Flexible Spending Account/Health Reimbursement Account Plan Name>

COBRA Administration Services

EXHIBIT NO. 18

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 10th day of September, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated September 8, 2014 from Attorney to the Town Kenneth W. Gordon regarding a recommendation to the Town Board to adopt a resolution pursuant to General Municipal Law Section 209(1) to restrict the West Brighton Fire Department Inc. from engaging in outside service as that term is used in said section so as to preclude said Department from contracting to provide fire fighting services outside of the West Brighton Fire Protection District, be received and filed; and it is further

RESOLVED, that the Town Board of the Town of Brighton, the authority having jurisdiction over the West Brighton Fire Department, Inc. hereby restricts pursuant to General Municipal Law Section 209(1) the West Brighton Fire Department Inc. from engaging in outside service as that term is used in said section so as to preclude said Department from contracting to provide fire fighting services outside of the West Brighton Fire Protection District.

Dated: September 10, 2014

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