

100  
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  
November 25, 2014

**PRESENT:**

Supervisor William Moehle  
Councilmember Louise Novros  
Councilmember Jason DiPonzio  
Councilmember Christopher Werner

David Marcus, Deputy Town Clerk  
Kenneth Gordon, Attorney for the Town  
Mark Henderson, Chief of Police  
Tim Keef, Commissioner of Public Works  
Suzanne Zaso, Director of Finance  
Maryann Hussar, Assistant to the Supervisor

**MEETING CALLED TO ORDER:**

**OPEN FORUM:**

Mark Armstrong

**APPROVAL OF AGENDA:**

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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

November 12, 2014 Town Board Meeting

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**PUBLIC HEARINGS:**

**MATTER RE:** Proposed temporary amendment to noise law for RG&E work on Kendrick Road Substation (see Resolution #1 and proposed Negative Declaration dated November 25, 2014)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**BIDS:**

**MATTER RE:** Approval to solicit for proposals to provide professional services for the initial phase of a farmers market and multi-use facility (see Resolution #2 and letter dated November 12, 2014 from Michael Guyon, P.E., Town Engineer).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** American Red Cross Re: results of November 6, 2014 Blood Drive

**FROM** NY State Department of Transportation to Supervisor dated November 5, 2014 Re: 2015 scheduled milling and paving work in particular areas of Route 441, 250 and 31.

**FROM** Chris Mueller, Director Local Franchising, Time Warner Cable to Supervisor dated November 19, 2014 Re; Soon to be expired cable channels that may or may not be renewed

**FROM** Terrence J. Rice, Director of Transportation, to Supervisor dated October 30, 2014, regarding a review of traffic conditions at the intersection of Lac de Ville Blvd. and Elmwood Ave

**FROM** Westfall Heights Neighborhood Association informal petition in support of the desire for sewer hookups in their neighborhood and a request for the Town of Brighton to include the funding of the Westfall Heights Sanitary sewer to any amenity package received from the University of Rochester when considering their rezoning request for the South campus expansion

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to receive and file the aforementioned communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

Parks and Recreation & Community Services – Next meeting January 26, 2015 at 4:30 PM at Brookside

Finance and Administrative Services – Next meeting December 2, 2014 at 3:30 PM in Stage Conference Room

Public Safety Services – Next meeting December 9, 2014 at 8:00 AM in Downstairs Meeting Room

Public Works Services – Next meeting December 2, 2014 at 9:00 AM in Downstairs Meeting Room

**NEW BUSINESS:**

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

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Supervisor read and approve for payment the claims as set forth in Exhibit No. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement with Electronic Field Products Inc. to provide video production and cable television management services for 2015 (see Resolution #3 and letter dated November 10, 2014 from MaryAnn Hussar, Assistant to the Supervisor).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize reappointments of Denis Conley, Elaine Vittone and Michael Zobel to the Parks and Recreation Community Services Advisory Board, effective January 1, 2015 to December 31, 2017 (See Resolution #4).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize reappointment of Mary Scipioni as a member of the Architectural Review Board effective January 1, 2015 through December 31, 2017 (see Resolution #5).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize reappointment of Andrew Kappy to the Brighton Memorial Library Board of Directors effective January 1, 2015 through December 31, 2019 (see Resolution #6).

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. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize reappointment of Dennis Mietz to the Zoning Board of Appeals effective January 1, 2015 through December 31, 2019 and authorize appointment as Chairperson effective January 1, 2015 through December 31, 2016 (see Resolution #7).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Reappointments of Rochelle Bell and Eric Williams as members of the Sustainability Oversight Committee effective January 1, 2015 through December 31, 2017 (see Resolution #8).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize appointment of a Volunteer Intern position to the Sustainability Oversight Committee, effective January 2, 2015 through June 30, 2015 (see Resolution #9 and letter dated November 13, 2014 from Michael Guyon, P.E. Town Engineer).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval of an appointment of Stephen Bottcher as Part-time, On-call School Traffic Guard, subject to a 52-week probationary period effective December 1, 2014 (see Resolution #10 and letter dated November 10, 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. 11 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approval to use proceeds of seized forfeited property funding to purchase video security system for the Public Safety Wing of the Town Hall (see Resolution # and letter dated November 4, 2014)

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. 12 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement with General Code Co. to provide software upgrade to existing Lasefiche software program (see Resolution #12 and letter dated November 18, 2014 from Susan Wentworth, Information Technology Coordinator).

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. 13 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize transfer of funding in the amount of \$1,125 from the Highway –Snow & Ice Removal account to the Highway-Machinery Maintenance Equipment account (see Resolution #13 and letter dated November 13, 2014 from Timothy Anderson, Deputy Highway Superintendent).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approval to accept donation from Mrs. Marjorie Alaimo for \$50 to be used for ongoing Recreation Department programs and activities (see Resolution #14 and letter dated November 18, 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. 15 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize 2014 budget transfers and appropriations to reflect changes made since the adoption of the 2014 budget (see Resolution 15 and memorandum dated November 17, 2014 from Suzanne Zaso, Finance Director).

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. 16 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement with Penflex, Inc. to provide West Brighton Fire Protection District; administration services for the West Brighton Fire Protection District Service Award Program (see Resolution #16 and memorandum dated November 17, 2014 from Suzanne Zaso, Finance Director).

Motion by Councilmember Jason DiPonzio seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 17 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize renewal of intermunicipal agreement with Town of Pittsford for Brighton's provision of snow and ice control on Allens Creek Road for 2014/2015 (see Resolution #17 and letter from Timothy E. Keef, P.E., Commissioner of Public Works, dated November 17, 2014)

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. 18 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement and all associated documents with the Rochester-Monroe County Youth Bureau for the Town's 2014 youth program funding requirements (see Resolution #18 and letter dated November 18, 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. 19 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set December 10, 2014 as Public Hearing for 2014 Local Law GENDER EXPRESSION NON-DISCRIMINATION (see Resolution #19 and proposed Local Law).

Motion by Supervisor William Moehle 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. 20 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MOTION TO GO INTO EXECUTIVE SESSION AT 8:25 PM:**

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to go into executive session to discuss employment of a particular person and an amendment to the Brighton Police Department organization table

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Christopher Werner seconded by Councilmember Louise Novros to come out of executive session at 9:45 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED AT 9:45 PM:**

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to adjourn at 9:45 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**CERTIFICATION:**

I, David Marcus, 314 Warren Avenue, 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 25<sup>th</sup> of November, 2014 and that I recorded said minutes of the aforesaid meeting of the 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 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,

Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**WHEREAS**, the Town Board duly scheduled a Public Hearing to be held on the 25<sup>th</sup> day of November 2014 at 7:30 p.m., to consider the adoption of a proposed temporary amendment known as proposed "2014 Temporary Amendment to Noise Control Law - Rochester Gas & Electric Substation Project" to the Town's Noise Local Law codified at Chapter 102 of the Town Code to permit certain construction activities in connection with the Kendrick Road substation 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 November 25, 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 November 25, 2014 regarding the proposed Amendment together with the November 25, 2014 proposed Negative Declaration be received and filed and included in the record of the hearing; 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 "2014 Temporary Amendment to Noise Control Law - Rochester Gas & Electric Substation Project" 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: November 25, 2014

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

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** ER-15-14

**Date:** November 25, 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 – RG&E Station 251

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Rochester Gas & Electric Corporation (RG&E) is currently at end stages of its construction of the Substation, a switchgear building, and related improvements (the "Project") on property adjacent to the existing Monroe County Pure Waters pump station located off Kendrick Road in the Town of Brighton. To ensure that the Project is completed within the Company's schedule (and to avoid unnecessary electric service outages/failures in the area), the Company is seeking a temporary amendment to the Town's noise ordinance to allow for work to continue to take place after 7:00 pm, Monday through Friday, and after 6:00 pm on Saturday and Sunday.

**Location:** Off Kendrick Road, Town of Brighton, Monroe County, NY, Tax ID #135.20-1-6.1

**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. Off-hours work is anticipated to take no more than eight days.
3. There will be no resources of value irreversibly lost.

4. The nearest residential neighbor is more than .3 mile from the site.
5. Three night lights are proposed. The light impact from them should be very limited and will be contained on site.
6. Significant noise-generating equipment will consist of cable pulling equipment (75 – 85 DB) and generators for three light towers (72 – 80 DB). Because of the adjacent highway (Route 390), work at the site is expected to contribute minimally to noise in the area.
7. Noises generated is expected to be substantially reduced at the property lines and are expected to be less than background noise levels.
8. The following noise mitigation measures will be taken after 7pm on Monday-Friday and 6pm on Saturday and Sunday;
  - a. Truck backup alarms will be disabled and a flagman used in place thereof;
  - b. Applicant will ensure that there is a representative on site, with a previously furnished cell phone number, to address any complaints received by the town.

**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**

## LOCAL LAW OF 2014

### 2014 TEMPORARY AMENDMENT TO NOISE CONTROL LAW ROCHESTER GAS & ELECTRIC SYBSTATION PROJECT

#### Section 1. Title

This Local Law shall be known as the "2014 Temporary Amendment to Noise Control Law - Rochester Gas & Electric Substation 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 Rochester Gas and Electric Corp ("RG&E") in connection with the construction of the Station 251 Substation Facility on property adjacent to the Monroe County Pure Waters Brighton Pump Station on Kendrick Road. RG&E desires that the Town grant an amendment to its Noise Control Law to permit work on the project, so as to minimize the impact of noise on its tenants. To that end, the Town Board desires to temporarily amend the Town's Noise Control Law to permit such evening construction, so long as RG&E 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 Station 251 Substation Facility on property adjacent to the Monroe County Pure Waters Brighton Pump Station on Kendrick Road 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 RG&E and its contractor or contractors 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 buildings that are being constructed, setting forth the dates, times and nature of night work, including on site representative's mobile telephone number; and
- (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 the Project.
- (3) That all contract and subcontract documents and bid specifications related to the Project contain provisions that prohibit the use of back up alarms after 7pm Monday through Friday and after 6pm on Saturday and Sunday and require in their place flag operators.
- (4) That all contract and subcontract documents and bid specifications related to the Project specifically prohibit the use of Hoe Rams, Pavement Breakers and Jack Hammers.
- (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 above provisions of Section 102-2B shall automatically terminate, if not earlier revoked, upon completion of the project or on December 25, 2014, whichever date is sooner.

#### Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State, but in no event earlier than November 17, 2014.

STATE OF NEW YORK  
Ontario County

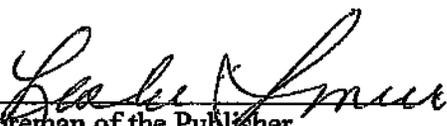
STATE OF NEW YORK  
Monroe County

Leslie Smith being duly sworn, deposeth and saith that she  
is the bookkeeper for

**BRIGHTON-PITTSFORD POST**  
Newspaper

Published in the Town of Pittsford, County of Monroe and State of New York  
A foresaid and that a notice of which the  
Annexed is a printed copy, was published in the said  
Paper once in each week

**NOVEMBER 13, 2014**  
**ENDING ON**  
**NOVEMBER 13, 2014**

  
Foreman of the Publisher

Subscribed and sworn on before me,  
This 14TH day Of NOVEMBER 2014

  
Notary Public, State of NY

Legal # 02546268

BARBARA S. CONNELLY  
Notary Public In The State Of New York  
Monroe County  
Commission Expires Jan 21, 2018

TOWN OF  
BRIGHTON  
LEGAL NOTICE  
The Town Board  
will hold a public  
hearing at 7:30  
am on November  
25, 2014 at Bright-  
on Town Hall  
2300 Elmwood  
Avenue, regarding  
a proposed state  
law based on  
correspondence  
dated November  
17, 2014 from the  
Mass. C. Greke,  
Attorney at Law,  
Rochester Gas &  
Electric. The ap-  
plicant is request-  
ing a temporary  
amendment to  
the Towns Noise  
Law, allowing  
RGE to perform  
construction work  
on the Station  
251 Substation  
Facility on prop-  
erty adjacent to the  
Monroe County  
Pura Waters  
Brighton Pump  
Station off Keen  
Trick Road,  
Dan at Aman  
Town Clerk  
Nov 13  
02648268

Section 5. 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.

STATE OF NEW YORK  
Ontario County

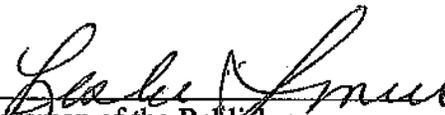
STATE OF NEW YORK  
Monroe County

TOWN OF  
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2900 Elmwood  
Avenue regarding  
a proposed Local  
Law based on  
correspondence  
dated November  
4, 2014 from Thomas  
C. Greiner  
Jr. as attorney for  
Rochester Gas &  
Electric. The ap-  
plicant is request-  
ing a temporary  
amendment to  
the Town's Noise  
Law allowing  
RG&E to perform  
construction work  
on the Station  
251 Substation  
Facility on prop-  
erty adjacent to the  
Monroe County  
Rural Waters  
Brighton Pump  
Station off Ken-  
neth Road.  
Daniel Aman  
Town Clerk  
No. 13  
02546268

Leslie Smith being duly sworn, deposeth and saith that she  
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**NOVEMBER 13, 2014**  
**ENDING ON**  
**NOVEMBER 13, 2014**

  
Foreman of the Publisher

Subscribed and sworn on before me,  
**This 14TH day Of NOVEMBER 2014**

  
Notary Public, State of NY

Legal # 02546268

BARBARA S. CONNELLY  
Notary Public In The State Of New York  
Monroe County  
Commission Expires Jan 21, 2018

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 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that correspondence dated November 12, 2014 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the solicitation of proposals to provide professional services for the development of an overall concept plan, site improvement plan, implementation plan and design and construction documents for the initial phase of a winter farmers market and related-use facility, to be located at Buckland Park in one or more existing structures be received and filed; and it is further

**RESOLVED**, that the Town Board hereby authorizes the Town Engineer to solicit proposals to provide professional services for the development of an overall concept plan, site improvement plan, implementation plan and design and construction documents for the initial phase of a winter farmers market and related use facility, to be located at Buckland Park in one or more existing structures.

Dated: November 25, 2014

William W. Moehle, Supervisor	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

November 12, 2014

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

Re: Town of Brighton Farmer's Market  
Request for Professional Services

Dear Councilperson Werner and Committee Members:

The Town of Brighton received a \$250,000 grant from the New York State Department of Agriculture and Markets and a \$150,000 New York State funded grant to evaluate the use of a portion of the property at 1435 Westfall Road as a winter farmers market and multi-use facility. The site is currently occupied by several farm structures that may be restored and incorporated into the project.

I am requesting authorization to seek proposals from qualified and experienced professional firms to develop an overall concept plan, a site improvement plan, implementation plan and design and construction documents for the initial phase for a farmer's market and multi-use facility. A draft copy of the request for proposals is attached for your reference.

No action as to awarding a contract will be considered with out returning to this committee.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled November 18, 2014 meeting in the event that you have any questions regarding this matter.

Respectfully,

Michael E. Guyon  
Department of Public Works

Cc Tim Keef  
Suzanne Zaso  
Rebecca Cotter



# *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

## **REQUEST FOR PROPOSALS**

### **Town of Brighton Farmer's Market Town of Brighton, Monroe County, New York October 31, 2014**

#### **A. Purpose**

The Town of Brighton would like to transform a portion of the property at 1435 Westfall Road into a winter farmers market and multi-use facility. The site is currently occupied by several farm structures that may be restored and incorporated into the project. The Town is seeking proposals from qualified and experienced professional firms to develop an overall concept and site development plan for the farmer's market and multi-use facility. The successful candidate will also be responsible to develop design and construction documents for the initial phase of the project. The Town has secured grant funding of approximately \$400,000 to plan, design and construct the initial phase of this project. The project must also consider the required site development improvements such as parking, utilities and stormwater management. The project site currently has access from Westfall Road. Ultimately, the site will be accessed from the Senator Keating Boulevard extension.

#### **B. Study Area**

The parcel at 1435 Westfall Road is approximately 43.7 acres in size and occupied by seven agricultural buildings. Figure 1 illustrates the site location. The Town of Brighton conducted an evaluation of the existing buildings located at 1435 Westfall Road in November 2011. A copy of this report is attached as exhibit A. The Town of Brighton is considering renovating buildings 3c- Masonry Storage Barn, 2a- Masonry Milking Barn and Silo and building 4- Metal Sided Pole Barn as a multiuse facility capable of housing a winter farmers market.

#### **C. Background**

The Brighton Farmers' Market is sponsored by the Town of Brighton, and is a weekly, producer-only market. The market was founded in 2008 as part of the Town's Color Brighton Green Initiative, which was established to promote environmental sustainability among Brighton residents and businesses.

During the summer months the market is held every Sunday at the Brighton High School parking lot, 1150 Winton Road South. During the winter months, November to May the Market moves to the Brookside Center at 220 Idlewood Road. In 2011 the Town secured a \$250,000 grant to renovate the Buckland Farm building(s) to house a winter market. Additionally, the Town has secured another \$150,000 to further this project. The Town seeks to hire a consultant to develop a concept and site development plan for the winter farmer's market/multi-use facility and develop construction documents for the initial phase of the project. The initial phase of the project shall constitute that portion of the project that can be constructed with the available grant funding.

The project must consider the renovation of the existing buildings and the site improvements necessary to accommodate the current and future market vendors and visitors. Additionally, the site and buildings must accommodate various weekday and evening uses. The consultant will develop a list of these uses in the programming phase and present them to the Town for concurrence. A code compliant review must consider the various uses identified for the project.

Figure 1 – Project Study Area



#### D. Study Participants

Study participants include but are not limited to: Town of Brighton Town Board, Brighton Farmers' Market and the Town of Brighton Parks and Recreation Departments. The Monroe County Department of Transportation, (MCDOT) should be consulted regarding access to the project site from Westfall Road. Ultimately, the site will be accessed from Senator Keating Boulevard.

#### E. Study Tasks

The following tasks and sub-tasks are necessary to complete a thorough evaluation of the project site.

## 1. Project Coordination and Meetings

The Town of Brighton includes a Parks Department and a separate Recreation Department. The Consultant will coordinate all project activities with the staff of both departments. The Parks and Recreation staff will be convened and meet as necessary to guide this Project. The Consultant shall be prepared to participate in a minimum of four staff meetings and two Committee meetings. The consultant shall also be prepared to attend and present the project to the Town of Brighton Historic Preservation Committee.

In addition, the Consultant shall conduct a minimum of three public informational meetings. One of the public meetings shall be scheduled early in the process to seek public input on the identification of goals, objectives, issues, concerns, opportunities, etc. The second meeting will include a presentation of the concept plan including a phasing sequence for the project. The third public meeting will occur later in the process to review the final overall market concept plan, preliminary plans for the first phase, probable construction schedule and provide a final opportunity for public comment before proceeding to preparation of the construction documents for the first phase of the project.

## 2. Inventory of Existing and Planned Conditions

To support the project design and decision-making necessary to advance this project, the Consultant will review and inventory the following:

- a. Existing mapping, studies, plans and proposed improvements within the project limits.
- b. Existing infrastructure including electrical, gas, cable TV, communications, sanitary sewer, water and storm sewer utilities.
- c. Existing pedestrian and recreational amenities and infrastructure serving the study area (e.g., sidewalks, trails, crosswalks, benches, etc.).
- d. Planned transportation improvements within the study area (vehicular, pedestrian, and other proposals)
- e. Existing historical buildings and archaeologically sensitive areas. Identify historic and cultural resources, including sites listed or potentially eligible for listing on the National Register of Historic Places (NRHP)
- f. Existing Environmental Studies.
- g. Available topographic maps, sanborn maps, geologic surveys, other historical maps and aerial photographs of the project area.
- h. Other key information as necessary, including relevant anecdotal information, which may materially benefit project decision-making.
- i. The consultant shall conduct site visits to obtain field measurements of the buildings being considered for redevelopment.
- j. The evaluation must consider buildings 3c-Masonry Storage Barn, 2a-Masonry Milking Barn and Silo and building 4- Metal Sided Pole Barn buildings. However, the consultant should consider any additional existing buildings that they identify as unique, useable and restorable.
- k. Conduct a public informational meeting to seek public input and identify project goals, objectives, issues, concerns, and opportunities. The consultant must prepare all presentation material for this meeting.

### 3. Evaluation/Programming/Concept Plan

Pursuant to the information developed in the Tasks 2, the Consultant will:

- a. Conduct a review of buildings 3c, Masonry Storage Barn; 4, Metal Sided Pole Barn; and Building 2a, Milking Barn and Silo including the project site. This review shall identify the improvements that are required to accommodate a multi use facility capable of housing a winter market. The review must consider:
  - 1) Year round use of the existing buildings
  - 2) Sustainability, including the use of green technologies such as solar, wind and geothermal energy.
  - 3) Building uses other than the Farmers Market
  - 4) NYS Building and Fire Code requirements. A code review must be completed based on the selected building uses
  - 5) Structural and Aesthetic Improvements to the buildings
  - 6) HVAC, Electrical and Plumbing requirements for the Buildings
  - 7) Town of Brighton Building requirements
  - 8) Utility requirements of the existing buildings and project site
  - 9) Stormwater Management
  - 10) Access including a cursory review of the anticipated traffic. Future access from Senator Keating Boulevard must be considered
  - 11) Internal traffic flow and parking
  - 12) Bicycle and Pedestrian Access
  - 13) Fire Protection including the need for a sprinkler system
  - 14) Public Restrooms
  - 15) Future Expansion of the Structures
- b. Develop a concept plan illustrating the site layout which shows: approximate property boundaries, the building location, the buildings to be removed, site access including any improvements necessary to accommodate traffic, parking configuration, parking requirements, dimensional requirements, utilities, stormwater management, lighting, and landscaping.
- c. Develop an architectural program for the buildings that identifies the scope of work to be designed, space requirements and the functional and operational requirements for the buildings. The architectural program should result in the development of a building(s) floor plan and a rendering.
- d. Develop cost estimates for the anticipated building and site improvements. These estimates must also include costs for demolition or preservation/stabilization of the unusable buildings. The cost estimate must consider a phased development. A cost estimate for the first phase must be provided.
- e. Develop an implementation strategy. The implementation strategy must include a phase development program that considers the available and future funding. The cost to construct the first phase must not exceed the existing available funding minus the soft costs and professional fees associated with this Request for Proposal.
- f. Identify funding opportunities.
- g. Create graphics that illustrate and communicate the character of the proposed redevelopment. These graphics will be used to promote the project.
- h. Prepare a preliminary report that discusses items a. – g. Present the preliminary report to the Parks and Recreation Departments.
- i. Present the findings of the evaluation at a public informational meeting.

- j. Prepare a final report based upon the comments obtained during the public informational meeting. The consultant shall review the final plans with the Committee and Town staff.

#### 4. Prepare Final Overall Concept and Phase I Preliminary Plans

##### a. Survey

The Consultant shall perform a planimetric and topographic survey of the project area. All dimensions must be in imperial units. The survey mapping shall include:

- 1) Complete design data survey, including but not limited to: survey and plotting of all culture, natural features and topography (including but not limited to features such as grade contours at 1 foot intervals, trees, structures, walls, manhole covers, hydrants, water valves, utility poles, gas valves, edge of pavement, curbing, gutters, edge of walks, rim and invert elevations of all gravity sanitary, storm and drainage systems, catch basins, headwalls, manholes, invert elevations of the pipes, driveways, signage, mailboxes, and State/County/Town monuments). Please note that the required accuracy for both vertical and horizontal control shall be to one one hundredth, (0.010) of a foot with elevations at one foot contour intervals.
- 2) Ground shots to define existing grades either top or toe of steep slope areas.
- 3) Surveyor should request a design ticket from Dig Safely New York (USPO) prior to beginning field work. By notifying Dig Safely New York will locate existing utilities in the area of survey.
- 4) Show recorded or otherwise known easements including the appropriate liber and page and rights-of-way and identify the owners.
- 5) Identify jurisdiction and width of adjoining streets and highways, width and type of pavement. Identify street monuments. Identify existing sidewalks, pavement, curbing, curb cuts, driveway and utilities along both sides of the Highway Right of Way.
- 6) The project shall be tied to the New York State Plane Coordinate System, North American Datum 1983, North American Vertical Datum 1988.
- 7) Identification of all State and Federal wetlands that complies with New York State Department of Environmental Conservation (NYSDEC) and United States Army Corps of Engineers (USACOE) guidelines and requirements. Delineation shall be performed and physically indicated in the field by an experienced wetland investigator and shown upon the plans. The wetland boundary delineation must be acceptable to the NYSDEC and USACOE.

##### b. Final Concept Plan

- 1) The consultant shall prepare a final concept plan that illustrates the overall project site including phasing delineations. The final concept plan must be context sensitive, minimize the disturbance to the environmentally sensitive areas and consider impacts to the adjacent properties.
- 2) The consultant shall identify impacts associated with the environmentally sensitive areas including but not limited to state wetlands, federal wetlands, and historic buildings and archeologically sensitive areas.
- 3) The consultant shall submit the project to the State Historic Preservation Office, SHPO, for review. The cost to complete a Phase 1a Cultural Resources Investigation should be included in the price of the proposal.

- c. Phase 1 Preliminary Building and Site Plans
- 1) The consultant shall prepare preliminary building and site plans for the first phase of the project. The plans must be consistent with the concept plan and should represent 75% complete plans.
  - 2) The consultant shall prepare construction specifications for the first phase that are consistent with the information presented on the Preliminary Plans. The Town of Brighton will provide the specification front end. The consultant will be responsible to develop the technical specifications, payment items, and obtain the New York State wage rates. In addition, the consultant is responsible to coordinate the information presented in the front end documents with the remaining construction documents. The construction documents must be presented to the Town Staff for review and comments.
  - 3) A preliminary probable cost of construction. The construction of this project will be publically bid and the probable cost of construction must consider the use of contractor to complete the improvements.
  - 4) The consultant shall present the preliminary plans to the Town Staff and the Committee for review and comment. The consultant shall revise the preliminary plan in accordance with the comments received and submit the revised plans to Town staff.
  - 5) The final concept plan and preliminary plan shall be presented at a public informational meeting. The Consultant will present the project and prepare all meeting materials. The Town of Brighton will make the appropriate notifications.
  - 6) The consultant will tabulate the public comments and revise the plans accordingly.
  - 7) The consultant shall complete the necessary documentation to satisfy the State Environmental Quality Review Act. The proposed project is a Type 1 action and will require a coordinated review. The Town of Brighton staff will notify all interested and involved agencies and present the information to the Town Board. The consultant will be responsible to complete the following:
    - a. Prepare a list of Interested and Involved agencies
    - b. Interested and Involved agency notification letters.
    - c. Long Environmental Assessment Form Parts 1, 2 and 3 including supporting documentation as necessary.
    - d. Environmental Determination Letter
- d. Construction Documents for the First Phase, (Phase 1)
- 1) The consultant shall prepare final phase 1 construction documents consistent with the concept and preliminary drawings. The plans shall include but are not limited to the following information:
  - 2) Phase 1 Demolition Plan. The demolition plan must consider the identification and removal of asbestos.
  - 3) Final Architectural Plans for the proposed building Improvements within Phase 1 including a New York State Code Review.
  - 4) Final Site Plan for phase 1 including the existing and proposed grade contours Information.
  - 5) Appropriate architectural and engineering details.
  - 6) Landscaping Plan
  - 7) Erosion Control Plan
  - 8) Prepare a stormwater pollution prevention plan, SWPPP, for the project.
  - 9) Prepare a final construction cost estimate for the proposed Phase 1 improvements. The construction of this project will be publically bid and the probable cost of construction must consider the use of a contractor to complete the project.

- 10) Develop a Project Schedule for the Phase 1 improvements
- 11) The consultant shall prepare and submit the appropriate documentation to obtain permits for all jurisdictional agencies. We anticipate that permits will be required from the following agencies: Town of Brighton, Monroe County Department of Transportation, State Historic Preservation Office, and NYSDEC. The consultant shall be responsible to obtain all necessary permits.
- 12) The consultant shall present the Final plans to the Town Staff for review and comment. The consultant shall revise the final plan in accordance with the comments received and submit the revised plan to Town staff

#### **5. Bid Administration Phase**

- a. The Consultant shall prepare the appropriate architectural/construction bid documents. The Town will publish the Bid Advertisement in the official paper and distribute the construction documents to interested contractors. The consultant shall schedule and chair a pre-bid meeting; prepare the meeting agenda and minutes and distribute this information to the meeting attendees. The consultant will provide fifteen sets of architectural/construction bid documents to the Town for distribution. During the bidding process the consultant will address any questions and issue Addendums and/or Clarifications to the contract drawings as necessary. The consultant will be responsible to review the bids for completeness, tabulate the bids and prepare a letter to the Town of Brighton recommending the appropriate bidder.

#### **6. Construction Phase**

- a. Schedule and chair a pre-construction meeting. The consultant shall also prepare the meeting agenda and minutes and distribute this information to the meeting attendees.
- b. Prepare three sets of signed architectural/construction documents.
- c. Receive and review all shop drawing submittals
- d. Respond to all contractor questions and issue Clarifications, Requests for Information and Requests for Proposals as necessary.
- e. If necessary issue appropriate Change Orders. The consultant must be prepared to attend the Town of Brighton's Finance Committee and Town Board meetings to present any change orders.
- f. Review and recommend payment requests in writing.

#### **F. Project Schedule**

Proposals must be submitted by 10:00 a.m. on December 30, 2014. This Request for Proposals (RFP) describes the elements requested for inclusion in the proposal. The Town of Brighton reserves the right to invite any or all Consultants for an interview. Such an invitation does not commit the Town of Brighton to pay any costs incurred in participating in said interview. Notification to the successful firm is anticipated in February 2015. The Town hopes to complete the Evaluation/Programming/Concept Plan phase in June 2015 and begin Phase 1 Construction in October 2015.

#### **G. Project Funding**

The project will be funded by a \$250,000 grant from NYS Department of Agriculture and a \$150,000 grant from New York State.

## H. Proposal Format / Requirements

- a. Proposals must be succinct and in no case exceed fifteen, (15) pages, inclusive of requirements 1) through 8) below. Pages must be numbered. Proposals exceeding fifteen, (15) pages may be disqualified from consideration. Printing is to be on double-sided, 8-1/2" X 11" pages, using a minimum font size of 10.
- 1) Cover Letter - Identify the prime consultant and describe any subcontract arrangements. Please identify the person who is authorized to negotiate for the team.
  - 2) Firm Identification & Qualifications - Provide a brief description of the Consultant's firm, size and organizational structure, number of full-time and part-time employees, area of practice, and number of years the firm has been in the business of conducting the described services. Provide a brief description of the Consultant's qualifications for this project including a short history of the Consultant's experience in similar projects. The firm's background, resources (financial and personnel), and capabilities in the relevant areas shall be described. Conflicts of interest must be identified.
  - 3) Project Understanding - A demonstration of the Consultant understands the proposed project and its various tasks must be submitted as part of the Proposal. The project understanding should also identify potential project obstacles and a strategy to overcome these obstacles.
  - 4) Technical Approach, Scope of Work, and Schedule - Provide a detailed description of the Consultant's proposed technical approach and scope of services for the completion of the tasks identified in this RFP. The Consultant may propose alternate tasks that will meet the study objectives. A work plan and preliminary schedule for completing the study along with key study tasks should be included. The consultant must prepare a project schedule that includes an evaluation phase, concept phase, preliminary phase, final phase and construction phase. In addition, the schedule must identify public informational meetings, permitting and critical milestones. The number and type of meetings are to be estimated and detailed in the proposed work plan.
  - 5) Project Staffing - The proposal should include information on how the Consultant proposes to staff this project. This should include identification of the Consultant's key project team members by name, field of expertise, specific responsibilities on the project, estimated number of hours they will work on the project and their hourly rate. Include any relevant experience, such as the number of similar projects the employee has directly participated.
  - 6) Recent Clients - The proposal must include a list of the three (3) most recent municipal clients for whom the Consultant has provided services similar to those required herein. The list should include the name, address, and telephone number of the client contact person. Identify when work was performed and the type of work and services performed. The Town of Brighton may contact these references.
  - 7) Federal, State, WBE, MBE and DBE Requirements - The Consultant must show that it is certified to do business in the State of New York and that it can comply with all standard federal and state contracting requirements. The Consultant should also indicate whether the firm or any Sub-Consultants for the study have status as a certified minority/women-owned/disadvantaged business enterprise in the State of New York.

- 8) Price Proposal - The Consultant's Price Proposal should set forth the fee for services and the method of calculating the rates for each of the Study Tasks , 1 – 6. This Price Proposal shall be for a firm fixed "not to exceed" price for the services to be provided. The price proposal shall include printing, overhead and miscellaneous expense costs.

### **I. Insurance**

The Project consultant and any subcontractor are required to secure and deliver to the Town the appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. The policies must name the Town of Brighton as additional insured/loss payee parties and shall cover the contractor's public liability and property damage insurance, contractor's contingent liability insurance, "all-risk" insurance and worker's compensation for the Project.

### **J. Proposal Submittal**

- a. Five copies of the proposal must be received on or before December 30, at 10:00 a.m. Proposals should be addressed to:

Timothy Keefe, Commissioner of Public Works  
Town of Brighton  
2300 Elmwood Avenue  
Rochester NY 14618

- b. The outside of the package should be clearly marked "Town of Brighton Farmers' Market Proposal" with the name of the proposing firm shown on the outside. Each firm is fully responsible for the timely delivery of its Proposal. Reliance upon mail or public carriers is at the firm's own risk. Proposals received after the time and date specified will not be considered.
- c. This RFP does not commit the Town of Brighton to award a contract, to pay for any costs incurred in the preparation of a proposal, or to pay for any costs incurred in the preparation of a contract for services. The Town of Brighton reserves the right to accept or reject any or all proposals received, or to cancel, in part or in whole, this RFP.
- d. Any questions about this RFP should be directed to:

Michael Guyon, Town Engineer  
Town of Brighton Department of Public Works  
2300 Elmwood Avenue  
Rochester, New York 14618  
Tel: (585) 784-5225  
Fax: (585) 784-5368  
E-Mail: Mike.Guyon@TownofBrighton.org

- e. Questions regarding clarification of the RFP must be submitted in writing on or before 4:00 p.m., on December 19, 2014. The Town of Brighton's response will be provided to all parties who request a copy of the RFP.

## K. Proposal Evaluation

- a. The Town of Brighton staff will review and rank the technical proposals using the factors listed below to select the preferred Consultant. Based upon the evaluation of the technical proposals, the Town of Brighton reserves the right to invite any or all Consultants for an interview. Such an invitation does not commit the Town of Brighton to pay any costs incurred in participating in said interview.
- b. The evaluation factors are:
  - 1) Experience, Qualifications, and Capacity of the Consultant
    - a. The capabilities of each responding firm will be evaluated in these specific areas:
      - b. Recent relevant municipal experience of the firm in similar projects
      - c. The extent to which the firm has personnel, equipment, and facilities to perform the scope of work
      - d. Experience of recent clients for similar services
  - 2) Qualifications of the Project Team
    - a. The quality and experience of the proposed staff and the proper balance of relevant skills
    - b. The quality and experience of any proposed sub-contractors
  - 3) Proposals
    - a. The proposals will be evaluated for their demonstrated understanding of the requirements of this RFP and their ability to meet the study objectives. This will include:
      - b. Public Participation Process
      - c. Project understanding
      - d. Clarity of the Proposal
      - e. Proposed scope of work and project approach
  - 4) Price
    - a. A not to exceed itemized price for the work described in this proposal must be provided as described in Section 9. Proposal Format / Requirements paragraph h.

**END OF REQUEST FOR PROPOSAL**

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

November 25, 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	\$	<u>1,970,230.41</u>
D - HIGHWAY		<u>583,699.76</u>
H - CAPITAL		<u>194,125.50</u>
L - LIBRARY		<u>240,128.41</u>
SF - FIRE DIST		<u>145,849.70</u>
SL - LIGHTING DIST		<u>21,098.15</u>
SN-NEIGHBORHOOD DIST.		<u>0.00</u>
SP-PARKS DISTRICT		<u>75.00</u>
SS - SEWER DIST		<u>140,277.81</u>
TA - AGENCY TRUST		<u>23,606.83</u>
TE - EXPENDABLE TRUST		<u>169.99</u>
	TOTAL \$	<u><b>3,319,261.56</b></u>

UPON ROLL CALL

MOTION CARRIED \_\_\_\_\_

APPROVED BY:

\_\_\_\_\_  
SUPERVISOR

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER

TO THE SUPERVISOR:

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

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TOWN CLERK

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that a memorandum dated November 10, 2014 from Assistant to the Supervisor MaryAnn Hussar regarding a request to authorize the Supervisor to execute an agreement with Electronic Field Products, Inc. to provide video production and cable television management services for 2015, be received and filed; and it is further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an agreement with Electronic Field Products, Inc. to provide video production and cable television management services for 2015.

Dated: November 25, 2014

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



MARYANN HUSSAR, Assistant to the Supervisor  
2300 ELMWOOD AVENUE  
ROCHESTER, NEW YORK 14618

MEMORANDUM

To: Members of the Finance and Administrative Services Committee  
The Honorable Town Board  
From: MaryAnn Hussar, Assistant to the Supervisor *MH*  
Date: November 10, 2014  
Subject: Request Town Board action to authorize the Town Supervisor to execute a Professional Services Agreement with Electronic Field Productions, Inc. to provide Video Production and Cable Television Management Services for 2015

Requesting authorization for Supervisor to execute agreement with our current provider, Electronic Field Services (EFP) to provide video production and cable television management services to Town of Brighton for 2015.

EFP has agreed not to increase pricing for 2015 from the 2014 agreement and will provide the Town of Brighton with all the services and equipment outlined in proposal that is necessary to maintain current Cable and video production operations.

Therefore, I hereby request authorization from the members Finance and Administrative Services Committee to grant approval for Town Board action to authorize the Town Supervisor to execute a Professional Services Agreement with Electronic Field Productions, Inc. at an annual cost of \$48,000, to provide Video Production and Cable Television Management Services for 2015 to the Town of Brighton.

Thank you for your consideration.

Attached: EFP Proposal Summary

## AGREEMENT

THIS AGREEMENT, made this \_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_, by and between the Town of Brighton, a municipal corporation, with offices at 2300 Elmwood Avenue, Rochester, New York 14618, hereinafter referred to as the "Town", and Electronic Field Productions, Inc., with offices at (or residing at) 155 Sanford Street, Rochester, New York 14620, hereinafter referred to as the "Contractor".

## WITNESSETH

WHEREAS, the Town of Brighton is desirous of obtaining the services of the Contractor to perform the scope of services set forth in Section 1 hereof; and

WHEREAS, the Contractor is willing, able and qualified to perform such services.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. The Contractor hereby agrees to perform the following services for the Town of Brighton:

**A. Live Cablecast of Brighton Town Board Meetings**

Brighton Town Board Meetings are typically the second and fourth Wednesday of each month at 7:00 p.m. (some exceptions may occur).

Set up and operation of video equipment for cablecast of Town Board meetings, provide technicians including Director/technical director, Remote Camera Operator, Audio engineer, provide DVD and tape master using Gold DVD's and three additional copies as required by Town Supervisor and/or other authorized representative/s of same.

Maintain Video Archive Library of Town Board Meetings

Maintain on-site and offsite storage back-up systems

Manage live web streaming of Town Board Meetings to Town Website

Manage web uploads of pre-recorded meetings and videos to Town Website

Provide and manage all media endeavors that support the open Government methodology

**B. Location Video Production**

Utilize the Town's equipment to record video and audio for the Town as needed.

**C. Cable Television Operations**

Perform operation and general maintenance of the Brighton Cable Television facility located at the Brighton Town Hall, including but not limited to the loading of video content to the Leightronix UltraNexus 2+2 video server, preparation of graphics for community video bulletin boards on channels 12 and 15, the programming of UltraNexus computer system for cable-casting per program schedule, preparation of the program schedule for channels 12 and 15, duplication of Town Board meeting DVD's.

Work with the Brighton School District who shares air time of Channel 12 between the hours of 7:00 a.m. – 7:00 p.m.

Work with Time Warner Cable to ensure proper broadcasting services for PEG access (Public, Education and Government Broadcasting).

2. The term of this agreement shall be from January 1, 2015 to December 31, 2015. This contract may be terminated by the Town of Brighton upon written notice to the Contractor.

3. The Town hereby agrees to pay the Contractor a sum in full satisfaction of all expenses and compensation due the Contractor not to exceed Forty Eight Thousand DOLLARS (\$ 48,000.00). Said sum shall be paid as follows:

Monthly Installments of \$4,000/month; Invoices payable within 30 days.

Payment by the Town for the sum(s) herein contracted for shall be made upon the submission of an invoice(s) and properly executed Town of Brighton claim vouchers, supported with such information and documentation necessary to substantiate the claim, approved by the Assistant to the Supervisor, or by his/her designee, audited by the Director of Finance of the Town of Brighton, and approved for payment by the Town Board. If this contract is terminated by the Town pursuant to paragraph 2, the Contractor will be paid a pro rata share of the contract amount based upon the proportion of its satisfactory performance of the contract at the time of termination to the total performance required by this contract.

4. Upon the completion of the work required hereunder by the Contractor, title to all work performed shall vest in the Town of Brighton.

5. This contract shall be deemed executory only to the extent of funds available and the Town shall incur no liability beyond the funds budgeted therefor.

6. The Contractor agrees that it will not assign, transfer, convey, sublet or otherwise dispose of this contract or its right, title or interest therein, nor any part thereof, nor any money which are or will become due and payable thereunder without the prior written consent of the Town of Brighton.

7. The Contractor covenants and agrees that it will conduct itself consistent with its status, said status being that of an independent contractor, and that its employees or agents will neither hold themselves out nor claim to be an officer or employee of the Town of Brighton, not make claim to any rights accruing thereto, including, but not limited to, Workers' Compensation, unemployment benefits, Social Security or retirement membership or credit.

8. The Contractor agrees that in carrying out its activities under the terms of this agreement that it shall not discriminate against any person due to such person's race, color, creed, sex or national origin, and that at all times it will abide by the applicable provisions of the Human Rights Law of the State of New York as set forth in Section 290-301 of the Executive Law of the State of New York.

9. The Contractor agrees to indemnify, defend and hold the Town of Brighton harmless from and against any claims or causes of action, including reasonable attorney's fees, which may be asserted against the Town or any of its officers and/or employees, and arising out of this agreement or out of services which the Contractor may perform for the Town pursuant to this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

Town of Brighton

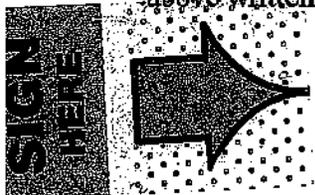
By: \_\_\_\_\_  
William W. Moehle, Supervisor

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Electronic Field Productions]

Date:

EFP Fed. I.D.# \_\_\_\_\_



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 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that Denis Conley, Elaine Vittone and Michael Zobel hereby are reappointed to the Parks and Recreation Community Services Advisory Board effective January 1, 2015 for three year terms expiring on December 31, 2017.

Dated: November 25, 2014

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,

Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that Mary Scipioni hereby is reappointed to the Architectural Review Board effective January 1, 2015 for a three year term expiring on December 31, 2017.

Dated: November 25, 2014

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,

Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that Andy Kappy hereby is reappointed to the Brighton Memorial Library Board of Directors effective January 1, 2015 for a five year term expiring on December 31, 2019.

Dated: November 25, 2014

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that Dennis Mietz hereby is reappointed to the Zoning Board of Appeals effective January 1, 2015 for a five year term expiring on December 31, 2019 and it is further

**RESOLVED**, that Dennis Mietz hereby is appointed as Chairperson of the Zoning Board of Appeals effective January 1, 2015 for a two year term expiring December 31, 2016.

Dated: November 25, 2014

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,

Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that Rochelle Bell and Eric Williams hereby are reappointed to the Sustainability Oversight Committee effective January 1, 2015 for three year terms expiring on December 31, 2017.

Dated: November 25, 2014

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,

Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that correspondence dated November 13, 2014 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the naming of a new unpaid student intern for the Sustainability Oversight Committee, be received and filed; and it is further

**RESOLVED**, that the Town Board hereby authorizes the naming of a new unpaid student intern for the Sustainability Oversight Committee for the period January 2015 through June 2015.

Dated: November 25, 2014

William W. Moehle, Supervisor	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

November 13, 2014

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

Re: Town of Brighton Sustainability Oversight Committee  
Volunteer Intern Position

Dear Councilperson Werner and Committee Members:

The Town of Brighton Town Board created a volunteer student intern position for the Sustainability Oversight Committee at their September 18, 2012 meeting. The Sustainability Oversight Committee with the support of Karen Berger of the University of Rochester hopes to name a new intern to this position for the Spring Semester, January 2015 to June 2015. The intern would support the Climate Smart Community initiative of the SOC and will assist with completion of a greenhouse gas and energy use inventory.

One of the first tasks will be completing an inventory of the Town government's greenhouse gas emissions. The student intern will work together with Town Staff, under the supervision of an SOC member, to assist in the gathering of data, entry into the inventory software, and analysis of results.

The expectations for the intern include the following:

- Meeting or communicating on a weekly or biweekly basis with the supervising SOC member;
- Meeting with Town staff, as needed, to coordinate information gathering;
- Meeting with Professor Berger on a biweekly basis to provide updates, and submission of a written summary of the project at the end of the semester; and
- Attendance at occasional SOC evening meetings (anticipated 1-3 times during the semester);

Qualifications for the position include the following:

- Strong organizational skills and attention to detail;
- Familiarity with Excel spreadsheets;
- Motivation to pursue information even when it is not easily available;
- Maturity to act in a professional manner with Town staff and SOC members; and
- Ability to present information clearly in both written and oral form.



The internship is an unpaid position however; the student may receive an Internship credit at the University of Rochester for the spring semester.

I am requesting that the FASC recommend that the Town Board authorize the naming of a new volunteer intern to the SOC. The intern would support the Climate Smart Community initiative of the SOC and will assist with completion of a greenhouse gas inventory.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled November 18, 2014 meeting in the event that you have any questions regarding this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael E. Guyon". The signature is stylized and includes a long horizontal flourish extending to the right.

Michael E. Guyon  
Department of Public Works

Cc Tim Keef  
Mary Ann Hussar  
Gary Brandt  
Ron Wexler

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 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that correspondence dated November 10, 2014 from Chief of Police Mark T. Henderson regarding a request to appoint Stephen Bottcher to the position of School Traffic Guard (part-time) On-Call, effective December 1, 2014 at a per diem rate of \$50.84 for a probationary period of 52 weeks, be received and filed; and it is further

**RESOLVED**, that the Town Board hereby appoints Stephen Bottcher to the position of School Traffic Guard (part-time) On-Call, effective December 1, 2014 at a per diem rate of \$50.84 for a probationary period of 52 weeks.

Dated: November 25, 2014

William W. Moehle, Supervisor	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

November 10, 2014

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

Dear Board Members,

There currently exists a vacancy in the position of School Traffic Guard (Part-Time) *On-Call*. After a search for candidates, Mr. Stephen Bottcher has been chosen to fill this vacancy.

Mr. Bottcher is a resident of the Town of Brighton and is a retired sales manager.

I request that the Honorable Town Board approve the appointment of Mr. Stephen Bottcher to the position of School Traffic Guard (Part-Time) *On-Call*, effective December 1, 2014, at a Pier Diem rate of pay of \$50.84 as defined by the 2014 Salary/Wage Schedule Flat Salaried Positions for a probationary period of fifty-two weeks (52).

Sincerely,

Mark T. Henderson  
Chief of Police

xc: Gary Brandt, Director of Personnel  
Suzanne Zaso, Director of Finance

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 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that correspondence dated November 4, 2014 from Chief of Police Mark T. Henderson regarding a request to utilize \$55,970.41 in proceeds of forfeited property to purchase a video security system for the Public Safety Wing of Town Hall, be received and filed; and it is further

**RESOLVED**, that the Town Board hereby authorizes the increase of appropriations in the Police Department's Facility Improvements account (A.POLICE.3125 2.60) in the amount of \$55,970.41 for the purchase of a video security system for the Public Safety Wing of Town Hall to be supported by funding in the forfeited property account (A.889. JSTCE); and it is further

**RESOLVED**, that the Town Board approves the purchase of a video security system for the Public Safety Wing from Day Automation, including video cameras and monitoring hardware, software, training and video storage, at a cost of \$55,970.41, based on pricing offered under a New York State contract.

Dated: November 25, 2014

William W. Moehle, Supervisor	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

November 4, 2014

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

**RE: Use of Forfeited Funds to purchase building video security system**

Dear Board Members:

Members of the police department recently conducted a review of the security needs for the Police Department. When the Public Safety Wing first opened there was a building security system that included a number of cameras and monitors. At this time a majority of the cameras do not work and are out of service.

We contacted three vendors who are under New York State contract that provide complete video security systems. The companies include Day Automation, Linstar and Tyco Simplex Grinnell.

Each vendor provided a written quote that included a price for video cameras, monitoring, hardware, software, training and video storage. As a result of a very comprehensive review of each vendor, their products and a contact with established customers, Day Automation has been chosen to provide the security system for the Brighton Police Department.

I propose that the "Proceeds of Forfeited Property" be used to fund this request. I have consulted with the United States Attorney's Office and they concur that the use of seized forfeiture asset funds for this purpose is an appropriate use. I request that appropriations in account **A.POLCE.3125 2.60 Facility Improvements** be increased by \$55,970.41. The total expenditure of \$55,970.41 will be fully supported with the use of Forfeited Property account **A.889.JSTCE**.

Respectfully,

Mark T. Henderson  
Chief of Police

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 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that a memorandum dated November 18, 2014 from Coordinator of Data Processing Susan Wentworth regarding a request to authorize the Supervisor to execute an agreement with General Code, LLC to amend the existing contract so as to provide an upgrade to the Laserfiche software program, be received and filed; and it is further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an agreement with General Code, LLC to amend the existing contract so as to provide an upgrade to the Laserfiche software program, all as set forth in the above referenced memorandum.

Dated: November 25, 2014

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



TOWN OF BRIGHTON  
Susan Wentworth, Coordinator of Data Processing  
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  
Date: November 18, 2014  
Subject: Laserfiche Software Upgrade

The Town of Brighton purchased the Laserfiche software as awarded in the grant from the Local Government Records Management Improvement Fund (LGRMIF) in 2009. The Department of Public Works and the Building and Planning Department have utilized the Town's digital imaging and document management system to reduce the overwhelming paper storage burden and improve access to digital records for increased productivity.

This use of this software has expanded to other departments in the Town. The Town Clerk's office has implemented electronic storage of Contracts, Town Board Meeting Agendas and Foil requests. This has allowed all departments to view necessary information electronically.

The existing software has limitations in its search capabilities and notifications. General Code has proposed an upgrade to the Laserfiche software that includes a Workflow model which has automated processes that can provide email reminders for contract renewals, enforce time schedules for projects and many more features.

General Code is offering a Laserfiche Software Upgrade Credit equal to the Town's initial software investment in the amount of \$5,865.00. The upgrade requires a change in the licensing structure. The six concurrent licenses will move to eleven Fixed Full User licenses. The \$4,027 in funding needed for the purchase of the software upgrade is available in the Public Works, Sewer, and Information Systems 2014 budgets.

The annual software maintenance will increase from \$1,324.00 to \$1,577.00 and funds have been budgeted in the 2015 adopted budget to support this increase.

This request is for the Town Supervisor to execute this agreement for the software upgrade and add as an addendum to the existing contract with General Code dated November 16, 2009.

Thank you for your consideration.

*Susan A. Wentworth*

# GENERAL CODE PROPOSAL *for*

## Enterprise Content Management Services

For

Town of Brighton

Monroe County  
New York

October 31, 2014; Revised November 13, 2014  
Valid for 3 months

PRESENTED BY

**GENERAL  
CODE**

*Information made civil.*

Solutions Account Executive: Liz Mistretta  
585-705-7412  
[LMistretta@generalcode.com](mailto:LMistretta@generalcode.com)



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## INTRODUCTION

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Based on the Town's current needs and looking to the Town's potential future uses of electronic content management, General Code recommends implementation of Laserfiche Avante.

Laserfiche Avante is a robust system that provides the flexibility to configure the system to your specific way of doing business without your having to "shoehorn" your processes to fit the mandates of a software solution. Laserfiche is also easily expanded – to different departments, different types of documents, and many other users in the future as you see other uses.

General Code's experienced staff will help you configure your system to maximize efficiencies now and for decades to come.

### ABOUT GENERAL CODE

General Code provides a variety of information management solutions to more than 2,700 local governments, educational and commercial organizations throughout the United States. We set the standard for improving document management processes and are on the cutting edge of technology, providing new and reliable tools to our customers to better serve their clients. We pride ourselves in our level of experience, our technical knowledge in the industry and our focus on the customer.

General Code is a top 5 government reseller of Laserfiche in the United States, offering more than 14 years of experience, coupled with an industry-leading service, integration, training and helpdesk team.

With Laserfiche at the center of your Enterprise Content Management Solution, you get what nearly 30,000 other public and private organizations are already getting – the most powerful combination of electronic capture, storage and business process automation tools available today. We selected Laserfiche as our technology platform because of its open architecture, integration capabilities and the capacity to scale up as your demand for information sharing and access grows.

Every system designed and implemented by General Code fits your specific needs and requirements. Configuration of your Enterprise Content Management Solution to your situation reduces the time and additional resources required to "adjust" or "optimize" a one-dimensional system.

As a values-based company we adhere to the principles outlined in our "General Code." These guides for conduct are integral to building a comprehensive content management solution – one that leverages our 50+ years of service to public organizations and governments of all sizes.

Elements of our "code":

*Digital information must be designed and implemented in ways that support the success of the entire organization.*

*Our content management solutions must run on a platform that we believe in.*

*The quality of our service and support determines the ultimate value of the solution we develop.*

*Our content management solutions are based on the practical—if there is a better way to do something we will design and implement it.*

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## LASERFICHE AVANTE SYSTEM OVERVIEW

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Today, successful organizations need more than document management; they need to optimize the decision-making process by getting the right content – whether structured or unstructured, paper or electronic, audio or video, photograph or e-mail – into the right hands at the right time.

Laserfiche Avante is a cutting-edge solution that combines comprehensive content management functionality with business process management (BPM) tools to both manage and process information – turning it into an asset that enables efficiency and smart decision making organization-wide. Laserfiche Avante provides all of the elements for today's comprehensive needs:

- **Document Imaging** – Converts paper documents or film into an electronic or digital format.
- **Document Management** – Manages documents (physical or digital) through their lifecycles.
- **Business Process Management** – Applies workflow technology to content-related processes in order to standardize and optimize them.
- **Integrative Middleware** – Provides many ways to interface with other business-specific applications to enable you to have one document repository that can be accessed from other applications and to enable “sharing” of data between other applications and Laserfiche.

The Laserfiche workflow engine gives you a platform to map, model and manage your business processes in order to obtain a better understanding of how to achieve your overall goals by:

- **Increasing productivity** by automating manual, repetitive processes.
- **Modeling, executing and managing business processes without writing code.**
- **Triggering workflows based on actions taken in Laserfiche or in 3<sup>rd</sup> party applications, such as CRM, GIS, ERP and more.**

Laserfiche Avante readily fits into your existing networked environment, without requiring custom programming or extensive hardware and software updates. Laserfiche is developed to support close integration with industry-standard operating systems and database management systems. See specifications in Appendix A for more detail.

Technology represents one of the most significant investments you make in your organization's success, and General Code and Laserfiche are committed to providing a comprehensive framework for delivering value quickly, easily and without the need to bring in expensive experts at every turn. General Code has seasoned professionals to guide you through the planning and implementation process and will be there to provide on-going support.

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## **PRELIMINARY DOCUMENT MANAGEMENT PROJECT PLAN**

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- I. Upon finalization of the agreement, General Code's Project Manager will call you to review the Project Plan and discuss the following:
  - Designate the main contacts for the project from General Code and your organization
  - Discuss the proposed schedule and set dates
  - Determine any necessary hardware purchases, installation or configuration that must take place prior to the system installation, and set a date for completion of that work
  - Confirm availability of required personnel, equipment and facilities
  - Address any outstanding questions, concerns or issues
  
- II. The Initial Design and System Implementation Phase will include the following:
  - Installation and configuration of the main server components
  - Installation and configuration of the named user licenses, including Laserfiche client software, Snapshot Plug-In and E-mail functionality, as well as scanner configuration and testing, if applicable
  - Complete system testing of all installed components
  - A file structure review and creation of a hierarchical tree structure designed to maximize efficient use of the document management system
  - Discussion of file-naming conventions to be used in the document management system
  - Establishment of an initial set of templates (electronic index cards)
  - Configuration of users, groups and user rights (security)
  - Training for users
  - Administrator training for up to two (2) people who will be responsible for administration of the system

## DESCRIPTION OF RECOMMENDED COMPONENTS

<p><b>Laserfiche Avante™ Server Software</b></p>	<p>Laserfiche Avante MS SQL Express server software is a complete electronic content management solution with <u>fully integrated</u> business process management. Laserfiche Avante includes the Laserfiche Automated Workflow Module and other important business-process functionality “baked into” the core software.</p> <p>The Laserfiche Automated Workflow Module is a robust component that facilitates the flow of documents, auto-files and auto-names folders and documents and enforces time schedules, where desired, by providing e-mail reminders or notifications to backups or supervisors or by re-assigning documents to others’ folders. By automating processes, you can ensure that proper process is followed, and work can be distributed to users in an orderly and predetermined manner.</p> <p>Laserfiche’s robust security enables you to limit both access and functional rights of users. Your IT staff will appreciate the ability to set security by user or group, as well as the option to use Windows Authentication for single log-in.</p> <p>System administrators have access to the Laserfiche Administrator Console either in a client or a web format.</p>
<p><b>Named Users</b></p>	<p>Laserfiche named users have the ability to utilize all of the features of the software, including scanning, importing, file and volume management, search and retrieval, annotations, e-mail routing and workflow participation, as applicable and as security rights permit. Additional named user licensees can be added at any time, in any increment.</p> <p><b>SnapShot Functionality:</b> The SnapShot functionality allows designated users the ability to “print” existing electronic files into the Laserfiche system directly and automatically convert them to inalterable Laserfiche images rather than having to print them out and then scan them into the system.</p> <p><b>E-Mail Functionality:</b> The E-Mail Plug-in allows users to send Laserfiche documents as e-mail attachments to anyone using a MAPI-compatible E-mail system. All or part of a document can be e-mailed; multiple files can be “zipped” into one e-mail; and you can choose the format in which the documents will be sent (e.g., PDF, TIFF, JPEG, etc.).</p>
<p><b>Laserfiche ScanConnect</b></p>	<p>A software interface that allows Laserfiche to interface with a number of supported scanners using the ISIS communication standard.</p>

## INVESTMENT DETAIL & OPTIONS

**Hardware or any applicable taxes are not included in price, unless otherwise noted**

Line Item Description	Model #	Quantity	Unit Price	Total
<b>Base Software</b>				
Avante Server for SQL Express with Workflow	MSE10	1	\$1,500.00	\$1,500.00
Avante Named Full User with Snapshot & Email	MNF05	11	\$500.00	\$5,500.00
<b>Base Software Subtotal</b>				<b>\$7,000.00</b>
<b>Add-Ons/Plug-Ins</b>				
Avante ScanConnect	MCS01	1	\$165.00	\$165.00
<b>Add-Ons/Plug-Ins Subtotal</b>				<b>\$165.00</b>
<b>Support</b>				
LSAP Avante Named Full User with Snapshot & Email	MNF05B	11	\$110.00	\$1,210.00
LSAP Avante Server for SQL Express with Workflow	MSE10B	1	\$330.00	\$330.00
LSAP Avante ScanConnect	MCS01B	1	\$37.00	\$37.00
<b>Support Subtotal</b>				<b>\$1,577.00</b>
<b>Professional Services</b>				
Remote Services - Off-Site Days (Installation / configuration)	OF-S	1	\$1,150.00	\$1,150.00
<b>Professional Services Subtotal</b>				<b>\$1,150.00</b>
<b>Adjustments</b>				
Laserfiche Software Upgrade Credit (credit price expires 11-30-14)		1	(\$5,865.00)	(\$5,865.00)
<b>Adjustments Subtotal</b>				<b>(\$5,865.00)</b>
<b>Grand Total</b>				<b>\$4,027.00</b>

**Your LSAP anniversary date will be re-aligned to reflect the date of ordering of the Laserfiche software for your new Avante system. Any remaining LSAP from your Laserfiche "Classic" system will be reflected as a credit on the project invoice.**

**Anticipated annual LSAP fees after the included 1<sup>st</sup> year for the above configuration would be \$1,577.00.**

**Note: This estimate is subject to change based upon the then-current support prices for that year.**

**Automated Workflow Module (software) is included with Laserfiche Avante. If/when the Town wishes to implement Automated Workflow, there will be additional development and configuration time required. We will be happy to assess any Workflow implementation desires with you and provide any relevant fees at your request. (Fees will be based on the number and complexity of the desired workflows to be implemented.) These additional service fees would not apply until you are ready to implement this component.**

**Remote Services include but are not necessarily limited to the following services: software order processing; project management; software implementation such as modification of server to reflect new license levels; installation or modification of server; client or scanning software; installation and/or configuration of add-on products, such as WebLink, Quick Fields or Workflow and configuration of hardware, such as scanners.**

Installation is expected to be completed in 120 days from authorization.

**1. Adjustments to Performance Schedule; Delays.**

**Adjustments to Schedule.** Upon the mutual consent of the Municipality and General Code, the "Performance Schedule" may be changed or extended as outlined below.

**Delays.** Client must notify General Code, in writing, immediately upon learning or otherwise becoming aware, of any difficulties that may delay the delivery of services or deliverables. Such notification must identify the reason for the delay, as well as the anticipated period of delay. General Code may require a payment of 50% of the balance due under the contract for any delay on Client's part.

**2. Cancellation Policy.**

A cancellation fee of 50% of the total Installation / Training amount will be charged to **Town of Brighton** for any scheduled Laserfiche installation cancelled or rescheduled six (6) or more, but less than ten (10) business days from the scheduled installation start date.

A cancellation fee of 100% of the total Installation / Training amount will be charged to **Town of Brighton** for any scheduled Laserfiche installation cancelled or rescheduled less than six (6) business days from the scheduled installation start date.

## AUTHORIZATION & AGREEMENT

The Town of Brighton, New York hereby agrees to the procedures outlined above, to General Code's Content Management Solutions Terms & Conditions and to the License Agreements for the software referred to above, all of which are available at [www.generalcode.com/TCdocs](http://www.generalcode.com/TCdocs), and are incorporated herein by reference, and authorizes General Code to proceed with the project.

### Electronic Document Management Project

**\$4,027.00**

*Estimated Annual support fee second year forward (LSAP): \$1,577.00\**

*\*subject to change based upon the then-current support prices for that year*

### SOFTWARE ORDER, PAYMENT AND PERFORMANCE SCHEDULE

All software components will be ordered 60 days after authorization and shipped to customer. The software maintenance (annual support) will start 30 days after software order.

- 50% of the project price shall be invoiced upon authorization of the project – payable within 30 days of authorization.
- 50% of the project price shall be invoiced upon completion of the installation and training.

*(Client please fill out)* Invoice for this Project to be sent to:

Department: \_\_\_\_\_ Contact Name: \_\_\_\_\_

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

By: \_\_\_\_\_ In the Presence of: \_\_\_\_\_

Title: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

### GENERAL CODE, LLC

By: \_\_\_\_\_ In the Presence of: \_\_\_\_\_

Title: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

*In order to authorize the project:*

1. *Sign the Proposal*
2. *Fax or email the Authorization & Agreement Section only to: [Sales@generalcode.com](mailto:Sales@generalcode.com) • fax (585) 328-8189*
3. *Mail the signed Proposal to General Code at: 781 Elmgrove Road • Rochester, NY 14624*  
*General Code will then sign and mail a copy of this agreement back to the Town for its records.*



## APPENDIX A – RECOMMENDED SERVER/WORKSTATION SPECIFICATIONS

Minimum recommended specifications for **Laserfiche Version 9 Avante SQL Express** implementations are as follows. *For any questions regarding sufficiency of hardware infrastructure, contact your General Code representative.*

### Server and System:

CPU	Xeon 2.4 GHz processor or faster
Memory	Recommended 4 GB RAM or more greater
Operating System	Windows Server 2008 or above
Database Engine	Recommended: Microsoft SQL Server 2008 Express R2 or Microsoft SQL Server 2012 Express (10 GB db capacity/approximately 2.5 million images) Also compatible with Microsoft SQL Server 2005 Express and 2008 Express (these have 4 GB db capacity/approximately 1 million images)
Network Protocol	TCP/IP
Framework	.NET 4.5 (Client responsible for installing .NET 4.5 on server)
Browser	Internet Explorer 9.0 and higher recommended
Hard Drives	Assume 20,000 images per 1 GB of hard drive space RAID array recommended
DVD/CD-ROM Drive	For installation purposes
NIC	For network connectivity
Network Licenses	Laserfiche uses one Windows license for all Laserfiche users
UPS/Tape Backup	UPS and tape or other backup system to ensure data integrity
Virtual Environment	Laserfiche can be configured to run in a virtual environment. A technical whitepaper is available on request

### Client Responsibilities:

- *The client is responsible for acquiring, installing, and configuring the database software.*
- *The client is responsible for acquiring, installing, and configuring the Server Operating System.*
- *The client is responsible for installing .Net 4.5 on all servers and workstations.*
- *The client is responsible for acquiring, configuring, and implementing any database backup plans.*
- *The client is responsible for testing the integrity of their backups on a regular basis.*

**Full User / Scanner Workstation:**

CPU	Dual core 2.8 GHz or faster recommended
Minimum memory	3 GB or greater (Vista/Windows 7); 4 GB or greater (Windows 8)
Operating System	Supported: Microsoft Windows Vista Business, Windows 7, Windows 8
Network Protocol	TCP/IP
Browser	Internet Explorer 9.0 and higher recommended
Hard Drive	Hard drive running at a minimum of 7,200 rpm 3 GB of free disk space for software and temporary files created during scanning
DVD/CD-ROM Drive	For installation purposes
Framework	.NET 4.5 (Client responsible for installing .NET 4.5 on workstations)
NIC	Access to the network server running Laserfiche
Monitor	17" monitor or better recommended for optimal viewing
USB Port or SCSI Controller	Available USB 2 port for scanner connection If the scanner will support a USB connection or Adaptec 2930 or 2940 SCSI Controller and Cable

**"Light" User Workstation (e.g., primarily retrieval user):**

CPU	Pentium IV 2GHz or better recommended
Memory	Operating System minimum or greater
Operating System	Supported: Microsoft Windows Vista Business, Windows 7, Windows 8
Network Protocol	TCP/IP
Browser	Internet Explorer 9.0 and higher recommended
Hard Drive	At least 1 GB of free disk space
DVD/CD-ROM Drive	For installation purposes
Framework	.NET 4.5 (Client responsible for installing .NET 4.5 on workstations)
NIC	Access to the network server running Laserfiche
Monitor	17" monitor or better recommended for optimal viewing

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## **APPENDIX B - INSTALLATION, TRAINING AND SUPPORT**

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### **Pre-Installation Teleconference and Technical Review**

Prior to the on-site installation and training, one of General Code's technicians will work with your technical staff or consultant to review the hardware and other technical requirements and ensure that all hardware is ready for the installation. We will also work with your designated contact person to establish the agenda for the on-site days.

### **Customized, Hands-On Training**

General Code provides practical hands-on training sessions to ensure that your users keep pace with "best practices" and that your Laserfiche system continues to provide your organization with the maximum efficiencies possible. Our training experts will come on-site to your facility and provide thorough training for your staff with manuals customized to your specific system and needs. Whether you are a new Laserfiche user or an existing user seeking refresher training, we pride ourselves on maintaining a team of trainers who can relate to users at any level of expertise.

**Our standard Laserfiche user training** covers the basic functions of the program and provides you with the necessary skills to put the system into immediate use. Based on the file organization and file naming structures that were determined by your organization, the training covers input, search and manipulation features using your documents to address file-organization and file-naming structures

**Administrator Training** covers the system administrative functions and typically takes place throughout the on-site sessions, as appropriate.

### **Laserfiche Software Assurance Plan (LSAP)**

**LSAP** is renewable on an annual basis and was created to deliver critical program updates and provide on-going technical support for your Laserfiche document management system. With LSAP you will always be confident that you are receiving the very best performance and quality possible.

### **TECHNICAL SUPPORT**

Technical Support covers all questions that might arise with your Laserfiche system should a technical issue arise. Technical Support covers the installation of software patches and minor upgrades, as appropriate.

The first line of technical support is via telephone, using our toll-free number (855-436-5500) or via e-mail at [lfsupport@generalcode.com](mailto:lfsupport@generalcode.com). With Basic LSAP service, technical support requests not immediately addressed will be acknowledged within 8 business hours, with the majority of response times within 2 hours. General Code's support technician will discuss the issue with you. If there are more detailed diagnostics needed, the technician will log into your system remotely, using the Internet. In this way, the technician can see what the user is seeing, do diagnostics, and generally remedy the situation remotely during this initial contact. In situations that require additional research or work by the technician, we will let you know what still needs to be done, along with a timeframe for getting back to you. You will also receive a Case number for future reference. By providing remote diagnostics and remediation to our clients, we can provide you with quick resolution of your issues to keep you up and running.

**SOFTWARE PATCHES AND UPGRADES:**

In addition to receiving technical support, customers with a current LSAP contract will receive **critical program updates within the current version of Laserfiche**. This is extremely important because Laserfiche is continuously improved to be even more powerful and efficient. You will receive routine system updates released by the manufacturer after a period of additional General Code in-house testing, as applicable. These patches and software upgrades are available for download at our FTP site. Customers are given the option of applying the patches themselves or having one of our Laserfiche technicians apply the patch remotely.

There is no additional cost for the installation of minor software updates or patches (typically called 'point releases'). Major software updates (typically called 'version releases') may have associated service charges to install, upgrade, or to migrate your Laserfiche software to the new major release level. Related training on new functionality of the upgraded software may also have associated service charges. Any additional charges will be outlined and quoted to you in advance.

**Services covered under LSAP:**

- Remote troubleshooting and repair to the best of our ability of any errors generated by Laserfiche
- Remote troubleshooting and repair to the best of our ability any Laserfiche functionality that is not working
- Provide and remotely apply minor patches/point releases on an as needed basis
- Respond to request calls within 8 business hours, if not immediately
- Provide technical support between the hours of 8:00 AM - 5:00 PM EST
- Provide access to all major and minor patches provided by Compulink Laserfiche
- Access to TIPS and FAQs on the General Code website
- User group meetings
- Access to Laserfiche's knowledgebase
- Regular newsletters - Laserfiche & The Decoder
- Access to webinars

**Services not covered under LSAP:**

- Training - New user or refresher training - either on-site or remote
- Repair of damaged databases
- Establishment of SQL maintenance plan
- Addition of custom features or functionality to the software
- Support or troubleshooting of third party software
- Faults or problems caused by unauthorized access to configuration information or changes to components by the user or a third party.
- Installation, Migration, Upgrading of software related to major software releases
- Problems or faults caused by use of the product outside its normal operating conditions.

- On-site technical support, unless it is specifically included as part of the selected Agreement or funded by the Customer on a per-day basis as part of a signed Change Order.
- On-site consulting or training, unless it is specifically included as part of the selected Agreement or funded by the Customer on a per-day basis as part of a signed Change Order.

**Customer's Obligation:**

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- To maintain appropriate backups of the Laserfiche database and associated files.
- To contact General Code prior to implementing significant network changes that has the potential to impact the Laserfiche system. Some examples are, operating system changes on either the server or PC, replacement of existing PCs or server(s), and changes in network configurations, such as server name, IP address or workgroup on PCs.
- To have Internet access on the Laserfiche server and all workstations where the Laserfiche client is installed and be willing to allow our Support Technicians remote access to the Customer's Laserfiche system via GoToAssist or other acceptable remote access tool.
- To designate an IT contact and to provide the name, phone number and e-mail address on the registration form.
- To describe technical issues completely in order to provide General Code's Support Technician sufficient information to be able to diagnose and reproduce the problem, including any identified error codes.

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 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that correspondence dated November 13, 2014 from Deputy Highway Superintendant Timothy J. Anderson regarding a request to authorize the transfer of \$1,125.00 to purchase five portable crane lifts, be received and filed; and it is further

**RESOLVED**, that the Town Board hereby authorizes the transfer of \$1,125.00 as specified in the above referenced memorandum to purchase five crane lifts.

Dated: November 25, 2014

William W. Moehle, Supervisor	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

November 13, 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 – Snow & Ice Control – OPP Training (D.HWY.5142 4.74) in the amount of \$1,125

To the following:

Highway – Machinery – Maintenance Equipment (D.HWY.5130 2.40) in the amount of \$1,125

The funds are proposed to be used to cover the purchase of five (5) portable crane lifts. I am available to answer any questions if needed.

Sincerely,

Timothy J. Anderson  
Deputy Highway Superintendent

Cc: M. Hussar  
S. Zaso  
T. Keef  
A. Banker

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that correspondence dated November 18, 2014 from Recreation Director Rebecca J. Cotter regarding a request to authorize the acceptance of a \$50.00 cash donation to the Recreation Department from Marjorie Alaimo, be received and filed; and it is further

**RESOLVED**, that the Town Board hereby authorizes, with gratitude, the acceptance of a \$50.00 cash donation to the Recreation Department from Marjorie Alaimo.

Dated: November 25, 2014

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



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**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

November 18, 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 \$50 in cash donations for the Recreation Department from Mrs. Marjorie Alaimo. This donation was made in support of ongoing Recreation Department Programs and Activities.

Please let me know if you have any questions or concerns regarding this request.

Thank you for your consideration,

Rebecca J. Cotter  
Recreation Director  
Town of Brighton

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 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that a memorandum dated November 17, 2014 from Finance Director Suzanne Zaso and the attached list of detailed proposed transfers regarding a request to authorize the transfers as detailed therein necessary to reflect changes made since the adoption of the 2014 budget, be received and filed; and it is further

**RESOLVED**, that the Town Board hereby authorizes the transfers as detailed in the above referenced memorandum and attached list.

Dated: November 25, 2014

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



TOWN OF BRIGHTON  
Suzanne Zaso, Director of Finance  
2300 ELMWOOD AVENUE  
ROCHESTER, NEW YORK 14618  
(585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board  
Attn: Finance and Administrative Services Committee  
From: Suzanne Zaso, Director of Finance  
Date: November 17, 2014  
Subject: Budget Transfers and Appropriations

I am requesting Town Board authorization to record the attached 2014 budget transfers and appropriations. These requested transfers and appropriations are necessary to reflect changes that have occurred since the adoption of the 2014 budget (see attached).

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

Attachment

			<b>FROM (DEBIT)</b>	<b>TO (CREDIT)</b>
<b>Appropriations</b>				
<b>Supported by Increased Revenue Sources</b>				
<b>Recreation</b>				
Celebrations	A.REC.7550 2655	Minor Sales	\$6,000	
Celebrations	A.REC.7550 2705	Gifts & Donations	\$2,000	
Celebrations	A.REC.7550 1.20	PT Wages		\$5,000
Celebrations	A.REC.7550 8.20	FICA		\$385
Celebrations	A.REC.7550 4.89	Misc.		\$2,615

			FROM	TO
			(DEBIT)	(CREDIT)
<b>Transfers</b>				
<b>Cable</b>				
Brighton Cable Commission	A.CABLE.8060 4.12	Office Supplies	\$25	
Brighton Cable Commission	A.CABLE.8060 4.22	Telephone		\$25
<b>Public Works</b>				
Fire Marshal	A.DPW.3410 8.10	NYSRS Contributions	\$1,000	
Fire Marshal	A.DPW.3410 8.40	Medical Premiums	\$2,000	
Facility Operations	A.DPW.1620 4.41	Maint./Repair Services	\$1,200	
Fire Marshal	A.DPW.3410 4.13	AV Supplies		\$150
Fire Marshal	A.DPW.3410 4.61	Gasoline		\$650
Fire Marshal	A.DPW.3410 4.63	Tires		\$300
Fire Marshal	A.DPW.3410 4.65	Vehicle Maint/Repair Services		\$1,300
Fire Marshal	A.DPW.3410 4.71	Uniforms		\$800
Fire Marshal	A.DPW.3410 4.22	Telephone Charges		\$1,000
<b>Public Works/Parks</b>				
Highway/Sewer Facility	A.HWY.5132 7.10	Interest on Bonds	\$1	
Parks Acquisition & Development	A.DPW.7100 7.10	Interest on Bonds		\$1
Parks Administration	A.DPW.7021 1.20	Part-time Wages	\$3,230	
Buckland Park	A.DPW.7115 1.20	Part-Time Wages		\$3,000
Buckland Park	A.DPW.7115 8.20	FICA		\$230
Recreation Administration	A.REC.7020 4.61	Gasoline	\$2,000	
Town Park	A.DPW.7120 4.61	Gasoline		\$2,000
<b>Finance</b>				
Finance Office	A.FINCE.1310 4.12	Office Supplies	\$130	
Finance Office	A.FINCE.1310 2.11	Office Equipment		\$130
<b>Police</b>				
Police Dept.	A.POLCE.3120 4.14	Law Enforcement Supplies	\$3,000	
Police Dept.	A.POLCE.3120 4.74	Membership & Training	\$2,000	
Police Dept.	A.POLCE.3120 1.10	Full-Time Wages	\$7,000	
Police Dept.	A.POLCE.3120 2.17	Law Enforcement Equipment		\$5,000
Police Dept.	A.POLCE.3120 2.12	Office Furniture		\$7,000
<b>Recreation</b>				
Recreation Programs	A.REC.7310 1.20	Part-Time Wages	\$1,345	
Recreation Programs	A.REC.7310 8.20	FICA	\$105	
Celebrations	A.REC.7550 1.30	OT Wages		\$1,345
Celebrations	A.REC.7550 8.20	FICA		\$105
Playgrounds	A.REC.7140 1.20	Part Time Wages	\$1,545	
Playgrounds	A.REC.7140 4.49	Other Contracted Services		\$1,545
Facility Operations	A.DPW.1620 2.60	Facility Improvements	\$2,700	
Community Garden	A.REC.8983 4.18	Supplies		\$2,700
<b>Transfers for Retirement System Contributions</b>				
Assessor	A.ASSOR.1355 8.10	NYSRS Contributions	\$1,305	
Central Services	A.CLERK.1610 8.10	NYSRS Contributions	\$2,045	
Public Works	A.DPW.1490 8.10	NYSRS Contributions	\$2,380	
Supervisor	A.SUPVR.1220 8.10	NYSRS Contributions		\$1,305
Facility Operations	A.DPW.1620 8.10	NYSRS Contributions		\$2,045
Parks Administration	A.DPW.7021 8.10	NYSRS Contributions		\$2,380
Recreation Administration	A.REC.7020 1.10	FT Wages	\$2,000	
Recreation Administration	A.REC.7020 1.20	PT Wages	\$1,000	
Recreation Administration	A.REC.7020 8.40	Employee Medical	\$12,400	
Recreation Administration	A.REC.7020 8.45	Retiree Medical	\$1,100	
Recreation Administration	A.REC.7020 8.10	NYSRS Contributions		\$16,500
Highway Benefits - General Fund	A.HWY.9000 8.40	Employee Medical	\$6,000	
Highway Benefits - General Fund	A.HWY.9000 8.10	NYSRS Contributions		\$6,000

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 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that a memorandum dated November 17, 2014 from Finance Director Suzanne Zaso regarding a request to authorize the Supervisor to execute an agreement with Penflex, Inc. to provide administrative services for the West Brighton Fire Protection District Service Award Program, be received and filed; and it is further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an agreement with Penflex, Inc. to provide administrative services for the West Brighton Fire Protection District Service Award Program, for the period November 1, 2014 through October 31, 2015, upon the terms and conditions set forth in the above referenced memorandum.

Dated: November 25, 2014

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



SUZANNE ZASO, DIRECTOR OF FINANCE  
2300 ELMWOOD AVENUE  
ROCHESTER, NEW YORK 14618  
Phone (585) 784-5210 Fax (585) 784-5398

MEMORANDUM

To: The Honorable Town Board  
Attn.: Finance and Administrative Services Committee  
From: Suzanne Zaso, Director of Finance *AJ*  
Date: November 17, 2014  
Subject: West Brighton Fire Protection District Service Award Program –  
Renewal of Agreement with Penflex, Inc.  
November 1, 2014 – October 31, 2015

I recommend that Your Honorable Body authorize the Supervisor to execute a renewal agreement with Penflex, Inc. for the period November 1, 2014 through October 31, 2015 through which Penflex would continue to serve as the third-party administrator for the West Brighton Fire Protection District's Service Award Program.

The base fee for 2014/15 will be \$3,600 (an increase of \$600 due to increased costs of doing business), the fee per participant of \$17 has been eliminated, and certification and trustee directive letters are \$125 each (no change). The total fees to be paid for services in 2014/15 are estimated at \$3,900. (This amount can be impacted by the number of certification/recertification letters completed plus an additional audit assistance fee, if necessary.)

Penflex has been of great assistance in helping the Town to better understand the financial implications and impacts of the Service Award Program. I recommend that the Town Board allow us to continue this beneficial relationship.

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

Copy to: C. Roth

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 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that correspondence dated November 17, 2014 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the Supervisor to execute an agreement with the Town of Pittsford to provide snow and ice control on Allens Creek Road for the winter season of 2014-2015, be received and filed; and it is further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an agreement with the Town of Pittsford to provide snow and ice control on Allens Creek Road for the winter season of 2014-2015, upon the terms and conditions set forth in the above referenced memorandum.

Dated: November 25, 2014

William W. Moehle, Supervisor	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

November 17, 2014

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

re: Snow and Ice Control of Allens Creek Road Agreement  
with the Town of Pittsford (2014/2015)

Dear Chairperson Werner and Committee Members:

As you are aware, the Towns of Brighton and Pittsford have previously entered into an IMA for the Town of Brighton to perform snow and ice control upon that portion of Allens Creek Road within the Town of Pittsford. At this time I am requesting your support to renew the IMA for the upcoming season. The Town of Pittsford reimburses us at the same rate that the County reimburses us for the same service upon County Roads. Therefore, I request that the Finance and Administrative Services Committee recommend that the Supervisor be authorized to execute this document.

As always, thank you for your consideration. I will be in attendance at your specially scheduled November 18, 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

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 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that correspondence dated November 18, 2014 from Recreation Director Rebecca J. Cotter regarding a request to authorize the Supervisor to execute an agreement and all associated documents with the Rochester Monroe County Youth Bureau for the Town's 2014 youth program funding requirements, be received and filed; and it is further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an agreement and all associated documents with the Rochester Monroe County Youth Bureau for reimbursement of up to \$7,213 for the Town's 2014 youth program funding requirements.

Dated: November 25, 2014

William W. Moehle, Supervisor	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

November 18, 2014

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

**Re: Rochester-Monroe County Youth Bureau Contract**

Dear Finance Committee Members:

I respectfully recommend that you authorize the Supervisor to execute an agreement, as well as any additional paperwork as required, with the Rochester Monroe County Youth Bureau for the Town's 2014 funding. According to the terms of the contract, the County shall reimburse the Town in the amount not to exceed \$7,213. As you are aware, this funding is used in the development of our Youth Asset Building/Positive Youth Development Initiative. It is matched to partially offset the salary of the Recreation Director in her work with this program.

I will be happy to answer any questions you may have regarding this matter.

Sincerely,

Rebecca J. Cotter  
Recreation Director

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 25th day of November, 2014.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

LOUISE NOVROS  
CHRISTOPHER K. WERNER  
JASON S. DIPONZIO

Councilpersons

**RESOLVED**, that a memorandum dated November 11, 2014 from Supervisor William W. Moehle regarding the setting of a public hearing regarding the proposed adoption of a Local Law known as the "Gender Expression Non-Discrimination Local Law" and a draft of such proposed Local Law, be received and filed; and it is further

**RESOLVED**, that the Town Board hereby sets a public hearing regarding the proposed adoption of a Local Law known as the "Gender Expression Non-Discrimination Local Law" for December 10, 2014 at 7:30 p.m. or as soon thereafter as it can be heard at Brighton Town Hall, 2300 Elmwood Avenue, in the Town of Brighton, County of Monroe, and it is further hereby

**RESOLVED**, that the Town Board hereby directs the Town Clerk to publish such notice as is lawfully required.

Dated: November 25, 2014

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

## Chapter 77. GENDER EXPRESSION NON-DISCRIMINATION

### § 77-1. Purpose.

- A. The Town Board of the Town of Brighton ("Town") reaffirms that the Town has the responsibility to act to ensure that every individual within the Town is afforded an equal opportunity to enjoy a full and productive life, and that the failure to provide such equal opportunity, whether because of discrimination, prejudice, intolerance or inadequate education, training, housing or health care, not only threatens the rights and proper privileges of its inhabitants, but menaces the institutions and foundations of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants. Transgender individuals do not presently have protection from discrimination under state law. The Town Board of the Town of Brighton wishes to provide a method of redress for discrimination based on gender identity and expression with remedies and damages to be awarded commensurate with relief awarded to other protected groups.
- B. The Town Board of the Town of Brighton's purpose is to ensure that individuals who live in our free society have the capacity to make their own choices, follow their own beliefs and conduct their lives as they see fit, consistent with existing law.

### § 77-2. Authority.

The authority of this chapter shall be in the exercise of the municipal home rule powers under Section 10 of the Municipal Home Rule Law of the State of New York and for the protection of the public health, welfare, and well-being of the people of this Town and at property located therein.

### § 77-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **COMMERCIAL SPACE**

Any space in a building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property; and any space which is used or occupied, or is intended, arranged or designed to be used or occupied as a separate business or professional unit or office in any building, structure or portion thereof.

**DISCRIMINATION**

Any direct or indirect act, policy or practice of exclusion, distinction, restriction, segregation, separation, limitation, refusal, denial or any other act or practice of differentiation or preference; or the aiding, abetting, inciting, coercing or compelling thereof.

**EMPLOYEE**

Does not include any individual employed by her or his parents, spouse or child, or in the domestic service of any person.

**EMPLOYER**

Does not include any employer with fewer than four persons in her or his employ.

**EMPLOYMENT AGENCY**

Includes any person undertaking to procure employees or opportunities to work.

**GENDER IDENTITY AND EXPRESSION**

A person's actual or perceived gender identity, gender-related self-image, gender-related appearance, gender-related behavioral or physical characteristics, or gender-related expression, whether or not that gender identity, gender-related self-image, gender-related appearance, gender-related behavioral or physical characteristics, or gender-related expression is different from that traditionally associated with the person's sex assigned at birth. This shall include but not be limited to:

- A. Transsexuals in all stages of transition, including preoperative, postoperative and persons living in a gender other than their birth sex;
- B. Persons (including cross-dressers) whose gender expression occasionally differs from their sex assigned at birth; and
- C. Intersexed persons born with anatomy or physiology that includes medical characteristics of both male and female whose sex was assigned at birth and who sometimes manifest physical characteristics, expressions or identity that differs from the sex assigned at birth.

**HOUSING ACCOMMODATION**

Includes any building, structure, or portion thereof located in the Town which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more human beings.

**LABOR ORGANIZATION**

Includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

**PERSON**

Includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

**PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT**

Shall have the same meaning as that defined in New York State Civil Rights Law Section 40.

**REAL ESTATE BROKER**

Any person, firm or corporation who, for another and for a fee, commission or other valuable consideration, lists for sale, sells, at auction or otherwise, exchanges, buys or rents, or offers or attempts to negotiate a sale, at auction or otherwise, exchange, purchase or rental of an estate or interest in real estate, or collects or offers or attempts to collect rent for the use of real estate, or negotiates, or offers or attempts to negotiate, a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate. In the sale of lots pursuant to the provisions of Article 9-A of the Real Property Law, the term "real estate broker" shall also include any person, partnership, association or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise, to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange of any such lot or parcel of real estate.

**REAL ESTATE SALESPERSON**

A person employed by a licensed real estate broker to list for sale, sell or offer for sale, at auction or otherwise, to buy or offer to buy or negotiate the purchase or sale or exchange of real estate, or to negotiate a loan on real estate, or to lease or rent or offer to lease, rent or place for rent any real estate, or who collects or offers or attempts to collect rent for the use of real estate for or in behalf of such real estate broker.

**TOWN**

The Town of Brighton in the County of Monroe and State of New York.

**UNLAWFUL DISCRIMINATORY PRACTICE**

Includes those practices specified in this chapter.

**§ 77-4. Exemptions.**

- A. Nothing in this chapter shall apply to any institution, club, or place of accommodation which is in its nature distinctly private as defined by New York State Civil Rights Law § 40.

B. Nothing in this chapter shall prevent religious faiths from establishing and maintaining educational institutions exclusively or primarily for students of their own religious faith.

§ 77-5. Declaration of rights.

A. The opportunity to obtain employment without discrimination because of gender identity and expression is hereby recognized as and declared to be a civil right. The opportunity to obtain education, the use of places of public accommodation and the ownership, use and occupancy of housing accommodations and commercial space without discrimination because of gender identity and expression is hereby recognized and declared to be a civil right.

(1) Employment. It shall be unlawful:

(a) For an employer or licensing agency in the Town, because of the gender identity and expression of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency in the Town or placing individuals in the Town to discriminate against any individual because of gender identity and expression in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers.

(c) For a labor organization in the Town to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, because of gender identity and expression of such individual .

(d) For any employer or employment agency in the Town or placing individuals in the Town to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to gender identity and expression, or any intent to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

(e) (i) To deny to or withhold from any person because of gender identity and expression the right to be admitted to or participate in a guidance program, an apprenticeship training program or other occupational training or training program in the Town; or (ii) to discriminate against any person in his or her pursuit of such programs in the Town or to discriminate against such a person in the terms, conditions or privileges of such programs in the Town because of gender identity and expression; or (iii) to print or circulate in the Town or cause to be printed or circulated in the Town any statement, advertisement or publication, or to use any form of application for such programs or to make inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to gender identity and expression, or any intention to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

(2) Public accommodation. It shall be unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement in the Town, because of the gender identity and expression of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, including the extension of credit, or, directly or indirectly, to publish, circulate, issue, display, post or mail in the Town or into the Town any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of gender identity and expression, or that the patronage or custom thereof of any person of or purporting to be any particular gender identity and expression is unwelcome, objectionable or not acceptable, desired or solicited.

(3) Housing accommodations.

(a) It shall be unlawful:

[1] To refuse to rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodations because of the gender identity and expression of such person or persons.

[2] To cause to be made any written or oral inquiry or record concerning the gender identity and expression of a person seeking to rent or lease any housing accommodation.

(b) It shall be an unlawful discriminatory practice for the owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent, or lease a housing accommodation, commercial space, constructed or to be constructed, or land, or any agent or employee thereof:

[1] To refuse to sell, rent, lease or otherwise to deny to or withhold from any person or group of persons because of the gender identity and expression of such person or persons.

[2] To discriminate against any person because of his or her gender identity and expression in the terms, conditions or privileges of the sale, rental or lease or in the furnishing of facilities or services in connection therewith.

[3] To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease or to make any record or inquiry in connection with the prospective purchase, rental or lease which expresses, directly or indirectly, any limitation, specification or discrimination as to gender identity and expression, or any intent to make any such limitation, specification or discrimination.

(c) It shall be an unlawful discriminatory practice for any real estate broker, real estate salesman or employee or agent thereof:

[1] To refuse to sell, rent or lease any housing accommodation, land or commercial space to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space to any person because of the gender identity and expression of such person or persons, or to represent that any housing accommodation, land or commercial space is not available for inspection, sale, rental or lease when in

fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or any facilities of any housing accommodation, land or commercial space from any person or group of persons because of the gender identity and expression of such person or persons.

[2] To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of any housing accommodation, land or commercial space or to make any record of inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space which expresses, directly or indirectly, any limitation, specification, or discrimination as to gender identity and expression or any intent to make any such limitation, specification or discrimination.

[3] To represent that a change has occurred or will or may occur in the composition with respect to gender identity and expression of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other facilities.

(d) Credit. It shall be an unlawful discriminatory practice for any creditor or any officer, agent or employee thereof:

[1] In the case of applications for credit with respect to the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space, to discriminate against any such applicant because of the gender identity and expression of such applicant or applicants or any member, stockholder, director, officer or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodation, land or commercial space, in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions, of any such credit.

[2] To discriminate in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit, on the basis of gender identity and expression.

[3] To use any form of application for credit or use or make any record or inquiry which expresses, directly or indirectly, any limitation, specification, or discrimination as to gender identity and expression.

[4] To refuse to consider sources of an applicant's income or to subject an applicant's income to discounting, in whole or in part, because of an applicant's gender identity and expression.

(4) Education.

(a) It shall be an unlawful discriminatory practice for an education corporation or association which holds itself out to the public to be nonsectarian and exempt from taxation pursuant to the provisions of Article 4 of the Real Property Tax Law to deny the

use of its facilities to any person otherwise qualified by reason of his or her gender identity and expression.

(b) It shall be an unlawful educational practice for an educational institution to exclude or limit or otherwise discriminate against any person or persons seeking admission as students to such institution or to any educational program or course operated or provided by such institution because of gender identity and expression ; except that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its students exclusively or primarily from members of such religion or denomination or from giving preference in such selection to such members or to make such selection of its students as is calculated by such institution to promote the religious principles for which it is established or maintained. Nothing contained herein shall impair or abridge the right of an independent institution, which establishes or maintains a policy of educating persons of one sex exclusively, to admit students of only one sex.

- (5) Civil rights. No person, because of gender identity and expression, shall be subjected to any discrimination in his or her civil rights, or to any harassment in the exercise thereof, by any person or by any firm, corporation, institution located in the Town, or by the Town or any agency of the Town.

#### B. Enforcement.

Any person claiming to be aggrieved by an unlawful discriminatory practice shall have a cause of action in any court of appropriate jurisdiction for damages and such remedies as may be appropriate.

#### § 77-6. Statute of limitations.

Any action brought for violation of this chapter must be commenced within one year after the alleged unlawful discriminatory practice.