

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
February 25, 2015

Present:

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

Daniel Aman, Town Clerk
Kenneth Gordon, Attorney for the Town
Mark Henderson, Chief of Police
Tim Keef, Commissioner of Public Works
Suzanne Zaso, Director of Finance

MEETING CALLED TO ORDER:

PRESENTATION:

Police Chief Mark Henderson – 2014 Brighton Police Department Annual Report

OPEN FORUM:

Ben Werzinger
Judy Van Houten
Devon Marrinan

APPROVAL OF AGENDA:

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

January 28, 2015 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: Incentive Zoning and Rezoning application for University of Rochester's proposed Institutional Planned Development project.

(Complete transcript available upon request)

MATTER HELD

COMMUNICATIONS:

FROM Police Chief Mark Henderson to members of the Town Board – 2014 Annual Report for the Brighton Police Department (complete report can be viewed in the Town Clerk's office and/or Town Website)

FROM Lawrence Howk, Treasurer, Brighton Fire District dated February 6, 2015 to Town Clerk Dan Aman – 2014 Annual Report for the Brighton Fire District (complete report can be viewed in the Town Clerk's office and/or Town Website).

FROM Douglas & Peggy DiPaola to Supervisor, dated February 2, 2015 re: Support of proposed development of Auburn Trail

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Parks and Recreation & Community Services – Next meeting 3/23/15 at 4:30 PM at Brookside
Finance and Administrative Services – Next meeting 3/3/2015 at 3:30 PM in the Downstairs Meeting Room

Public Safety Services – Next meeting 3/10/15 at 8:00 AM in the Downstairs Meeting Room

Public Works Services – Next meeting 3/9/15 at 9:00 AM in the Downstairs Meeting Room

NEW BUSINESS:

MATTER RE: Reading and approval of claims

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Supervisor read and approve for payment the claims as set forth in Exhibit No.1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Reaffirm Business Associate Agreement with Brown & Brown of New York to continue to provide health care administrative services (see Resolution #2)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize declaration of two (2) Bobcat skid steer loaders as surplus equipment and trade in as part of the factory Bobcat Equipment Buy Back Program (see Resolution #3 and letter dated February 13, 2015 from Timothy Keef, P.E. Commissioner of Public Works).

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Milton Caterpillar Inc. to purchase two (2) Backhoe Loaders for Highway and Sewer Dept. along with approval to declare current Backhoe Loaders as surplus to be used for trade-in (see Resolution #4 and letter dated February 13th from Timothy Keef, P.E. Commissioner of Public Works).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Crosby-Brownlie, Inc. to provide HVAC repairs needed for West Wing of Town Hall (see Resolution #5 and letter dated February 13, 2015 from Timothy Keef, P.E. Commissioner of Public Works).

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. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to declare particular highway equipment as surplus and authorize disposal of same through trade in and/or public auction programs (see Resolution #6 and letter dated February 12, 2015 from Timothy Anderson, Deputy Highway Superintendent).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to accept grant award in the amount of \$2,700 from the Justice Court Assistance Program with authorization to amend 2015 budget to support receipt of same (see Resolution #7 and letter dated February 12, 2015 from Dianne Burdett, Administrative Court Clerk).

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: Approval to accept donation from Lifespan of Greater Rochester in the amount of \$400 with authorization to amend 2015 budget to support receipt and use of same (see Resolution #8 and letter dated February 17, 2015 from Police Chief Mark Henderson).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize appropriation of \$40,000 from Highway Reserve account into the Capital Project account to support additional funds needed to purchase ten-wheel heavy duty dump truck with plow (see Resolution #9 and memorandum dated February 17, 2015 from Suzanne Zaso, Director of Finance).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to accept donation from Mr. Roy T. Bruno in the amount of \$50 to be added to the 2015 Police Department operating budget (see Resolution #10 and letter dated February 18, 2015 from Police Chief Mark Henderson).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file Incentive Zoning application for the Clover Lanes re-development project and forward to the Planning Board for review and preparation of advisory report (see Resolution #11 and letter dated February 20, 2015 from Ramsey Boehner, Town Planner).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Adopt Bond Resolutions to support highway heavy equipment purchases and Town Hall Public Safety Wing HVAC repairs.

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit Nos. 12, 13, and 14 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION AT 8:29PM:

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to go into executive session at 8:29 AM to discuss employment of a particular person

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to come out of executive session at 8:44 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember Christopher Werner seconded by Councilmember Louise Novros to adjourn at 8:45 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Daniel Aman, 131 Elmore Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceeding of the Town of Brighton, County of Monroe, State of New York meeting held on the 25th day of February 2015 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

February 25, 2015

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>533,039.24</u>
D - HIGHWAY		<u>196,596.94</u>
H - CAPITAL		<u>19,180.00</u>
L - LIBRARY		<u>122,590.42</u>
SA - AMBULANCE DIST		<u>276,000.00</u>
SF - FIRE DIST		<u>196,193.84</u>
SS - SEWER DIST		<u>33,343.62</u>
TA - AGENCY TRUST		<u>32,602.02</u>
	TOTAL \$	<u>1,409,546.08</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

EXHIBIT NO 2

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of February, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the annual Business Associate Agreement with Brown and Brown of New York for 2015 and further authorizes the Supervisor to execute future annual renewal Business Associate Agreements with Brown and Brown to satisfy the requirements of HIPAA without further actions by the Town Board, to the extent that the terms and conditions of said Business Associate Agreement are substantially unchanged from year to year.

Dated: February 25, 2015

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



Town of Brighton
Gary Brandt
2300 Elmwood Ave
Rochester, NY 14618

September 11, 2013

Re: Business Associate Agreement

We are a business associate for one or more of your health plans (collectively, the "Plan"). Under HIPAA, we are required to enter into a privacy/security agreement with the Plan. Enclosed is a copy of a contract prepared by our legal counsel. The agreement is based on the sample business associate agreement provisions issued by the U.S. Department of Health and Human Services ("HHS") under HIPAA. The agreement includes changes to HIPAA required by the Health Information Technology for Economic and Clinical Health Act ("HITECH"), and the new HIPAA regulations issued by HHS on January 25, 2013. In reviewing the agreement, please note the following:

1. Section 2.1 of the contract sets forth our duties and responsibilities under HIPAA as a result of HITECH. Business associates are subject to the HIPAA privacy and security rules in a manner similar to the Plan, as a covered entity.
2. HITECH requires individuals, HHS and in some cases, the news media, to be notified in the event that unsecured protected health information ("PHI") is breached. Section 2.6 addresses the breach notification requirements. While the Plan (not the business associate) has the responsibility to provide these notifications under HITECH, under Section 2.6 we agree to do the following to assist you:
 - a. Notify the Plan promptly in the event we become aware of a breach, within 10 calendar days of discovery.
 - b. Notify affected individuals and the news media if we committed the breach or it was committed by our officer, employee, subcontractor or agent or is within our unique knowledge. In these circumstances, we will provide an advance copy of the notice to you for review and approval before it is sent. However, we expect you to promptly complete your review and not unreasonably withhold approval.
 - c. Maintain a log of breaches of unsecured PHI with respect to the Plan which we become aware of during a calendar year and submit it to you annually so you can notify HHS. This will occur on a calendar year basis.
3. Section 6.7 contains mutual indemnification language. In other words, if you or the Plan or one of your agents violates the HIPAA privacy and security rules and it causes



us to incur liability you will indemnify us. Conversely, if we violate the HIPAA privacy or security rules and it causes you or the Plan to incur liability, we agree to provide indemnification.

The new HIPAA regulations are effective on March 26, 2013. However, covered entities and business associates generally have until September 23, 2013 to bring business associate agreements into compliance for the new requirements. There is a special transition rule which provides for an additional year (until September 23, 2014) for a compliant business associate agreement to be put in place. That transition rule applies where there was an existing business associate agreement between the parties on January 25, 2013 and that contract wasn't renewed or modified between March 26, 2013 and September 23, 2013. It is important for the parties to sign a new business associate agreement within these time requirements.

We understand that you may have your own version of a business associate agreement you would prefer that we sign rather than the enclosed version. Please understand that both versions should not be signed. Only the version signed last is controlling. For this reason, we request that our version of the agreement be signed. We make this request for the following reasons:

a. As stated above, this contract is based on the sample business associate agreement provisions issued by HHS. For this reason, we believe that it is fair to both parties.

b. The indemnification language reflected in the agreement is reciprocal and also recognizes the rights of each party.

Two copies of the contract are enclosed. If acceptable, please sign and date both copies. One copy is for your records. Please return the second signed copy to my attention. Thank you for your cooperation. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Michael A. Faillace".

Michael A. Faillace

Managing Director

Enclosures



Business Associate Agreement

This Business Associate Agreement ("Agreement") is being entered into between Brown & Brown of New York ("Business Associate") and all of the Health Plans of Plan Sponsor ("Covered Entity") to facilitate compliance with the HIPAA Rules. In consideration for the compensation paid to Business Associate to provide services relating to and on behalf of Covered Entity, the parties agree to the terms set forth in this Agreement.

Article 1

Definitions

The following terms have the meanings described in this Article for purposes of the Agreement unless the context clearly indicates another meaning. Terms used, but not otherwise defined, in this Agreement have the same meaning as those terms in the Privacy Rule.

1.1 Business Associate

"Business Associate" means the person or entity described in the first paragraph of this Agreement.

1.2 CFR

"CFR means the Code of Federal Regulations.

1.3 Covered Entity

"Covered Entity" means all of the Health Plans maintained by Plan Sponsor.

1.4 Designated Record Set

"Designated Record Set" has the same meaning as the term "Designated Record Set" in 45 CFR 164.501.

1.5 Electronic Health Record

"Electronic Health Record" means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

1.6 HIPAA

"HIPAA" means the Health Insurance Portability and Accountability Act of 1996.



1.7 HIPAA Rules

“HIPAA Rules” means the privacy, security, breach notification and enforcement rules of 45 CFR Parts 160 and 164.

1.8 HITECH Amendment

“HITECH Amendment” means the changes to HIPAA made by the Health Information Technology for Economic and Clinical Health Act.

1.9 Individual

“Individual” has the same meaning as the term “individual” in 45 CFR 160.103 and includes a person who qualifies as a personal representative in accordance with 45 CFR 164.502(g).

1.10 Plan Sponsor

“Plan Sponsor” means Town of Brighton.

1.11 Protected Health Information

“Protected Health Information” has the same meaning as the term “Protected Health Information” in 45 CFR 160.103, limited to the information created or received by Business Associate from or on behalf of Covered Entity.

1.12 Required By Law

“Required By Law” has the same meaning as the term “required by law” in 45 CFR 164.103.

1.13 Secretary

“Secretary” means the Secretary of the Department of Health and Human Services or his designee.

1.14 Security Incident

“Security Incident” has the same meaning as the term “Security Incident” in 45 CFR 164.304.

Article 2

Obligations and Activities of Business Associate

Business Associate agrees to perform the obligations and activities described in this Article.



2.1 Business Associate understands that it is subject to the HIPAA Rules in a similar manner as the rules apply to Covered Entity. As a result, Business Associate agrees to take all actions necessary to comply with the HIPAA Rules for business associates, including, but not limited to, the following: Business Associate shall establish policies and procedures to ensure compliance with the HIPAA Rules, Business Associate shall train its workforce regarding the HIPAA Rules, Business Associate shall enter into a privacy/security agreement with Covered Entity, Business Associate shall enter into privacy/security agreements with its subcontractors that perform functions relating to Covered Entity involving Protected Health Information, and Business Associate shall conduct a security risk analysis.

2.2 Business Associate agrees to not use or disclose Protected Health Information other than as permitted or required by the Agreement or as Required By Law.

2.3 Business Associate agrees to use appropriate safeguards, and comply with Subpart C of 45 CFR Part 164 with respect to electronic Protected Health Information, to prevent use or disclosure of the Protected Health Information other than as provided for by this Agreement.

2.4 Business Associate agrees to mitigate, to the extent practicable, any harmful effect that is known to Business Associate of a use or disclosure of Protected Health Information by Business Associate in violation of the requirements of this Agreement.

2.5 Business Associate agrees to report to Covered Entity any use or disclosure of the Protected Health Information not provided for by this Agreement of which it becomes aware and/or any Security Incident of which it becomes aware.

2.6 Business Associate agrees to the following in connection with the breach notification requirements of the HIPAA Rules:

(a) If Business Associate discovers a breach of unsecured Protected Health Information, as those terms are defined by 45 CFR 164.402, Business Associate shall notify Covered Entity without unreasonable delay and within 10 calendar days after discovery. For this purpose, discovery means the first day on which the breach is known to Business Associate or by exercising reasonable diligence would have been known to Business Associate. Business Associate shall be deemed to have knowledge of a breach if the breach is known or by exercising reasonable diligence would have been known to any person, other than the person committing the breach, who is an employee, officer, subcontractor or other agent of Business Associate. The notification must include identification of each individual whose unsecured Protected Health Information has been or it has reasonably believed to have been breached and any other available information in Business Associate's possession which the Plan is required to include in the individual notice contemplated by 45 CFR 164.404.

(b) Notwithstanding the immediately preceding paragraph, Business Associate shall assume the individual notice obligation specified in 45 CFR 164.404 on behalf of Covered Entity where a breach of unsecured Protected Health Information was



committed by Business Associate or its employee, officer, subcontractor or other agent of Business Associate or is within the unique knowledge of Business Associate as opposed to Covered Entity. In such case, Business Associate will prepare the notice and shall provide it to Covered Entity for review and approval at least five calendar days before it is required to be sent to the affected individual(s). Covered Entity shall promptly review the notice and shall not unreasonably withhold its approval.

(e) Further, where a breach involves more than 500 individuals and was committed by the Business Associate or its employee, officer, subcontractor or other agent or is within the unique knowledge of Business Associate as opposed to Covered Entity. Business Associate shall provide notice to the media pursuant to 45 CFR 164.406. Again, Business Associate will prepare the notice and shall provide it to Covered Entity for review and approval at least five calendar days before it is required to be sent to the media. Covered Entity shall promptly review the notice and shall not unreasonably withhold its approval.

(d) Business Associate shall either report breaches of unsecured Protected Health Information with respect to Covered Entity to the Secretary in accordance with 45 CFR 164.408 or alternatively, shall maintain a log of breaches of unsecured Protected Health Information with respect to Covered Entity and shall submit the log to Covered Entity within 30 calendar days following the end of each calendar year so that Covered Entity may report the breaches to the Secretary in accordance with 45 CFR 164.408(c).

2.7 Business Associate agrees to ensure that any agent, including a subcontractor, that creates, receives, maintains or transmits Protected Health Information on behalf of Business Associate regarding Covered Entity, agrees in writing to the same restrictions, conditions and requirements that apply through this Agreement and the HIPAA Rules to Business Associate with respect to such information. Moreover, Business Associate shall ensure that any such agent or subcontractor agrees to implement reasonable and appropriate safeguards to protect Covered Entity's electronic Protected Health Information.

2.8 Business Associate agrees to provide reasonable access, at the written request of Covered Entity, to Protected Health Information in a Designated Record Set, to Covered Entity or, as directed in writing by Covered Entity, to an Individual or the Individual's designee in order to meet the requirements under 45 CFR 164.524. If Business Associate receives a request directly from an Individual or the Individual's designee, Business Associate shall notify Covered Entity as soon as administratively feasible in order for the parties to coordinate a response.

2.9 Business Associate agrees to make any amendment(s) to Protected Health Information in a Designated Record Set that the Covered Entity directs in writing or agrees to pursuant to 45 CFR 164.526, or take any other measures as necessary to satisfy Covered Entity's obligations under 45 CFR 164.526. If Business Associate receives a request directly from an Individual or the Individual's designee, Business Associate shall notify Covered Entity as soon as administratively feasible in order for the parties to coordinate a response.



2.10 Following receipt of a written request by Covered Entity, Business Associate agrees to make its internal practices, books, and records including policies and procedures and Protected Health Information relating to the use and disclosure of Protected Health Information received from, or created or received by Business Associate on behalf of, Covered Entity reasonably available to the Secretary for purposes of the Secretary determining Covered Entity's compliance with the HIPAA Rules.

2.11 Business Associate agrees to document such disclosures of Protected Health Information and information related to such disclosures as would be required for Covered Entity to respond to a request by an Individual for an accounting of disclosures of Protected Health Information in accordance with 45 CFR 164.528, effective as of such effective date prescribed by regulations issued by the U.S. Department of Health and Human Services, an accounting of disclosures of Protected Health Information from an Electronic Health Record in accordance with the HITECH Amendment.

2.12 Following receipt of a written request by Covered Entity, Business Associate agrees to provide to Covered Entity or an Individual or the Individual's designee, information collected in accordance with Section 2.10 of this Agreement, to permit Covered Entity to respond to a request by an Individual or the Individual's designee, for an accounting of disclosures of Protected Health Information in accordance with 45 CFR 164.528, effective as of such effective date prescribed by regulations issued by the U.S. Department of Health and Human Services, an accounting of disclosures of Protected Health Information from an Electronic Health Record in accordance with the HITECH Amendment. If Business Associate receives a request directly from an Individual or the Individual's designee, Business Associate shall notify Covered Entity as soon as administratively feasible in order for the parties to coordinate a response.

2.13 To the extent Business Associate is to carry out one or more of Covered Entity's obligations under Subpart E of 45 CFR Part 164, Business Associate shall comply with the requirements of Subpart E that apply to Covered Entity in the performance of such obligations.

Article 3

Permitted Uses and Disclosures by Business Associate

3.1 Business Associate may use or disclose Protected Health Information to perform functions, activities or services for, or on behalf of, Covered Entity as specified in the underlying service agreement between Plan Sponsor and Business Associate with respect to the Health Plan(s), provided that such use or disclosure would not violate the HIPAA Rules if done by Covered Entity. If there is no underlying service agreement between Plan Sponsor and Business Associate with respect to the Health Plan(s), Business Associate may use or disclose Protected Health Information to perform functions, activities or services for, or on behalf of, Covered Entity for the purposes of payment, treatment or health care operations as those terms are defined in the HIPAA Rules, provided that such use or disclosure would not violate the HIPAA Rules if done by Covered Entity.



Business Associate is authorized to use Protected Health Information to de-identify the information in accordance with 45 CFR 164.514(a)-(c). Before proceeding with any such de-identification, Business Associate shall inform Covered Entity in writing of the manner in which it will de-identify the Protected Health Information and the proposed use and disclosure by the Business Associate of the de-identified information.

3.2 Business Associate may use or disclose Protected Health Information as Required by Law.

3.3 Business Associate agrees to make uses and disclosures and requests for Protected Health Information consistent with Covered Entity's minimum necessary policies and procedures.

3.4 Business Associate may not use or disclose Protected Health Information in a manner that would violate Subpart E of 45 CFR Part 164 if done by Covered Entity, except for the specific uses and disclosures set forth in this Article.

3.5 Business Associate may use Protected Health Information for the proper management and administration of the Business Associate or to carry out the legal responsibilities of the Business Associate.

3.6 Business Associate may disclose Protected Health Information for the proper management and administration of the Business Associate or to carry out the legal responsibilities of the Business Associate, provided that disclosures are Required by Law, or Business Associate obtains reasonable assurances in writing from the person to whom the information is disclosed that it will remain confidential and used or further disclosed only as Required by Law or for the purpose for which it was disclosed to the person, and the person notifies the Business Associate of any instances of which it is aware in which the confidentiality of the information has been breached.

3.7 Business Associate may use Protected Health Information to provide data aggregation services relating to the health care operations of the Covered Entity.

Article 4

Obligations of Covered Entity

4.1 Covered Entity shall notify Business Associate of any limitation(s) in its notice of privacy practices of Covered Entity under 45 CFR 164.520, to the extent that such limitation may affect Business Associate's use or disclosure of Protected Health Information.

4.2 Covered Entity shall notify Business Associate of any changes in, or revocation of, permission by an Individual to use or disclose Protected Health Information, to the extent that such changes may affect Business Associate's use or disclosure of Protected Health Information.



4.3 Covered Entity shall notify Business Associate of any restriction to the use or disclosure of Protected Health Information that Covered Entity has agreed to or is required to abide by under 45 CFR 164.522, to the extent that such restriction may affect Business Associate's use or disclosure of Protected Health Information.

4.4 Covered Entity shall not request Business Associate to use or disclose Protected Health Information in any manner that would not be permissible under Subpart E of 45 CFR Part 164 if done by Covered Entity. However, there is an exception to this restriction if, pursuant to this Agreement, Business Associate uses or discloses Protected Health Information for data aggregation or management and administration and legal responsibilities of the Business Associate.

Article 5

Term and Termination

5.1 Term

This Agreement shall replace and take precedence over any prior business associate agreement entered into between the parties. It shall take effect on 9/11/13 and shall terminate on the date the Agreement is terminated for cause pursuant to Section 5.2 or such other date as agreed to by the parties in writing.

5.2 Termination for Cause

Business Associate authorizes termination of this Agreement by Covered Entity, if Covered Entity determines that Business Associate has violated a material term of the Agreement. In this situation, Covered Entity shall either:

(a) Provide an opportunity for Business Associate to cure the breach or end the violation, and terminate this Agreement if Business Associate does not cure the breach or end the violation within a reasonable time, as specified by Covered Entity; or

(b) Immediately terminate this Agreement if Business Associate has breached a material term of this Agreement and Covered Entity determines that cure is not possible.

5.3 Effect of Termination

(a) Except as provided in subparagraph (b) upon termination of this Agreement, for any reason, Business Associate shall return or if agreed to by Covered Entity, destroy all Protected Health Information received from Covered Entity, or created, maintained or received by Business Associate on behalf of Covered Entity that Business Associate still maintains in any form. Business Associate shall retain no copies of the Protected Health Information.



(b) In the event that Business Associate determines that returning or destroying the Protected Health Information is necessary for its own management and administration or to carry out its legal responsibilities and Business Associate determines that it needs to retain the Protected Health Information for such purposes after termination of the Agreement, Business Associate agrees to the following restrictions set forth in this subsection. Specifically, upon termination of this Agreement, for any reason, Business Associate, with respect to Protected Health Information received from Covered Entity, or created, maintained or received by Business Associate on behalf of Covered Entity, shall:

(i) Retain only the Protected Health Information which is necessary for Business Associate to continue its proper management and administration or to carry out its legal responsibilities;

(ii) Return to Covered Entity or if agreed to by Covered Entity, destroy the remaining Protected Health Information that Business Associate still maintains in any form;

(iii) Continue to use appropriate safeguards and comply with Subpart C of 45 CFR Part 164 with respect to electronic Protected Health Information to prevent use or disclosure of the Protected Health Information, other than as provided for in this Section, for as long as Business Associate retains the Protected Health Information;

(iv) Not use or disclose the Protected Health Information retained by Business Associate other than for the purposes for which the Protected Health Information was retained and subject to the same conditions set out in Sections 3.5 and 3.6 which apply prior to termination; and

(v) Return to Covered Entity or, if agreed to by Covered Entity in writing, destroy the Protected Health Information retained by Business Associate when it is no longer needed by Business Associate for its proper management and administration or to carry out its legal responsibilities.

(c) Notwithstanding any other provision of this Section, Covered Entity may authorize Business Associate to transmit Protected Health Information to another Business Associate of the Covered Entity at termination pursuant to Covered Entity's written instructions.

(d) This Section shall apply to Protected Health Information that is in the possession of subcontractors of Business Associate and Business Associate shall be obligated to ensure the return or destruction (if agreed to by Covered Entity) of such Protected Health Information.



Article 6

Miscellaneous

6.1 Notice

Any notice or other written communication required or permitted to be given to the other party under this Agreement must be addressed to the attention of the other party in care of the contact person identified below. Written notice may be delivered by certified mail or overnight mail.

Business Associate:

Brown & Brown of New York, Inc
45 East Avenue
Rochester, NY 14604
Contact Person: Marc Russo

Covered Entity:

Health Plans of:
Town of Brighton
Gary Brandt
2300 Elmwood Ave
Rochester, NY 14618

Contact Person: Gary Brandt

6.2 Regulatory References

A reference in this Agreement to a section in the HIPAA Rules means the section as in effect or as amended.

6.3 Amendment

This Agreement may only be amended in a written document signed by an authorized representative of each party. The parties agree to take such action as is necessary to amend this Agreement from time to time as is necessary for compliance with the HIPAA Rules and any other applicable law. If the Business Associate refuses to sign such an amendment, this Agreement shall automatically terminate.

6.4 Survival

The rights and obligations of Business Associate under Section 5.3 of this Agreement shall survive the termination of this Agreement.

6.5 Interpretation



Any ambiguity in this Agreement shall be interpreted to permit compliance with the HIPAA Rules.

6.6 Successors

This Agreement is binding on each party's legal successors.

6.7 Indemnification

Regardless of whether Business Associate is Covered Entity's agent, Business Associate agrees to indemnify and hold harmless Covered Entity, Plan Sponsor and its directors, officers and employees against any and all claims, lawsuits, settlements, judgments, costs, penalties and expenses including attorneys fees resulting from or arising out of or in connection with a use or disclosure of Protected Health Information by Business Associate or its subcontractors or agents in violation of this Agreement.

Covered Entity and Plan Sponsor agree to indemnify and hold harmless Business Associate and its directors, officers and employees against any and all claims, lawsuits, settlements, judgments, costs, penalties and expenses including attorneys fees resulting from or arising out of or in connection with a use or disclosure of Protected Health Information by Covered Entity or Plan Sponsor, or agents of Covered Entity or Plan Sponsor, in violation of this Agreement.

6.8 No Beneficiaries

Nothing expressed or implied in this Agreement is intended to confer, nor shall anything confer, upon any person other than the Covered Entity, Plan Sponsor and Business Associate, and their respective successors or assigns, any rights, remedies, obligations or liabilities.

Brown & Brown of New York (Business Associate)

Dated: September 11, 2013

By *Michael A. Fallon*

Health Plans of Town of Brighton (Covered Entity)

Dated: *2/20/14*

By *[Signature]*

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 February, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 13, 2015 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the disposition of two Bobcat skid steer loaders (#ALJ811021 and #ALJ811024) as surplus to be traded in as part of the Bobcat Equipment Buyback Program and to expend \$4,505.00 of budgeted funds for the net purchase price after trade in for two new Bobcat skid steer loaders, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes disposition of two Bobcat skid steer loaders (#ALJ811021 and #ALJ811024) as surplus to be traded in as part of the Bobcat Equipment Buyback Program and further authorizes the Commissioner or his designee to expend \$4,505.00 of budgeted funds for the net purchase price after trade in for two new Bobcat skid steer loaders.

Dated: February 25, 2015

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



Town of Brighton

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618

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

February 13, 2015

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

re: Bobcat Equipment Buy Back Program
Declaration of Surplus Equipment

Dear Chairman Werner and Committee Members:

As in the past, the above equipment manufacturer currently has an equipment buy back program that would allow us to trade in two of our current Bobcat skid steer loaders for two new, unused replacements. The cost of the new equipment is \$76,805.40 (\$38,402.70 each) with a trade in allowance of \$72,300.00 (\$36,150.00 each), realizing a net expenditure to the Town of \$4,505.00 (\$2,752.50 each). Based upon our use of this equipment, its versatile performance and relatively inexpensive cost to participate in this program, I request that the current Bobcat loaders (#ALJ811021 and #ALJ811024) be declared surplus and traded in as part of the factory Bobcat Equipment Buy Back Program. Funds were allocated in this year's budget for this purpose.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled February 17, 2015 meeting in the event that you have any questions regarding this matter.

Very truly yours,

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

TEK/wp

cc: T. Anderson
S. Zimmer
A. Banker
S. Zaso
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 February, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 13, 2015 from Commissioner of Public Works Timothy E. Keef, P.E. and correspondence dated February 12, 2015 from Deputy Highway Superintendant Timothy J. Anderson regarding a request to authorize the disposition of two Caterpillar backhoes (#CAT0420FCJWJ02100 and #CAT0430FCRGS0033) as surplus to be traded in as part of the Milton Cat Trade In Program and to expend \$6,816.00 of budgeted Highway Department funds and \$15,410.00 in budgeted Sewer Department funds for the net purchase price after trade in for two new Caterpillar backhoes, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the disposition of two Caterpillar backhoes (#CAT0420FCJWJ02100 and #CAT0430FCRGS0033) as surplus to be traded in as part of the Milton Cat Trade In Program and further authorizes the Commissioner or his designee to expend \$6,816.00 of budgeted Highway Department funds and \$15,410.00 in budgeted Sewer Department funds for the net purchase price after trade in for two new Caterpillar backhoes.

Dated: February 25, 2015

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



Town of Brighton

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618

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

February 13, 2015

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

re: Caterpillar Backhoe Trade In and
Declaration of Surplus Equipment

Dear Chairman Werner and Committee Members:

Our most recent contract with Milton Cat allows for trading in our current Caterpillar backhoes for new and unused current model year replacements. The cost breakdown is as follows:

Highway Department

New 2015 Cat 420F Backhoe	\$99,786.00
Current 2014 Cat 420F Backhoe (CAT0420FCJWJ02100)	<u>(\$95,480.00)</u>
Price Increase	\$ 4,316.00
Price Adjustment for Hours used	<u>\$ 2,500.00</u>
Net Cost New 2015 Backhoe	\$ 6,816.00

Sewer Department

New 2015 Cat 430F Backhoe	\$111,597.00
Current 2013 Cat 430F Backhoe* (CAT0430FCRGS00331)	<u>(\$100,687.00)</u>
Price Increase	\$ 10,910.00
Price Adjustment for Hours used	<u>\$ 4,500.00</u>
Net Cost New 2015 Backhoe	\$ 15,410.00

*Please note that the current Sewer Backhoe is model year 2013 (two years old). This, and other factors used to determine trade in worth, account for the difference in replacement cost.

Based upon our use of this equipment, its versatile performance and relatively inexpensive cost to participate in this program, I request that the current backhoes (#CAT0420FCJWJ02100 and #CAT0430FCRGS0033) be declared surplus and traded in as part of this transaction. . Funds have been allocated in this year's budget for this purpose, D.HWY 5130 2.23 and SS.SEWER 8120 2.23, respectively.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled February 17, 2015 meeting in the event that you have any questions regarding this matter.

Very truly yours,



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

TEK/wp

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

Milton



4610 East Saile Drive
Batavia, NY 14020
585-815-6200 Office
585-486-1504 Fax

QUOTATION WORKSHEET

CUSTOMER Town of Brighton
2300 Elmwood Avenue
ADDRESS Rochester, New York 14618
Attn: Tim Anderson

DATE February 6, 2015
OUR PROPOSAL NO. _____
TERMS _____
DELIVERY 120 to 150 days
TAKEN BY Roger R. Haag Governmental Sales

ORDERED BY _____

ITEM	DESCRIPTION	AMOUNT
	Per your award letter dated March 3, 2013 awarding the backhoe bid to Milton Cat, part of that bid specification had a 1 year trade clause quoting \$10.00 per hour on the hour meter at time of delivery of new machine plus any manufacturers price increases. Below is a quote for a new *2015 Caterpillar 430F2 IT backhoe loader per that agreement;	
	2015 Caterpillar 430F2 IT backhoe --	\$111,597.00
	Amount paid for 2013 Caterpillar 430F IT --	\$100,687.00
	Price increase --	\$10,910.00
	Plus \$10.00 per hour on your 2013 Cat 430F IT, <i>estimated</i> to be 450 at time of delivery --	\$4,500.00
	<i>Estimated</i> net price, delivered - - - -	\$15,410.00
	Option 1. Auxiliary hand held hydraulics, installed - -	\$3,271.00
	* The new Caterpillar 430F2 IT backhoe now has the Tier 4 Final compliant emissions per EPA	

F.O.B. Town of Brighton Highway facility

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 February, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 13, 2015 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the Supervisor to execute an agreement with Crosby-Brownlie, Inc. to provide services including the diagnosis and repair of the heating system in the west wing of Town Hall, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with Crosby-Brownlie, Inc. to provide services including the diagnosis and repair of the heating system in the west wing of Town Hall, subject to the review and approval of the agreement by the Attorney to the Town.

Dated: February 25, 2015

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



Town of Brighton

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618

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

February 13, 2015

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

re: Authorize HVAC Service Agreement
Crosby-Brownlie, Inc.

Dear Chairman Werner and Committee Members:

Previously, this Committee endorsed and the Town Board approved entering into a contract with the above vendor for mechanical term services, which was then available on County contract in this capacity. The County contract, however, is not a current option as it has expired. Crosby-Brownlie has continued to provide support and perform necessary services during the interim, including the diagnosis and repair of the heating system for the west wing of the Town Hall, which is presently in progress. It is recommended that we continue to utilize Crosby-Brownlie through completion of these Town Hall repairs. Furthermore, it is also requested that we enter into an agreement with Crosby-Brownlie to formalize our relationship for these services at hourly rates of \$68.89 (straight time) and \$91.79 (overtime) through June 1st of this year. Upon completion of the necessary remedial efforts, staff will re-evaluate our options for these services.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled February 17, 2015 meeting in the event that you have any questions regarding this matter.

Very truly yours,

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

TEK/wp

cc: S. Spencer
M. Guyon
M. Hussar
S. Zaso
A. Banker
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 February, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 12, 2015 from Deputy Highway Superintendent Timothy J. Anderson regarding a request to authorize the disposition of certain highway equipment as surplus, be received and filed; and be it further

RESOLVED, that the Town Board pursuant to said correspondence hereby authorizes the disposition of a 2001 Elgin Street Sweeper (S/N P3590-D) as surplus through a municipal auction by Roy Teitsworth and the disposition of a 2005 Pavement cutting wheel (Asset #5169) as surplus through a trade-in towards the purchase of a new pavement cutting wheel, and further authorizes the expenditure of up to \$20,000.00 in budgeted Highway Department funds for the payment of the net purchase price after trade in for new pavement cutting wheel.

Dated: February 25, 2015

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



Town Of Brighton

Operations Center

1941 Elmwood Ave. / Rochester, New York 14620 / Phone (585) 784 - 5280 Fax (585) 784 - 5385

February 12, 2015

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

Re: Authorize Disposal of Equipment

Honorable Members:

I recommend that the following equipment be declared surplus to our needs:

2001 Elgin Street Sweeper	S/N P3590-D
2005 Pavement cutting wheel	Asset #5169
2014 Bobcat Skid Steer Loader	S/N ALJ811021
2014 Bobcat Skid Steer Loader	S/N ALJ811024

I further recommend that I be authorized to dispose of the street sweeper through Roy Teitsworth at a municipal auction scheduled for May of this year; to trade the pavement cutting wheel towards a purchase of a new pavement cutting wheel; and to trade the two Bobcat loaders for two new (2015 model year) Bobcat skid steer loaders as part of Bobcat's equipment buy back program.

Sincerely,

Timothy J. Anderson

Deputy Highway Superintendent

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

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of February, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that correspondence dated February 12, 2015 from Administrative Court Clerk Dianne Burdett regarding a request to authorize the acceptance of a grant award from the Justice Court Assistance Program in the amount of \$2,700.00 and a corresponding increase in the NYS Aid revenue account (A.JSTCE. 1110.3390) and Computer Equipment expense account (A.JSTCE. 1110.2.13) to provide for the funding and purchase of an Epson DFX 9000 high impact printer for the Court, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the acceptance of a grant award from the Justice Court Assistance Program in the amount of \$2,700.00 and further authorizes a corresponding increase in the NYS Aid revenue account (A.JSTCE. 1110.3390) and Computer Equipment expense account (A.JSTCE. 1110.2.13) to provide for the funding and purchase of an Epson DFX 9000 high impact printer for the Court.

Dated: February 25, 2015

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

JUSTICE COURT

TOWN OF BRIGHTON

MONROE COUNTY

2300 ELMWOOD AVENUE, ROCHESTER, NY 14618

PHONE: (585) 784-5152 FAX: (585) 784-5380

<http://www.townofbrighton.org>

JUSTICES
KAREN MORRIS
JOHN A. FALK

COURT ADMINISTRATOR
DIANNE BURDETT
ASSISTANT COURT CLERK
MARY JO SCHILLER

February 12, 2015

Town of Brighton
Finance and Administrative Services Committee
2300 Elmwood Ave.
Rochester, N.Y. 14618

RE: Grant Award from Justice Court Assistance Program

Dear FASC Members,

The court is requesting approval for acceptance of a grant award from the Justice Court Assistance Program in the amount of \$2,700. The grant is for an Epson DFX 9000 high impact printer to replace the current unit which is no longer reliable. We are requesting approval to amend the budget as follows; increase the revenue account A.JSTCE. 1110.3390 (NYS Aid) by \$2,700 and increase the expense account A. JSTCE. 1110. 2.13 (Computer Equipment) by \$2,700. This is a budget neutral appropriation.

Please let me know if you should need any further information.

Dianne Burdett 
Administrative Court Clerk

Attachment

cc: Suzanne Zaso
file

STATE OF NEW YORK
UNIFIED COURT SYSTEM

Hall of Justice, Room 545
99 Exchange Boulevard
Rochester, NY 14614
(585) 428-2885

A. Gail Prudenti
Chief Administrative Judge

Michael V. Cocco
Deputy Chief Administrative Judge
Courts Outside New York City

Craig J. Doran
Seventh District Administrative Judge

January 16, 2015

Ms. Dianne Burdett
Court Clerk
Brighton Town Court
2300 Elmwood Ave.
Rochester, NY 14618

Dear Ms. Burdett:

We are pleased to advise you that the Brighton Town Court has been awarded a grant under the 2014-15 cycle of the Justice Court Assistance Program (JCAP).

JCAP was established by the New York State Legislature in 1999, at the request of the Unified Court System, to help provide our State's town and village courts with the resources and equipment necessary to fulfill their critical role in our justice system. Under the Court System's Action Plan for the Justice Courts, JCAP has been expanded, both in the level of funding and the scope of the projects funded.

The Brighton Town Court is one of 390 courts receiving JCAP funding this year. The details of your award are set forth on the enclosed form. Funds will be sent via direct deposit or check to your municipality within the next few weeks.

Congratulations and thank you for your participation in the Justice Court Assistance Program.

Very truly yours,

Craig J. Doran
Seventh District Administrative Judge

Alex Renzi
Supervising Judge

cc: Hon. Henry J. Scudder, Presiding Justice Appellate Division
Hon. Michael V. Cocco, Deputy Chief Administrative Judge
Courts Outside New York City

2014-2015 Justice Court Assistance Program

Please fax this form to 518-438-3518 or mail to:
Office of Justice Court Support, 187 Wolf Road, Suite 103, Albany, N.Y.12205

Application ID # 2984

In the space provided below, indicate when the money was spent on the item described below and the exact amount spent.

Funds to be spent within 180 days of receipt

Information about when you spent the grant:

Brighton Town Court, Monroe County

District 7

Type Of Application: Individual

If Joint, name of Joint Applicant:

Comments:

Item Category

Grant Amount Approved

Print Name: _____

Office Equipment

\$2,700.00

Signature: _____

I affirm this was received

Date: _____

Amount actually spent: _____

Total Amount of Grant

Brighton Town Court

\$2,700.00

SPECIAL NOTE REGARDING AWARD DISBURSEMENTS:

Your Town Supervisor or Village Mayor should receive a check for the amount of the grant or the grant amount will be sent via direct deposit to your municipality. All grant recipients are reminded that, as required by law, funds received hereunder may not be used for purposes other than the purchase of the item(s) set forth on the enclosed award form. Also, as stipulated in the municipal certification accompanying the application for your grant, "any goods and/or services purchased with any Justice Court Assistance Program funds shall be obtained in accordance with acceptable procurement practices established by the governing municipality including, but not limited to, competitive bidding and procurement policies and procedures."

Please remember to save your receipts for at least three (3) years for audit and review purposes. If the amount you spend purchasing an item is less than the amount awarded in the grant, and that difference is less than 10% of the award for that item, then you may use that savings toward another grant item or towards consumable office supplies. If the savings exceeds 10% of the amount awarded for that item, please contact the Office of Justice Court Support at (609)-232-0630 for approval.

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 February, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 17, 2015 from Chief of Police Mark T. Henderson regarding a request to accept funding of \$400.00 for the Brighton Police Department from Lifespan of Greater Rochester for the Elder Abuse Training program, be received and filed; and be it further

RESOLVED, that the Town Board hereby gratefully accepts the funding of \$400.00 for the Brighton Police Department from Lifespan of Greater Rochester and further authorizes an amendment to the 2015 budget to increase expenditures in account A.POLCE 3120 2.12 to be fully supported by an increase in revenues in account A.POLCE 3120.1589.

Dated: February 25, 2015

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



Town of Brighton

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



Mark T. Henderson
Chief of Police

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

February 17, 2015

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

Re: Donation and Appropriation

Dear Board Members:

Recently, the Police Department received \$400.00 in funding from Lifespan of Greater Rochester for the Elder Abuse Training that a number of our officers attended. There were no costs incurred by the police department for this training.

I request that the Town Board authorize the acceptance of this funding. I further request that the 2015 Police Department Operating Budget be amended to increase expenditures in **A.POLCE 3120 2.12 Office Furniture** by \$400 to be fully supported by an increase in revenues **A.POLCE.3120 1589 Public Safety** of the same amount. I am planning on putting these funds towards upgrading the patrol officers' work stations and the Criminal Investigative Division.

Sincerely,

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 February, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated February 17, 2015 from Director of Finance Suzanne Zaso regarding a request to authorize the appropriation of \$40,000.00 from the Highway Equipment Reserve Account to the newly created capital project to support the purchase of a ten-wheel heavy duty dump truck with plow, subject to permissive referendum, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the appropriation of \$40,000.00 from the Highway Equipment Reserve Account to the newly created capital project to support the purchase of a ten-wheel heavy duty dump truck with plow, subject to permissive referendum, and be it further

RESOLVED, that within ten days after the adoption by the town board of this resolution, the town clerk, in the same manner as provided for notice of a special election, shall post and publish a notice which shall set forth the date of the adoption of the resolution and contain an abstract of such act or resolution concisely stating the purpose and effect thereof. The notice shall specify that such resolution was adopted subject to a permissive referendum.

Dated: February 25, 2015

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



SUZANNE ZASO, DIRECTOR OF FINANCE
2300 ELMWOOD AVENUE
ROCHESTER, NEW YORK 14618
Phone (585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board
Attn.: Finance and Administrative Services Committee
From: Suzanne Zaso, Director of Finance *WJ*
Date: February 17, 2015
Subject: Appropriation from Highway Equipment Reserve

The 2015 budget planned for the purchase of a ten-wheel heavy duty dump truck with plow for a total estimated cost of \$227,250. Funding for this purchase was anticipated through the issuance of new debt and the appropriation of \$40,000 from the highway equipment reserve account. The current balance in that reserve is approximately \$211,000.

My formal request to the Town Board is to authorize the appropriation of \$40,000 from the highway equipment reserve to the newly created capital project to support the purchase of a ten-wheel heavy duty dump truck with plow. This appropriation is subject to a permissive referendum.

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

Cc: Tim Keef
Tim Anderson
Amy 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 February, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that correspondence dated February 18, 2015 from Chief of Police Mark T. Henderson regarding a request to accept a donation of \$50.00 for the Brighton Police Department from Roy T. Bruno, be received and filed; and be it further

RESOLVED, that the Town Board hereby gratefully accepts the donation of \$50.00 for the Brighton Police Department from Roy T. Bruno and directs that the funds be deposited and credited as requested in the Chief's correspondence.

Dated: February 25, 2015

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



Town of Brighton

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



Mark T. Henderson
Chief of Police

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

February 18, 2015

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

Dear Board Members:

Re: Donation

Recently, the Police Department received a donation of \$50.00 from Mr. Roy T. Bruno.

I request that the Town Board authorize the acceptance of this gift, and that the donation be recorded as revenue to the 2015 Police Department Operating Budget under **A.POLCE.3120.2705 Gifts and Donations**. I have attached a copy of my letter to Mr. Bruno expressing the department's gratitude for this generous donation.

Sincerely,

Mark T. Henderson
Chief of Police

attachment



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

February 18, 2015

Mr. Roy T. Bruno
PO Box 88009
Rochester, New York 14618

Dear Mr. Bruno:

I am writing to express my sincere appreciation for your thoughtful and generous donation to the Brighton Police Department.

While it is not necessary to make direct donations to the department for services provided, your thoughtfulness and consideration help instill a strong community-oriented attitude in our officers. In keeping with the spirit of your donation, I have directed that the \$50.00 donation be placed in the budget line which supports community service functions.

On behalf of the entire Brighton Police Department, I wish to thank you for your thoughtfulness and generosity.

Sincerely,

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 February, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 20, 2015 from Town Planner Ramsey A. Boehner regarding the incentive zoning application of the Daniele Family Companies for the development of the proposed Palazzo Plaza on Monroe Avenue in the Town, together with the February 18, 2015 correspondence from Jerry A. Goldman on behalf of the project sponsor and all of the attachments thereto relative to the proposed incentive zoning, be received and filed; and be it further

RESOLVED, that the Town Board hereby determines that the incentive zoning proposal is worthy of further consideration and directs the applicant to submit to the Planning Board the materials set forth in Section 209-5 of the Town Code and requests that the Planning Board review such materials and issue its advisory report to the Town Board regarding the same.

Dated: February 25, 2015

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



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

February 20, 2014

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

Re: Application of Daniele Family Companies
Incentive Zoning
Letter of Intent

Honorable Supervisor and Members:

I recommend that your Honorable Body receive and file this communication and the attached letter prepared and submitted by Jerry A. Goldman, dated February 18, 2015 requesting Incentive Zoning approval, pursuant to Chapter 209 of the Town of Brighton Comprehensive Development Regulations for the development of Palazzo Plaza.

I further recommend that your Honorable Body authorize the applicant to submit the required plans and documents to the Planning Board for its review and report pursuant to 209-5.C. of the Comprehensive Development Regulations.

Respectfully Submitted

Ramsey A. Boehner
Town Planner

cc: T. Keef
K. Gordan

attachment



700 Crossroads Building
2 State Street, Rochester, New York 14614
P 585.987.2800 F 585.454.3968



1900 Main Place Tower
Buffalo, New York 14202
P 716.248.3200 F 716.854.5100

Writer's Direct Dial Number: 585.445.2726
Writer's Direct Fax Number: 585.445.2626
Email: jgoldman@woodsoviatt.com

woodsoviatt.com

February 18, 2015

Town Board
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

**Re: Application of Daniele Family Companies
Incentive Zoning
LETTER OF INTENT**

Dear Board Members:

This office has been retained by the Daniele Family Companies and their affiliated entities (the "applicant") to assist them in obtaining the municipal approvals required for an exciting redevelopment project proposed on Monroe Avenue in the Town of Brighton to be known as Palazzo Plaza. This letter is submitted to request Incentive Zoning approval be granted, pursuant to Chapter 209 of the Town of Brighton Code, to facilitate the development.

PROPERTY LOCATION

The properties proposed to be redeveloped as Palazzo Plaza are the current Mario's Italian Restaurant parcel (at 2740 Monroe Avenue, with tax identification number 137.19-2-70.32), the Clover Lanes bowling parcel (at 2750 Monroe Avenue, with tax identification number 150.07-2-8.11), the Mamasan's Restaurant parcel (at 2900 Monroe Avenue, with tax identification number 150.07-2-7.1), and a 2.2 +/- acre portion of land behind the Mario's and Clover Lanes parcels, which is part of the lands of the First Baptist Church (at 175 Allens Creek Road, with tax identification number 137.190-2-68.1). The applicant maintains ownership over the Mario's and Clover Lanes parcels and has the other properties under contract to purchase. The existing Mario's, Clover Lanes and Mamasan's buildings will be demolished for the proposed comprehensive redevelopment of the site.

The properties on Monroe Avenue are split zoned. The site includes 7.3 +/- acres located in the BF-2 General Commercial Zoning District and 2.8 +/- acres located in the RLA Residential- Low Density District adjacent to the north. Of the 2.8 acres in the RLA District, a 2.2 acre area will be acquired from the First Baptist Church ("Church"). The lands to be acquired from the Church extend to Clover Street. Only a limited portion of this RLA property immediately adjacent to the Mario's and Clover Lanes parcels are proposed to be developed. The RLA zoning is proposed to be maintained.

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NEIGHBORHOOD HISTORY

The Monroe Avenue corridor between Clover Street and I-590 is an important commercial district and gateway into both the Towns of Brighton and Pittsford. The area is currently in transition, with some parcels recently redeveloped or vacant, and extensive transportation improvements under way. The area is characterized by aging buildings, a lack of vehicular cross-access, numerous curb cuts onto Monroe Avenue, and segmented parking. The current disjointed design of the corridor is incongruous with the importance and value of this area of Monroe Avenue to the community.

The Mario's Italian Restaurant was built in 1995 on a 2.4 +/- acre parcel. The restaurant has been very successful in this location, but has outgrown the property. To accommodate increased parking demand, approximately 15 years ago, the parking lot was expanded onto the First Baptist Church property. Although the expanded parking lot is necessary to the business, it encroaches into the RLA District, a condition which will be resolved in connection with the proposed redevelopment.

Clover Lanes Bowling Center sits on 4.5 acres immediately adjacent to and east of Mario's. Clover Lanes was built in 1951, and has operated successfully despite a decline in the recreational bowling business over time. The building contains an arched wood truss roof system that has been repaired through the years, but has far exceeded its useful life. Roof replacement is cost prohibitive for the current use as a bowling alley. The building is lacking in architectural character.

Mamasan's Restaurant is located on a 1.2 acre property east of the Clover Lanes parcel. The building has housed different restaurants over the years. It had operated as a Perkins Restaurant for over 20 years, became a Denny's Restaurant for the next decade, and then was converted into its current use as Mamasan's. Mamasan's is seeking to relocate to a smaller and more suitable space for its needs.

The First Baptist Church borders the Mario's and Clover Lanes Plaza properties to the north on approximately 10 +/- acres. The Church sits at the southeast corner of Clover Street and Allen Creek Road. The Church has approximately 2.2 acres of excess undeveloped residential land which is disjointed from its main property by a neighboring residence along Clover Street. Part of the excess space is wooded and serves as a buffer between the residential neighborhood on Clover Street, and the existing commercial activity of the Mario's and Clover Lanes parcels, and Monroe Avenue. The sale of the land by the Church will generate proceeds for much needed capital improvements and ensure the continued use of its Clover Street frontage as an undeveloped buffer.

An important asset included in the project is the a trail, which crosses the properties and is part of a trail system which extends from the Village of Pittsford, through the Town of Pittsford, the Town of Brighton and into the City of Rochester. While parts of the trail are regularly used by walkers and cyclists, that portion of trail which crosses the subject properties was never improved or used, and is currently used by RG&E as a maintenance road.

THE PROPOSAL

The applicant proposes to redevelop the properties as Palazzo Plaza, a lifestyle center anchored by a 50,000 sq. ft. natural and organic foods market/grocery, shown on the conceptual site plan as Building A. The proposed development includes a new 34,000 square ft. retail plaza building (Building B), and two outparcel buildings (Buildings C and D). The existing buildings will be demolished for the cohesive redevelopment of the site. One of the outparcels (Building C) is anticipated to include a specialty coffee shop with a drive through. The other outparcel is contemplated as potentially a bank, with drive through and automated teller machine likely (Building D).

The proposed project will significantly upgrade the property and this important gateway to the Town of Brighton. An exciting food market anchor, attractive architecture, and cohesive design will help to update and transform this section of Monroe Avenue. The proposal will include quality design and architecture, with architecture contemplated to be consistent with the anchor tenant. The current trail running through the property is proposed to be improved, slightly relocated, and incorporated into the development. Proximity to the trail will provide new pedestrian connections between the retail and residential neighborhoods. At the same time, the proposal provides for permanent protection for the adjacent residential neighborhood, maintaining buffering and separation. The trail will separate the residential and commercial areas.

Pedestrian access is incorporated in the plan, providing access to the site for pedestrians and bicycles. The pedestrian friendly development will enhance the neighborhood by improving walkability and fostering neighborhood business. The applicant also proposes to address safety on the trail by separating vehicle traffic from pedestrian and bicycle activity on the trail. The project will create new pedestrian connections, consolidate parking, and improve vehicular access to and from Monroe Avenue. Pedestrian connections will also be incorporated internal to the development.

The new lifestyle center design will also improve vehicular access and circulation. A new traffic signal with crosswalk will be installed on Monroe Avenue. The anticipated location will align the Clover Lanes property and the Sakura Home restaurant. The existing curb cut at the Mamasan's property will be eliminated. The signal location will be dictated by the New York State Department of Transportation (NYSDOT), which maintains jurisdiction over Monroe Avenue.

The proposed food market building incorporates sustainability. The design will respect the local landscape. Recycled materials from the Clover Lanes building, including wood from bowling lanes and timber from the roofing system, will be incorporated into the building. The natural and organic foods market/grocery building will be constructed to LEED standards and incorporate architectural features and materials appropriate to the Rochester area. The two outparcel buildings and retail plaza building will be designed to complement the new food market, providing an architectural theme for the development.

In addition to the amenities of this project, which are set forth on pages 5 and 6 below, this development provides substantial public benefits. Among them are:

1. Fulfilling the Vision of the Monroe Avenue Corridor Plan. The Monroe Avenue Corridor Plan has a number of distinct elements which are being addressed by this plan. Those elements are both aesthetic in nature (dealing with placement of buildings) and safety-related (relative to Monroe Avenue access). Project design has incorporated the goals of the Corridor Plan.
2. Diversity of Retail Offerings within the Town of Brighton. The addition of a natural and organic foods market/grocery is of substantial benefit to the residents of the Town of Brighton. At present, the Town is home to a Tops Market on South Clinton Avenue, several pharmacies selling some grocery items and occasional specialty or convenience type stores. R's Market recently closed its doors after many years of neighborhood service. Many residents do not have convenient access to a quality grocery store in their community requiring residents to shop for groceries outside of the Town, such as at the Pittsford or East Avenue Wegman's stores. In addition, the lead tenant within the plaza enhances the possibility of bringing new and upscale retailers to the remainder of the Center. There is a natural following of the lead tenant and some of those prospective tenants are in discussions with the developer.
3. Tax Revenues. The proposed development will generate a significant increase in tax revenues. The yearly taxes currently generated are \$190,600 plus or minus and includes tax exempt property. The future projected taxes (using current tax rates) are expected to be \$483,300.
4. No COMIDA. While this property may be eligible for a payment in lieu of taxes (PILOT) Agreement and substantial benefits under programs sponsored by the County of Monroe Industrial Development Agency the applicant has committed that they will, in accordance with the Town of Brighton's preference, forgo any request for such benefits.

APPROVALS NECESSARY

We anticipate the following approval process to be required for the Palazzo Plaza Development:

- 1) Incentive Zoning Approval. Incentive Zoning approval is required from the Town Board in accordance with Chapter 209 of the Town of Brighton Code.
- 2) Planning Board, Architectural Review Board, and Historic Preservation Commission Approvals. The Planning Board would have jurisdiction for site plan approval, and subdivision approval (to combine the subject properties, create a separate lot for the remaining church property and create internal lots for financing and tax allocation purposes –

all depicted on the "Bulk Data Lot Plan" attached to this letter.) Several of the proposed uses, including the food market / grocery store, coffee shop, bank, drive through parts of the operations, automated teller machines, and outdoor seating, are all conditionally permitted uses per Code. While we are requesting that these uses be permitted as an incentive in this incentive zoning application, the Planning Board would otherwise have conditional use permit approval authority. The Architectural Review Board would also have jurisdiction over the exterior design of the buildings and signs under the Town Code. The Historic Preservation Committee reviews all demolition requests to confirm that the property being demolished has no historic or architectural significance.

INCENTIVE ZONING APPLICATION

Incentive Zoning is regulated by Chapter 209 of the Town of Brighton Code. The purpose and the intent of the Code provisions are to provide a vehicle whereby an applicant can request certain "incentives" (relief from Town Code provisions), in exchange for certain "amenities" (public benefits offered by the applicant). Specifically, Section 209-5(1A) sets for the information to be provided by the applicant in conjunction with an Incentive Zoning Application. Those four (4) subsections are addressed below:

- 1) **The Proposed Amenity.** Typically, amenities address specific infrastructure or development needs or improvements in the area of the proposed development project. Several such amenities of benefit to the community are offered as part of the application, as further illustrated on the concept site plan submitted with the application. We estimate the value of the amenities to be in excess of \$265,000, before including on-going maintenance costs for certain amenities, as described below (for the trail and traffic signal).
 - a. **Pedestrian and Bicycle Access.** The amenities offered by the applicant include improvement and slight relocation of the existing trail across the development site to make it accessible, safe, and inviting for public use. The proposal includes delineating the trail, improving its condition, and maintaining it. Vehicular traffic is proposed to be separated from the trail to create a safe and pleasurable experience for those who wish to use the trail. The trail will also be connected to the proposed development via sidewalks throughout the site, with bike racks within the center. A proposed traffic signal and crosswalk (another amenity described below) will afford trail goers safe crossing and access to the south side of Monroe Avenue. The estimated value of this amenity is approximately \$65,000, plus the estimated annual cost of maintaining the trail of \$1,200.
 - b. **Traffic Signal.** The anticipated traffic generation and potential traffic related impacts for the proposed development have been evaluated by the applicant and discussed with the NYSDOT. The applicant proposes to install and pay for the maintenance of a traffic signal to be located as shown on the site plan, together with other traffic improvements

(including a right out and ingress in located where Mario's restaurant currently has its primary access). The signalized intersection will offer an opportunity for additional traffic calming, access management and cross access along Monroe Avenue. One curb cut on the north side of Monroe Avenue, being the driveway for the current Mamasan's Restaurant, will be removed. The signal location, dictated by the NYSDOT, proposes to line up at the existing Clover Lanes and the Sakura Home restaurant on the south side of Monroe Avenue. The signal will serve traffic for the new Palazzo Plaza development, and, as a part of this Incentive Zoning proposal, the applicant has actively engaged property owners of the south side of Monroe Avenue to design and construct cross-access between parcels on the south side of Monroe Avenue to utilize the new traffic signal. Access to a traffic signal would provide a significant economic benefit to these neighboring properties and businesses, and would help to address traffic issues related to this part of the Monroe Avenue corridor. The cost of the traffic signal and improvements are estimated at this point to be \$200,000 to \$250,000, which amount will be borne by the applicant. While some of these costs fall under the category of traffic mitigation, the efforts of the developer go well beyond that and the value of amenity (above and beyond immediate traffic mitigation) is valued at \$100,000 to \$125,000, plus a portion of the ongoing annual cost maintenance of the traffic signal of approximately \$1,800.

- c. Preservation of Passive & Active Open Space. The applicant will acquire approximately 2.2 +/- acres of lands from the First Baptist Church, a small portion of which is needed and incorporated into the development site, as shown on the concept site plan. The property is in the RLA Zoning District and is adjacent to the BF-2 District. The property fronts on Clover Street and backs to the Mario's and Clover Lanes parcels. While the Church has contemplated the potential development or use of its excess property over the years, selling the property for the proposed development will provide the Church with much needed funds to complete capital improvements that would not be possible without this sale, thus posing a hardship to the Church and its congregation.

The applicant proposes to preserve the bulk of the 2.2 +/- acres to be acquired from the Church, fronting on Clover Street as undeveloped open space. This area may be dedicated as a Conservation Easement. This land will serve as a substantial forested buffer between the commercial development and adjacent residential uses. Another potential benefit to be further explored is improved storm water management for the Clover Street area. The remaining area of the property adjacent to the Palazzo Plaza is proposed to be incorporated in the development site to accommodate necessary parking and paved areas. The proposed trail described above will separate the proposed development from the open space and residential development. The value of the amenity is estimated at \$100,000, exclusive of any drainage benefits to the community.

2. The cash value of the proposed amenity. The cash value of the proposed amenity is discussed above.

3. A narrative, which:

a. Describes the benefit to be provided to the community by the proposed amenity. The benefits to the community are discussed above.

b. Gives preliminary indication that there is adequate...(infrastructure)...to handle the additional demands of the incentive.... There is adequate infrastructure for the proposed incentives. A conceptual utility plan has been submitted to demonstrate adequate storm water, sanitary and water service for the development. The proposed development offers benefits to the community, including the addition of traffic signal on Monroe Avenue, and the development of the trail across the property. Adequate parking is provided for the development. The property is also accessible by public transportation. A concise engineering narrative entitled "adequacy of utility infrastructure" is attached.

c. Explains how the amenity helps implement the...policies of the Comprehensive Plan, as supplemented by local laws and ordinances... The proposed amenities help implement and advance the policies of the Comprehensive Plan, the Town of Brighton Monroe Avenue Corridor Community Vision Plan- Monroe Avenue East End (between Town of Pittsford and 590 called the "Corridor Vision Plan"), the Town of Brighton Monroe Avenue Design Guidelines (adopted 1999) (called "Design Guidelines") and the Town of Brighton Code. There is substantial support for the proposed amenities in all of these documents.

The Comprehensive Plan calls for trail improvements and open space, and for encouraging the upgrading, beautifying and revitalization of existing commercial areas. These amenities are offered and will have significant public benefit.

The Corridor Vision Plan recognizes that this area is difficult and dangerous for pedestrians to navigate and the need for pedestrian and bicycle friendliness and connections, improving sidewalks and crossings, and enhancing commercial areas to provide cohesion. It also recognizes the benefit of shared parking and cross-access, and the need to reduce curb cuts in this area. The amenities provide these benefits.

The Design Guidelines also recognizes the issues presented by the need for parking and number of curb cuts on Monroe Avenue, as causing hazardous conditions for pedestrians and motorists and contributing to vehicular circulation problems resulting in traffic congestion on the street. An objective is to reduce the size and number of curb cuts to improve safety, increase off-street parking and expand open space. The Design Guidelines call for adjacent parking lots to have internal vehicular and pedestrian connections, for internal vehicular circulation patterns that improve pedestrian and vehicular accessibility and safety, and for contiguous networks of pedestrian walkways extending from building entrances to sidewalks. Provisions of the Town Code similarly address requirement of cross-access and access management. The proposed amenities are consistent with these goals for traffic safety, cross-access and access management.

4. **The Proposed Incentives.** The proposed incentives for the proposed development are identified on the overall concept site plan enclosed with the application, on the “Palazzo Plaza Bulk Data Summary” attached to this letter and described further below. The property along Monroe Avenue has long been zoned and developed as commercial property. The incentives relate primarily to dimensional deviations from the Code, in large part dictated by the split zoning of the development parcel. The addition of a small portion of RLA zoned land to the northern portion of the site (behind the current Mario's and Clover Lanes properties) generates the need for a use incentive to allow commercial improvements and activity to extend into this small area of the adjacent RLA District. Other use incentives proposed relate to conditional permit uses which carry a favorable legal presumption of being permitted and in harmony with the neighborhood. To that end, the incentives seek to avoid unnecessary duplication in the review process.

a. **Use.** The lands to be acquired from the Church are located in the RLA Zoning District. Limited activities involving parking and access are proposed to extend onto the property to be acquired from the Church. While commercial uses are not generally permitted in the RLA District, pursuant to Code Section 201-9(A)(3), the commercial use is permitted to encroach into the residential district by 30 ft. The proposed incentive is to permit commercial development to extend slightly into the RLA District beyond the permitted 30 ft. zone. Notwithstanding this fact, the remaining approximately 1 +/- acre block of land extending between the Palazzo Plaza development and Clover Street is proposed to remain undeveloped open space between the commercial and residential areas.

The bulk of the property is located in the BF-2 District. The identified proposed uses include a food market, a specialty coffee shop/restaurant, and a bank. The coffee shop and bank require drive through operations, and the bank would typically require an ATM. Outdoor seating may be desired by the restaurant and/or food market. All of these uses are conditional permit uses in the BF-2 District. A proposed incentive is to waive the conditional use permit requirement these uses, as these uses will be thoroughly reviewed as part of both the incentive zoning application by the Town Board and site plan approval process by the Planning Board. This request is not designed to avoid scrutiny by the Town Board or the Planning Board, but only to confirm that the proposed use of the property is permitted as part of this overall Incentive Zoning package.

b. **Drive Through Location.** The proposed development includes drive through operations for a specialty coffee shop and for a bank. Pursuant to Code Section 207-14.3, drive through operations shall not be located in the front yard. A proposed incentive is to allow the proposed drive throughs to be located in the front yard. This relief is appropriate and necessary for the development of the coffee shop as an outparcel in the larger shopping center. While not clearly necessary for the bank, this need may change during the review process as the site plan and on-site traffic is reviewed. The layout of the site is constrained largely by the placement of the traffic signal. The visibility of the drive through is in keeping with the nature of development along this portion of Monroe Avenue, which includes a new Dunkin Donuts with a drive through on the south side of Monroe Avenue.

c. Signs. Town Code Section 207-32 allows limited business identification and directional signage. Section B allows a single attached sign on the principal building entrance. The total area of the business identification sign permitted may not exceed 10% of the first-floor area of the building face or 150 square ft., whichever is less. A requested incentive is to allow a sign package which is designed to meet the needs of the individual businesses for signage in the context of the business plaza, with visibility from both Monroe Avenue and internal to the plaza. The sign package will exceed the amount permitted by Code and include: (1) signage on multiple building faces (for the food market and outparcel buildings), (2) appropriate drive through signage, which typically requires specialized signage (such as a menu sign), (3) an attractive monument sign identifying the plaza and tenants. Tenant signage may include logos as part of the tenant signage., (4) signage greater than 150 square feet on Building 1, (5) logo greater than 25% of any individual sign., and (6) additional signage contained in a sign package to be provided in final form to the Town Board prior to the scheduling of the public hearing on the Incentive Zoning application. A preliminary "Palazzo Plaza Sign Package" chart and accompanying plan is attached.

d. Bulk Requirements. In respect to bulk requirements, among the requested incentives are relief with respect to several building setbacks, lot coverage, density, and pavement setbacks, as detailed on the conceptual site plan and on the "Palazzo Plaza Bulk Data Summary" attached to this letter. Calculations in this area reflect the split-zoning of the site. Bulk requirement for the BF-2 were applied to the BF-2 area, and requirements applicable to the RLA are applied to the RLA area. As depicted on the "Palazzo Plaza Bulk Data Summary" attached, we are in conformance with the preponderance of the bulk requirements under Code.

Where the Code requires a front setback of 60 feet, the proposal is for Building A to have front setback of 5 feet on Monroe Avenue and Buildings B and C to have a front setback of 24 feet. Where the Code requires a side setback of 10 feet, a side setback of 9 feet is proposed on the west side of Building A and on the east side of Building B. In addition, the Code requires a rear yard abutting a residential district to be 60 feet. The rear yard meets the Code at 62 feet, but reflects a permitted encroachment of the commercial parking into the residential district.

With respect to impervious surface, Code provides for a maximum of 65 feet. The proposed lot coverage in the BF-2 portion of the site is 91% (roughly the same as currently exists). Code provides for a maximum density of 10,000 square feet per acre in the BF-2 District. The proposed density, applied to the BF-2 portion of the site, is 13,384 square feet per acre for Lot 1 and 12,096 square feet per acre for Lot 2. These numbers reflect the exclusion of the RLA lands in the calculations.

The proposed incentives include relief from pavement setback regulations of the Town Code applicable to the BF-2 and RLA Districts to allow the proposed pavement setbacks of 13 feet on Lot 1 and 8 feet on Lot 2. Parking in the front yard is also proposed for the development along Monroe Avenue. Rear yard paved areas of 5 feet on the BF-2 part of Lot 1 and 0 feet on the BF-2 part of Lot 2, as well rear yard parking areas of 64 and 61% on the residentially zoned portion of the 2 development lots in lieu of the 35% maximum under Code, are occasioned by the pavement approaching or crossing the zoning line.

Finally, the portion of Lot 2 which is zoned residential requires an incentive because it would be a substandard lot (19,832 square feet as opposed to 23,125 square feet) if it were a freestanding residential lot (which it isn't).

Relief from drive through stacking to allow 113 feet in lieu of the 120 feet required by Code is requested. Inasmuch as no loading berths are deemed necessary Lot 2 users, we are requesting relief allowing us to have no loading berths on Lot 2 (we have the requisite 3 loading berths on Lot 1).

In respect to the First Baptist Church, the proposed subdivision will not create non-conformities. It is noted that the existing setback on Allen Creek is non-confirming and will remain so. Where Code requires a front setback of 100 ft., the existing is 59.4 ft. and will remain so.

With regard to the bulk requirements, the requested incentives are based upon the conceptual site plan being reviewed by the Town Board. It is common that there are changes to the final approved plan as a result of Town reviews. Accordingly, the applicant is requesting that the Planning Board be given reasonable discretion to adjust the bulk amenities to accommodate changes as a result of its review process of the preliminary and final site plan, in the interests of arriving at the best plan for construction.

e. Fence. Code Section 203-84(C) indicates that a 6 ft. solid fence is required along any lot line abutting residential zoning. A solid fence would be undesirable and inappropriate for this project. A solid fence would encumber public use, access, and visibility of the trail. Accordingly, we request that this requirement be waived.

STATE ENVIRONMENTAL QUALITY REVIEW ACT

As with all real estate development projects which require Town approval, compliance with the New York State Environmental Quality Review Act (SEQRA) is required. The proposal is classified as an Unlisted Action for purposes of SEQRA. We have submitted an Environmental Assessment Form with this application. It is anticipated that the environmental review will commence after the referral of the application to, and report from, the Planning Board, at which time it is anticipated that the Town Board will seek (and receive) lead agency status to conduct a coordinated environmental review for this project and schedule a public hearing for the application.

Once a lead agency is established, the threshold determination to be made is whether the project "will have no significant adverse environmental impact" (resulting in a negative declaration) or that the project "may have a significant adverse environmental impact" (resulting in a positive declaration).

A negative declaration concludes the formal environmental review process under SEQRA (although consideration of elements related to the environment and the project itself continue throughout the application process). A positive declaration results in the requirement of the preparation of an Environmental Impact Statement (with many procedural steps, many of them time consuming).

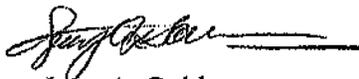
Town Board – Town of Brighton
Letter of Intent
February 18, 2015
Page 11

The applicant will be providing supplemental reports and information to be proactive in its effort to provide the Town sufficient information to make the appropriate environmental findings.

The Daniele Family Companies development team looks forward to presenting the proposed Palazzo Plaza development and this Incentive Zoning application to you. If any Board member has any questions or requires any additional information, please do not hesitate to contact me at any time.

Very Truly Yours,

WOODS OVIATT GILMAN LLP



Jerry A. Goldman

Please direct responses to Rochester Office

JAG/mxm
Enclosures

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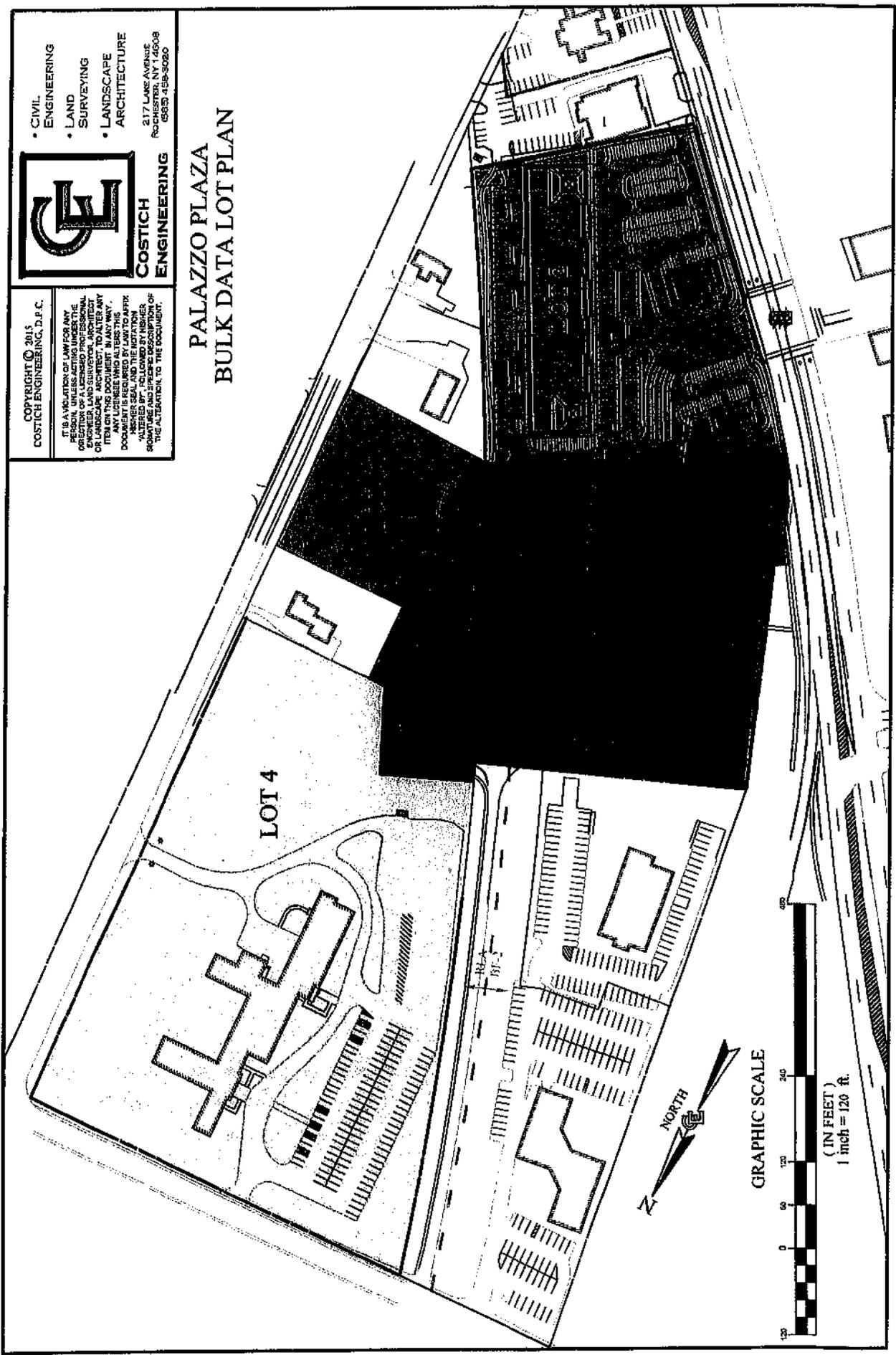


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217 LANS AVENUE
 ROCHESTER, NY 14608
 (585) 458-9020

**PALAZZO PLAZA
 BULK DATA LOT PLAN**



PALAZZO PLAZA BULK DATA SUMMARY

✓ MEETS MIN/MAX ALLOWED OR N/A

RLA REQUIRED	Work Item	LOT 4 RLA	BF-2 REQUIRED	NOTES
23,125	LOT AREA (MIN) SF †	✓	10,000	✓
125	LOT WIDTH (MIN) LF	✓	150	✓
60	FRONT YARD (MIN) LF	✓	60	5 24
15% WIDTH	SIDE YARD (MIN) LF	✓	—	✓
60	REAR YARD (MIN) LF	✓	—	✓
30	BUILDING HEIGHT (MAX) LF	✓	40	✓
20%	BUILDING COVERAGE (MAX) %	✓	—	✓
—	SIDE YARD NOT ABUTTING RESIDENTIAL (MIN) LF	✓	10	9 9
—	SIDE YARD ABUTTING RESIDENTIAL (MIN) LF	✓	30	✓
—	REAR YARD NOT ABUTTING RESIDENTIAL (MIN) LF	✓	20	✓
—	REAR YARD ABUTTING RESIDENTIAL (MIN) LF +	✓	60	✓
—	NUMBER OF STORIES (MAX)	✓	3	✓
—	COVERAGE (MAX) % ++	✓	65%	91%
—	DENSITY GFAAC (MAX)	✓	10,000	13,384 12,096
—	COMMERCIAL USE IN EXCESS OF 20,000 SF ††	✓	—	50,000
—	REQUIRED PARKING *	✓	250/200	✓ 169
—	FRONT YARD PARKING SETBACK (MIN) LF	✓	20	13 8
—	SIDE YARD PARKING SETBACK (MIN) LF	✓	10	0 5
35%	REAR YARD PAVED AREA (MAX) % +++	✓	—	✓
64%	DRIVE THROUGH SETBACK NOT ABUTTING RESIDENTIAL (MIN) LF	✓	10	✓
—	DRIVE THROUGH STACKING RESTAURANT (MIN) LF	✓	120	✓ 110
—	DRIVE THROUGH STACKING BANK (MIN) LF	✓	80	✓
—	LOADING (MIN) BERTH **	✓	3/2	✓ 0
—	LANDSCAPE AREA PER LOT (MIN) SF ***	✓	16,415	✓
100	CONDITIONAL USE SETBACK (MIN) LF	✓	—	✓

† LOT 1 RLA = 67,103; LOT 3 RLA = 47,342; LOT 4 RLA = 342,939; LOT 1 BF-2 = 162,729; LOT 2 BF-2 = 144,048
 †† ASSUME 30,000 SF BUILDING IN LOT 2 IS MULTI USER
 ††† SETBACK TO LOT LINE NOT DISTRICT LINE
 * IMPERVIOUS IN A SPECIFIC LOT IN A SPECIFIC DISTRICT
 ††† IMPERVIOUS PAVEMENT IN RLA AREA
 * SHOPPING CENTER, 5/1000 SF = 90,000 x 5/1,000 = 450 (TOTAL REQUIRED) - TOTAL PROVIDED = 469
 ††† LOT 1 TOTAL REQUIRED = 250 - TOTAL PROVIDED = 300
 ** LOADING 15,000 - 40,000 SF - 2 BERTHS, 40,000 - 100,000 SF - 3 BERTHS, 3/2 IS 3 PER LOT #1 AND 2 PER LOT #2
 *** 35 SF PER PARKING SPACE = TOTAL REQUIRED = 489 SPACES x 36 SF/SPACE = 16,415 SF - TOTAL PROVIDED = 30,024 SF
 LOT 1 REQUIRED = 10,500 SF - PROVIDED = 15,627 SF; LOT 2 REQUIRED = 5,915 - PROVIDED = 14,397



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**COSTICH
ENGINEERING, P.C.**

February 17, 2015

**Palazzo Plaza - Incentive Zoning Application
Adequacy of Utility Infrastructure**

1.0 WATER MAINS & SERVICES

Adequate water supply exists for the project. The properties are currently served by public water. The Monroe County Water Authority (MCWA) owns 12" & 8" watermains on Monroe Avenue (NYS-Rt 31) and an 8" watermain which enters the site from the west along the existing service drive to Allens Creek Road. The MCWA also owns a 20" distribution main which crosses the site.

The redevelopment of the properties should result in a decrease in water demands on the public system. The 90,000 square-foot of planned retail space is anticipated to have a daily water consumption rate of 9,000 gallons per day (gpd) where the existing restaurant facilities and bowling center have an estimated daily water consumption rate of 10,420 gpd. The water service demand calculations were based on the New York State Department of Environmental Conservation Design Standards for Wastewater Treatment Works hydraulic loading rates tables.

The proposed Whole Foods facility is anticipated to connect to the 8" watermain which currently serves Mario's. The balance of the retail center will be served by a connection to the 12" watermain on Monroe Avenue. Cross contamination protection will be proved in accordance with the MCWA and Department of Health requirements.

2.0 SANITARY MAINS & LATERALS

Adequate sewer capacity exists for the project. The properties are served by public sewer. The Town of Brighton owns an 8-inch PVC gravity sewer located in Monroe Avenue (NYS-Rt. 31) and an 8-inch sanitary sewer which enters the site at the north-west corner of the site.

The decreased water demands for the project will result in decrease sanitary sewer flows from the project.

The Whole Foods facility is anticipated to connect to the sanitary sewer system at the northwest corner of the site. The balance of the retail development will connect to the sanitary sewer in Monroe Avenue by way of installing new 8-inch sanitary sewer mains on-site to convey flows from proposed commercial and retail facilities. Connection will be

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made to an existing manhole in Monroe Ave via boring and jacking. All required permits and approvals will be acquired from NYSDOT prior to making connection.

Connection to the public system will be made in accordance with the Town of Brighton Department of Public Works, Monroe County Pure Waters and NYSDOT standards.

3.0 SWPPP & DRAINAGE

Stormwater management practices for the project will be developed in accordance with the NYS-DEC Phase II Stormwater regulations, Irondequoit Creek Drainage Basin Collaborative initiatives, and Town of Brighton Design Guidelines.

The overall drainage patterns for the site will be maintained. The project will collect storm water runoff from rooftops and pavement surfaces in a closed system and will utilize a subsurface infiltration bed/chamber system to attenuate post development runoff rates and to address water quality requirements.

4.0 ELECTRIC & GAS

The site is currently served by public electric and gas. Adequate electric and gas supply will exist for the redevelopment of the property. The electric and gas demands are likely to decrease due to advances in energy efficiency ratings for heating equipment, lighting and advances in the New York State Energy Code for new construction.

Palazzo Plaza Sign Package

SIGN	LOCATION	SQ FEET
Monument Sign	Plaza Entrance	200/200
Main Sign 1	Whole Foods	144
Main Sign 2	Whole Foods	144
Main Sign 3	Whole Foods	144
Café Sign	Whole Foods	90
Main Sign 1	Gourmet Coffee Drive-Thru	88
Main Sign 2	Gourmet Coffee Drive-Thru	120
Main Sign 1	Bank	88
Main Sign 2	Bank	120
T1 Sign 1	Corner Tenant #1	50
T1 Sign 1	Corner Tenant #1	50
T2	Tenant #2	50
T3	Tenant #3	50
T4	Tenant #4	50
T5	Tenant #5	50
T6	Tenant #6	50
T7	Tenant #7	50
T8	Tenant #8	50
T9	Tenant #9	50
T10	Tenant #10	50
T11	Tenant #11	50

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Palazzo Plaza			
Project Location (describe, and attach a location map): 2750 Monroe Avenue			
Brief Description of Proposed Action: Associated approvals for the redevelopment of the sites known as Mario's Restaurant (2740 Monroe Ave), Clover Lanes Bowling Alley (2750 Monroe Ave), Mamasan's Restaurant (2800 Monroe Ave), and a portion (to be subdivided) from the First Baptist Church (175 Allens Creek Road). The parcels outlined above are to be combined and developed as a specialty grocer, specialty coffee shop, community bank, and other community retail tenants. Associated improvements to include vehicle and pedestrian access improvements (including signalized traffic light on Monroe Ave), cross access between developments, parking (including accessible spaces), stormwater management facilities, landscape, lighting, and all necessary utilities to service proposed uses.			
Name of Applicant or Sponsor: Mardanth Enterprises Inc.		Telephone: (585) 271-1111	
		E-Mail: djd@danielefamily.com	
Address: 2740 Monroe Avenue			
City/PO: Rochester		State: New York	Zip Code: 14618
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: NYSDEC - SPDES Permit, Town of Brighton - Architectural Review Board			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		10.10 acres	
b. Total acreage to be physically disturbed?		8.5 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		10.10 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ Stormwater Management Facilities _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: Michael Montalto - Costich Engineering	Date: 01-20-2015	
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

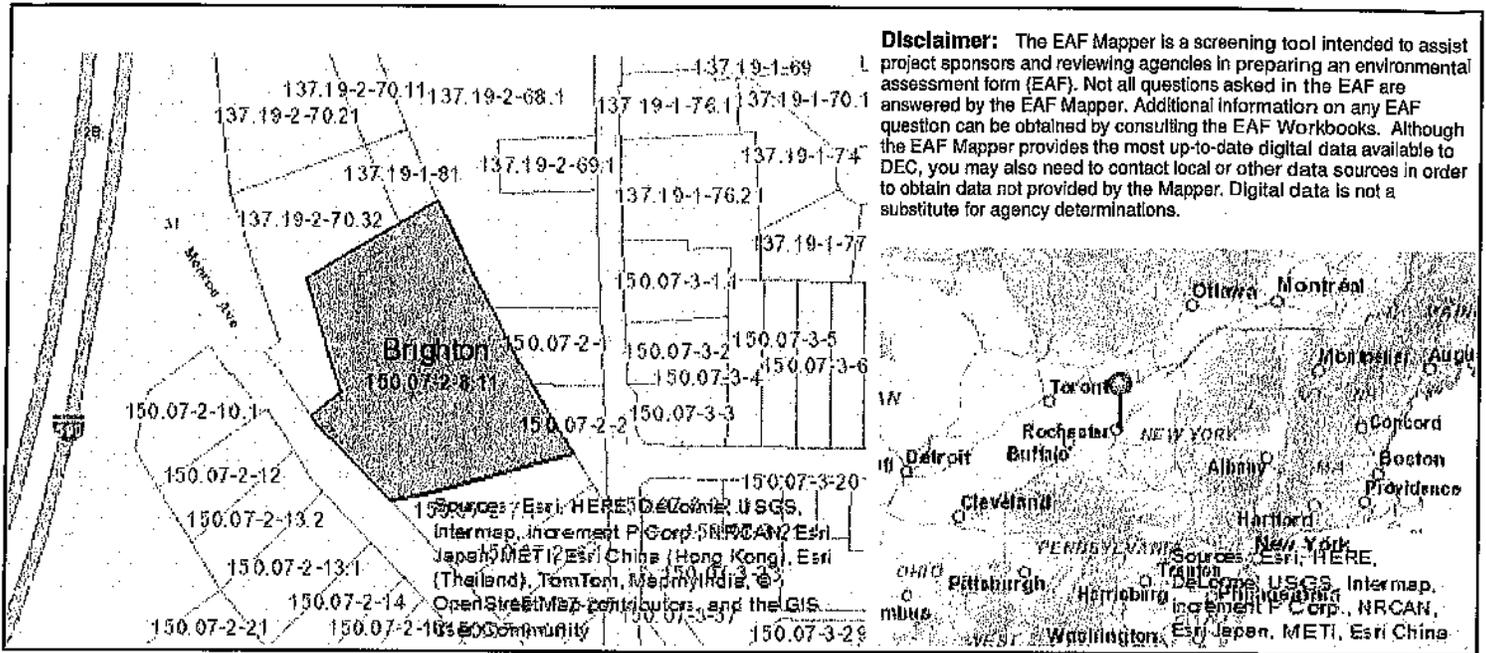
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT



- Part 1 / Question 7 [Critical Environmental Area] No
- Part 1 / Question 12a [National Register of Historic Places] No
- Part 1 / Question 12b [Archeological Sites] Yes
- Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] No
- Part 1 / Question 15 [Threatened or Endangered] No
- Part 1 / Question 16 [100 Year Flood Plain] No
- Part 1 / Question 20 [Remediation Site] No

At a regular meeting of the Town Board of the Town of Brighton, Monroe County, New York, duly held at the Brighton Town Hall located at 2300 Elmwood Avenue, Rochester, New York 14618 on February 25, 2015 at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____, who moved its adoption, seconded by _____, to-wit:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR USE BY THE TOWN'S HIGHWAY DEPARTMENT; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$400,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$400,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

WHEREAS, the Town Board (the "Board") of the Town of Brighton, Monroe County (the "Town") proposes to authorize the issuance of \$400,000 in serial bonds of the Town to finance the estimated cost of the acquisition of equipment for use by the Town's Highway Department, consisting of one street sweeper, one heavy-duty dump/plow truck, and costs incidental to the financing of the foregoing (collectively, the "Project"); and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds and bond anticipation notes to be issued to finance said appropriation.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board (the "Town Board") of the Town of Brighton, Monroe County, New York (the "Issuer" or the "Town") (by the favorable vote of not less than two-thirds of all the members of such body), as follows:

SECTION 1. The Town is hereby authorized to undertake the acquisition of equipment for use by the Town's Highway Department, consisting of one street sweeper, one heavy-duty dump/plow truck, and costs incidental to the financing of the foregoing. The estimated maximum cost of the aforementioned specific object or purpose, including all costs incidental thereto or in connection with the financing thereof, is \$400,000 and said amount is hereby appropriated therefor. The plan for the financing thereof shall consist of (i) the issuance of \$400,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation thereof, to finance said appropriation, (ii) the expenditure of \$40,000 from a reserve fund established by the

Town for purposes of acquiring, among other things, a heavy-duty dump/plow truck, and (iii) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

SECTION 2. Serial bonds of the Town in the principal amount of \$400,000 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance said appropriation.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town subject to applicable statutory limits, if any. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor,

as the chief fiscal officer of the Town (the "Supervisor"). Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of Local Finance Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by this resolution and/or with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 11. The Town Board hereby determines that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and therefore no further action under SEQRA is required with respect to the Project or the financing thereof.

SECTION 12. Pursuant to subdivision b. of Section 35.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Seven of the Town Law of the State of New York (the "Town Law"). The Town Clerk is hereby authorized and directed, within ten (10) days after the date of adoption of this resolution, to post and publish a notice satisfying the requirements of Section 90 of the Town Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Town for such purpose.

SECTION 13. This resolution shall take effect thirty (30) days after the date of its adoption or, if within such thirty (30) day period there is filed with the Town Clerk a petition

subscribed and acknowledged by the number of qualified electors of the Town required by Section 91 of the Town Law and in the manner specified in such Section, until approved by the affirmative vote of a majority of such qualified electors voting on a proposition for its approval.

SECTION 14. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 15. Upon this resolution becoming effective, the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose, together with a notice of the Town Clerk substantially the form provided in Section 81.00 of the Law.

The following vote was taken and recorded in the public or open session of said meeting:

AYES:

NAYS:

Date: February 25, 2015

STATE OF NEW YORK)
COUNTY OF MONROE) SS.:

I, as the undersigned Clerk of the Town of Brighton, Monroe County, New York, (the "Town") DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Clerk of the Town and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board of the Town (the "Board"), and am duly authorized to execute this certificate.

2. A regular meeting of the Board was held on February 25, 2015, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR USE BY THE TOWN'S HIGHWAY DEPARTMENT; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$400,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$400,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (2/3's of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Town Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

5. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Brighton this 25th day of February, 2015.

Daniel Aman, Town Clerk

[SEAL]

**PUBLIC NOTICE
TOWN OF BRIGHTON**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Brighton, Monroe County, New York (the "Town"), at a meeting held on February 25, 2015 duly adopted, subject to a permissive referendum, a bond resolution, an abstract of which is set forth below.

In accordance with Article 7 of the New York State Town Law, such bond resolution will take effect thirty (30) days after the date of its adoption, unless prior to the close of such thirty-day period there is filed with the Town Clerk a petition, subscribed and acknowledged by that number of electors of the Town qualified to vote upon a proposition to raise or expend money equal to at least five percent (5%) of the total vote cast for governor in the Town in the last general election for state officers, protesting against such resolution and requesting that it be submitted for approval or disapproval by the qualified electors of the Town. If such a qualifying petition is filed, a proposition for approval of the resolution shall be submitted at a general or regular Town election in accordance with Article 7 of Town Law.

Such bond resolution was entitled:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR USE BY THE TOWN'S HIGHWAY DEPARTMENT; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$400,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$400,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

An abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

1. Said Town is authorized to undertake the acquisition of equipment for use by the Town's Highway Department, consisting of one street sweeper, one heavy-duty dump/plow truck, and costs incidental to the financing of the foregoing. The estimated maximum cost of said object or purpose, including other costs incidental to the financing thereof, is \$400,000 and said amount is appropriated therefor. Serial bonds of the Town (including, without limitation, statutory installment bonds) in the principal amount of \$400,000 are authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance said appropriation. The plan for the financing thereof shall consist of (i) the issuance of \$400,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation thereof, to finance said appropriation, (ii) the expenditure of \$40,000 from a reserve fund established by the Town for purposes of acquiring, among other things, a heavy-duty dump/plow truck, and (iii) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable

2. The period of probable usefulness for the aforementioned specific object or purpose is determined to be fifteen (15) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

3. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is authorized pursuant to Section 165.10 of the Law, for the capital purposes described in the resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of the resolution. The resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by the resolution with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

4. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to the resolution.

5. Said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and the Town has pledged its faith and credit to the payment of the principal of and interest of said bonds.

6. The Town Board delegated to the Supervisor of the Town the powers and duties of the Town Board relative to authorizing the issuance of said bonds, and any bond anticipation notes including renewals thereof, issued in anticipation of said bonds and prescribing the terms, form and content thereof.

7. The bond resolution was determined to be subject to permissive referendum.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK.

Dated: February 25, 2015

Town of Brighton
Daniel Aman, Town Clerk

AFFIDAVIT REGARDING POSTING OF NOTICE

STATE OF NEW YORK)
COUNTY OF MONROE) SS.:

I, Daniel Aman, being duly sworn, deposes and says:

I am over the age of 18 years; and, on February ____, 2015, I posted a true and correct copy of the attached Public Notice of the Town of Brighton, Monroe County (the "Town") on the Town's official bulletin board located within the Town Hall and on the Town's website.

Daniel Aman, Town Clerk

Sworn to before me this ____
day of February, 2015.

Notary Public, State of New York

STATE OF NEW YORK)
COUNTY OF MONROE) SS:

CERTIFICATE OF NO PROTEST

I, Daniel Aman, in my capacity as Town Clerk of the Town of Brighton, Monroe County, New York (the "Town"), DO CERTIFY, as follows:

1. The Town Board of the Town at a meeting thereof duly called and held on February 25, 2015, adopted a bond resolution, a true, correct and certified copy which is attached hereto.

2. No petition or petitions protesting said bond resolution have been submitted or filed with the Clerk of the Town and the 30-day period has elapsed for submission and filing of a valid petition.

IN WITNESS WHEREOF, I have signed and affixed the corporate seal of the Town this _____ day of March, 2015.

[SEAL]

Daniel Aman, Town Clerk

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on February 25, 2015 by the Town Board of the Town of Brighton, Monroe County, New York, and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Brighton is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Daniel Aman, Town Clerk
Town of Brighton

SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Town Board of the Town of Brighton (the "Town") on February 25, 2015.

1. The resolution is entitled "BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR USE BY THE TOWN'S HIGHWAY DEPARTMENT; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$400,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$400,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION".

2. The object or purpose for which the bonds are authorized to be issued is to finance the estimated cost of the acquisition of equipment for use by the Town's Highway Department, consisting of one street sweeper, one heavy-duty dump/plow truck, and costs incidental to the financing of the foregoing, at an estimated maximum cost of \$400,000.

3. The period of probable usefulness is fifteen (15) years.

4. The amount of obligations authorized to be issued is \$400,000.

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk of the Town of Brighton, located at the Town of Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618.

At a regular meeting of the Town Board of the Town of Brighton, Monroe County, New York, duly held at the Brighton Town Hall located at 2300 Elmwood Avenue, Rochester, New York 14618 on February 25, 2015 at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____, who moved its adoption, seconded by _____, to-wit:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE RECONSTRUCTION OF IMPROVEMENTS TO THE PUBLIC SAFETY WING OF THE BRIGHTON TOWN HALL; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$440,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$440,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

WHEREAS, the Town Board (the "Board") of the Town of Brighton, Monroe County (the "Town") proposes to authorize the issuance of \$440,000 in serial bonds of the Town to finance improvements to the Public Safety Wing of the Brighton Town Hall consisting of the installation, reconstruction and replacement of heating and ventilation systems, and costs incidental to the financing of the foregoing (collectively, the "Project"); and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds and bond anticipation notes to be issued to finance said appropriation.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board (the "Town Board") of the Town of Brighton, Monroe County, New York (the "Issuer" or the "Town") (by the favorable vote of not less than two-thirds of all the members of such body), as follows:

SECTION 1. The Town is hereby authorized to undertake improvements to the Public Safety Wing of the Brighton Town Hall consisting of the installation, reconstruction and replacement of heating and ventilation systems, and costs incidental to the financing of the foregoing. The estimated maximum cost of the aforementioned specific object or purpose, including all costs incidental thereto or in connection with the financing thereof, is \$440,000 and said amount is hereby appropriated therefor. The plan for the financing thereof shall consist of (i) the issuance of \$440,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation thereof, to finance said appropriation, and (ii) the levy and collection of taxes on all

the taxable real property in the Town to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

SECTION 2. Serial bonds of the Town in the principal amount of \$440,000 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance said appropriation.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision 13. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town subject to applicable statutory limits, if any. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, as the chief fiscal officer of the Town (the "Supervisor"). Such notes shall be of such terms,

form and contents as may be prescribed by said Supervisor consistent with the provisions of Local Finance Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by this resolution and/or with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 11. The Town Board hereby determines that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and therefore no further action under SEQRA is required with respect to the Project or the financing thereof.

SECTION 12. Pursuant to subdivision b. of Section 35.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Seven of the Town Law of the State of New York (the "Town Law"). The Town Clerk is hereby authorized and directed, within ten (10) days after the date of adoption of this resolution, to post and publish a notice satisfying the requirements of Section 90 of the Town Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Town for such purpose.

SECTION 13. This resolution shall take effect thirty (30) days after the date of its adoption or, if within such thirty (30) day period there is filed with the Town Clerk a petition subscribed and acknowledged by the number of qualified electors of the Town required by

Section 91 of the Town Law and in the manner specified in such Section, until approved by the affirmative vote of a majority of such qualified electors voting on a proposition for its approval.

SECTION 14. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 15. Upon this resolution becoming effective, the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose, together with a notice of the Town Clerk substantially the form provided in Section 81.00 of the Law.

The following vote was taken and recorded in the public or open session of said meeting:

AYES:

NAYS:

Date: February 25, 2015

STATE OF NEW YORK)
COUNTY OF MONROE) SS.:

I, as the undersigned Clerk of the Town of Brighton, Monroe County, New York, (the "Town") DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Clerk of the Town and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board of the Town (the "Board"), and am duly authorized to execute this certificate.

2. A regular meeting of the Board was held on February 25, 2015, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE RECONSTRUCTION OF IMPROVEMENTS TO THE PUBLIC SAFETY WING OF THE BRIGHTON TOWN HALL; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$440,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$440,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (2/3's of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Town Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

5. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Brighton this 25th day of February, 2015.

Daniel Aman, Town Clerk

[SEAL]

**PUBLIC NOTICE
TOWN OF BRIGHTON**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Brighton, Monroe County, New York (the "Town"), at a meeting held on February 25, 2015 duly adopted, subject to a permissive referendum, a bond resolution, an abstract of which is set forth below.

In accordance with Article 7 of the New York State Town Law, such bond resolution will take effect thirty (30) days after the date of its adoption, unless prior to the close of such thirty-day period there is filed with the Town Clerk a petition, subscribed and acknowledged by that number of electors of the Town qualified to vote upon a proposition to raise or expend money equal to at least five percent (5%) of the total vote cast for governor in the Town in the last general election for state officers, protesting against such resolution and requesting that it be submitted for approval or disapproval by the qualified electors of the Town. If such a qualifying petition is filed, a proposition for approval of the resolution shall be submitted at a general or regular Town election in accordance with Article 7 of Town Law.

Such bond resolution was entitled:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE RECONSTRUCTION OF IMPROVEMENTS TO THE PUBLIC SAFETY WING OF THE BRIGHTON TOWN HALL; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$440,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$440,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

An abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

1. Said Town is authorized to undertake improvements to the Public Safety Wing of the Brighton Town Hall consisting of the installation, reconstruction and replacement of heating and ventilation systems, and costs incidental to the financing of the foregoing. The estimated maximum cost of said object or purpose, including other costs incidental to the financing thereof, is \$440,000 and said amount is appropriated therefor. Serial bonds of the Town (including, without limitation, statutory installment bonds) in the principal amount of \$440,000 are authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance said appropriation. The plan for the financing thereof shall consist of (i) the issuance of up to \$440,000 in serial bonds of the Town authorized to be issued pursuant to the resolution, or bond anticipation notes issued in anticipation of such serial bonds, and (ii) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

2. The period of probable usefulness for the aforementioned specific object or purpose is determined to be ten (10) years, pursuant to subdivision 13. of paragraph a. of Section 11.00 of the Law.

3. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is authorized pursuant to Section 165.10 of the Law, for the capital purposes described in the resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of the resolution. The resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by the resolution with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

4. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to the resolution.

5. Said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and the Town has pledged its faith and credit to the payment of the principal of and interest of said bonds.

6. The Town Board delegated to the Supervisor of the Town the powers and duties of the Town Board relative to authorizing the issuance of said bonds, and any bond anticipation notes including renewals thereof, issued in anticipation of said bonds and prescribing the terms, form and content thereof.

7. The bond resolution was determined to be subject to permissive referendum.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK.

Dated: February 25, 2015

Town of Brighton
Daniel Aman, Town Clerk

STATE OF NEW YORK)
COUNTY OF MONROE) SS:

CERTIFICATE OF NO PROTEST

I, Daniel Aman, in my capacity as Town Clerk of the Town of Brighton, Monroe County, New York (the "Town"), DO CERTIFY, as follows:

1. The Town Board of the Town at a meeting thereof duly called and held on February 25, 2015, adopted a bond resolution, a true, correct and certified copy which is attached hereto.

2. No petition or petitions protesting said bond resolution have been submitted or filed with the Clerk of the Town and the 30-day period has elapsed for submission and filing of a valid petition.

IN WITNESS WHEREOF, I have signed and affixed the corporate seal of the Town this _____ day of March, 2015.

[SEAL]

Daniel Aman, Town Clerk

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on February 25, 2015 by the Town Board of the Town of Brighton, Monroe County, New York, and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Brighton is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Daniel Aman, Town Clerk
Town of Brighton

SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Town Board of the Town of Brighton (the "Town") on February 25, 2015.

1. The resolution is entitled "BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE RECONSTRUCTION OF IMPROVEMENTS TO THE PUBLIC SAFETY WING OF THE BRIGHTON TOWN HALL; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$440,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$440,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION".

2. The object or purpose for which the bonds are authorized to be issued is to finance improvements to the Public Safety Wing of the Brighton Town Hall consisting of the installation, reconstruction and replacement of heating and ventilation systems, and costs incidental to the financing of the foregoing, at an estimated maximum cost of \$440,000.

3. The period of probable usefulness is ten (10) years.

4. The amount of obligations authorized to be issued is \$440,000.

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk of the Town of Brighton, located at the Town of Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618.

At a regular meeting of the Town Board of the Town of Brighton, Monroe County, New York, duly held at the Brighton Town Hall located at 2300 Elmwood Avenue, New York 14618 on February 25, 2015 at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____, who moved its adoption, seconded by _____, to-wit:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE TOWN TO PURCHASE ONE PICK-UP TRUCK; ESTIMATING THE TOTAL COST THEREOF TO BE \$52,000; APPROPRIATING SAID AMOUNT THEREFORE; AND AUTHORIZING THE ISSUANCE OF UP TO \$52,000 IN SERIAL BONDS OF THE TOWN TO FINANCE A PORTION OF SAID APPROPRIATION

WHEREAS, the Town Board (the "Board") the Town of Brighton, Monroe County, New York (the "Town") proposes to authorize the issuance of \$52,000 in serial bonds of the Town to finance the estimated cost of the acquisition of one pick-up truck (the "Project"); and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds and bond anticipation notes to be issued to finance said appropriation.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board (the "Town Board") of the Town of Brighton, Monroe County, New York (the "Issuer" or the "Town") (by the favorable vote of not less than two-thirds of all the members of such body), as follows:

SECTION 1. The Town is hereby authorized to issue \$52,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$52,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (a) the issuance of \$52,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 1 of this resolution and (b) the levy and collection of

taxes on all the taxable real property in the Town to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivisions 28. and 89. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued shall not be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Section 1 of this resolution.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town subject to applicable statutory limits, if any. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness"

(within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Town Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 11. The Town Board hereby determines that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and therefore no further action under SEQRA is required with respect to the Project or the financing thereof.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

The following vote was taken and recorded in the public or open session of said meeting:

AYES:

NAYS:

Date: February 25, 2015

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

I, the undersigned Town Clerk of the Town of Brighton, Monroe County, New York, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Clerk of the Town of Brighton, Monroe County, New York (the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and am duly authorized to execute this certificate.

2. A regular meeting of the Town Board of the Town of Brighton, Monroe County, State of New York, was held on February 25, 2015, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Board.

3. Attached hereto is a true and correct copy of a Bond Resolution duly adopted at a meeting of the Town Board held on February 25, 2015 and entitled:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE TOWN TO PURCHASE ONE PICK-UP TRUCK; ESTIMATING THE TOTAL COST THEREOF TO BE \$52,000; APPROPRIATING SAID AMOUNT THEREFORE; AND AUTHORIZING THE ISSUANCE OF UP TO \$52,000 IN SERIAL BONDS OF THE TOWN TO FINANCE A PORTION OF SAID APPROPRIATION

4. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (2/3's of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

5. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

6. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Brighton this 25th day of February, 2015.

Daniel Aman, Town Clerk

[SEAL]

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on February 25, 2015 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Brighton, Monroe County, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Daniel Aman, Town Clerk
Town of Brighton

SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Town Board of the Town of Brighton on February 25, 2015.

1. The resolution is entitled "BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE TOWN TO PURCHASE ONE PICK-UP TRUCK; ESTIMATING THE TOTAL COST THEREOF TO BE \$52,000; APPROPRIATING SAID AMOUNT THEREFORE; AND AUTHORIZING THE ISSUANCE OF UP TO \$52,000 IN SERIAL BONDS OF THE TOWN TO FINANCE A PORTION OF SAID APPROPRIATION".

2. Object or Purpose: to finance the estimated cost of the acquisition of one pick-up truck.

3. Period of Probable Usefulness: 15 years.

4. Amount of Debt Obligations Authorized: up to \$52,000.

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk of the Town of Brighton, located at the Town of Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618.