

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
March 11, 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
Ramsay Boehner, Town Planner
Suzanne Zaso, Director of Finance

MEETING CALLED TO ORDER AT 7:03 PM:

PRESENTATION/RECOGNITIONS:

March 2015 Women's History Month – Proclamation presentation to Ms. Elizabeth (Betsy) Brayer

State of the Town – The Honorable William W. Moehle

OPEN FORUM:

Judy Schwartz
Audrey Newcomb

APPROVAL OF AGENDA:

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

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 Richard Cooper to Supervisor dated February 12, 2015 regarding Clover Lanes Redevelopment project

FROM Ben Werzinger to Supervisor dated February 26, 2015 regarding proposed Clover Lanes Redevelopment project.

FROM Paul Connolly to Supervisor dated February 26, 2015 regarding proposed Clover Lanes Redevelopment project.

FROM Michael & Jane Kallay dated March 1, 2015 to Supervisor regarding proposed Clover Lanes Redevelopment project.

FROM Ramsey Boehner, Secretary Historic Preservation Commission dated March 2, 2015 to Supervisor regarding notice of a Landmark Designation.

FROM Town Justice Karen Morris to Supervisor dated March 6, 2015 Re: submission of the 2014 Annual Report for Brighton Town Court.

FROM Camille and Dr. Darren Houpt to Supervisor, dated March 6, 2015 regarding Clover Lanes Redevelopment project

FROM Dr. Ari Chodos, to Supervisor dated March 8, 2015 regarding proposed Clover Lanes Redevelopment project

FROM Audrey Newcomb dated March 11, 2015 regarding proposed Clover Lanes Redevelopment Project

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to receive and file the aforementioned communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Parks and Recreation & Community Services – Next meeting 3/23/2015 at 4:30 PM at Brookside
 Finance and Administrative Services – Next meeting 3/17/15 at 3:30 PM in Stage Conference Room
 Public Safety Services – Next meeting 4/14/2015 at 8:00 AM in the Downstairs Meeting Room
 Public Works Services – Next meeting 4/7/2015 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: Approval of amended Incentive Zoning application for the Jewish Senior Life project (see Resolution #1)

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. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute amendment to the agreement with Bayer Architecture, PLLC for services related to Shared Use Trail for the additional services to include a Cultural Resource Study, together with approval to transfer \$2,375.00 from the Parkland Trust Fund engineering services account to support additional funds needed for the additional services (see Resolution #2 and letter dated February 27, 2015 from Michael Guyon, P.E. Town Engineer).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to accept \$600.00 in funding from Lifespan of Greater Rochester with authorization to increase Police Budget revenue, public safety account to support expenditure of same (see Resolution #3 and letter dated February 26, 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. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with In.Site Architecture to provide professional services associated with the year-round Brighton Farmers Market project (see Resolution #4 and letter dated February 27, 2015 from Michael Guyon, P.E. Town Engineer).

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. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Raymond F. Wager, CPA to provide special review services relating to the Brighton Police Department's property room inventory (see Resolution #5 and letter dated March 2, 2015 from Suzanne Zaso, Director of Finance).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to designate Michael Guyon, P.E. Town Engineer and Staff Liaison to the Sustainability Oversight Committee, as the Climate Smart Community Coordinator (see Resolution #6 and letter dated March 2, 2015 from Michael Guyon, P.E. Town Engineer).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to declare a snow blower attachment and file cabinet from the Highway Department as surplus and disposed of as junk, and to declare a particular welder as surplus with approval to use as trade-in on new equipment (see Resolution #7 and letter dated February 26, 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. 8 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize budget transfer from the Recreation Part-time wages account of \$500 to support additional funds to increase the Farmers Market and Community Garden Contracted Services accounts (see Resolution #8 and letter dated February 25, 2015 from Rebecca Cotter, Recreation Director).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize amendment to the 2015 Capital Budget to include any appropriated/re-appropriated unexpensed balances and interest earned in years prior to 2015 for all on-going capital projects (see Resolution #9 and memorandum dated March 3, 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.10 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval to seek Lead Agency status for the Brighton Town Board pursuant to the State Environmental Quality Review Act (SEQRA) for the Shared Use Trail project (see Resolution #10 and letter dated March 4, 2015 from Ramsey Boehner, Town Planner).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Adopt Bond Resolutions for various highway departmental capital expenditures (see letter dated March 9, 2015 from Suzanne Zaso, Finance Director).

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

MATTERS OF THE SUPERVISOR:

Expenses and Revenue for month ending February 28, 2015

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION AT 9:07 PM:

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to go into executive session to discuss matters of employment of particular persons, collective bargaining and litigation relating to Legacy at Clover Blossom

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel to come out of executive session at 9:53 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to adjourn at 9:54 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 11th day of March 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

March 11, 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>116,857.06</u>
D - HIGHWAY		<u>112,309.51</u>
L - LIBRARY		<u>446.69</u>
SF - FIRE DIST		<u>474.28</u>
SK - SIDEWALK DIST		<u>110.28</u>
SL - LIGHTING DIST		<u>22,713.08</u>
SR-REFUSE DISTRICT		<u>134,785.36</u>
SS - SEWER DIST		<u>19,247.51</u>
TA - AGENCY TRUST		<u>8,645.57</u>
TOTAL	\$	<u>415,589.34</u>

UPON ROLL CALL

MOTION CARRIED _____

APPROVED BY:

SUPERVISOR_____
COUNCIL MEMBER_____
COUNCIL MEMBER

TO THE SUPERVISOR:

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

DATE_____
TOWN CLERK

At a Town Board Meeting, of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 11th day of March, 2015

PRESENT:

WILLIAM W. MOEHLE, Supervisor

JAMES R. VOGEL

LOUISE NOVROS

CHRISTOPHER K. WERNER

JASON S. DIPONZIO

Councilpersons

WHEREAS, in 1980, the Brighton Town Board rezoned approximately 20 acres west of South Winton Road and south of the I-590 Expressway from RLB (single family residential) to D-1 (high density residential) to allow the establishment of the Jewish Home, pursuant to which the Jewish Home building was built, being a parcel with Tax ID No. 150.09-1-1.1 and known as Lot R-1 ("the Jewish Home Parcel" or Lot R-1) and delineated on attached Exhibit A .

WHEREAS, by resolution on August 14, 1996, the Town Board granted rezoning and incentive zoning approval ("the 1996 Incentive Zoning") incorporating the inclusion and development of two (2) additional parcels as part of the Jewish Senior Life campus, which parcels were called therein "Lot 1" (the parcel with Tax ID No. 149.12-1-34) and "Lot 2" (the parcel with Tax ID. No. 149.12-1-33). A copy of the 1996 Incentive Zoning Resolution is attached hereto as Exhibit B.

WHEREAS, as described further in the 1996 Incentive Zoning Resolution, Lot 2: (1) consists of approximately 25.8 acres of land which was designated for development as a senior living community including independent and enriched living units and common area facilities, and (2) was rezoned from Residential (RLB) to Residential High Density (RHD-2).

WHEREAS, as described further in the 1996 Incentive Zoning resolution, Lot 1 as delineated on Exhibit A: (1) consists of approximately 5.8 acres of land which was designated for development as a Geriatric Service Center including office and medical offices for senior-oriented services, and (2) was rezoned from Residential (RLB) to Office (BE-1).

WHEREAS, pursuant to the 1996 Incentive Zoning Resolution, an Amenity Agreement was entered into and dated September 11, 1996 ("the Amenity Agreement") between the Jewish Home of Rochester (the "Home") and the Town of Brighton (the "Town"). A copy of the Amenity Agreement is attached hereto as Exhibit C.

WHEREAS, since 1996, Lot 2 has been developed as contemplated by the 1996 Incentive Zoning Resolution to include the Summit and Wolk Manor, independent and assisted living facilities.

WHEREAS, Lot 1 has remained undeveloped since 1996, and there is no likelihood of development for the types of uses contemplated by the 1996 Incentive Zoning Resolution.

WHEREAS, the Jewish Senior Life and its affiliated entities, including the Jewish Home (collectively, the "JSL"), have submitted a proposal to facilitate the development of Lot 1 as an integral part of the Jewish Senior Life campus, as described in a Letter of Intent from Jerry Goldman, Esq. dated May 8, 2014, the Supplemental Information to the Full Environmental Assessment Form, and in an Amended/Supplemental Letter of Intent from Jerry Goldman, Esq. dated June 26, 2014 (collectively the "Proposal").

WHEREAS, pursuant to the Proposal, the JSL describes its need to adapt its skilled nursing operations to current standards of care for delivery of health care services and address the "continuum of care" on the Jewish Home campus, which includes the following:

- (1) To construct a total of six (6) "Green House" buildings (4 (four) 3-story Greenhouse buildings, and 2 (two) 1-story Greenhouse buildings, as described in the Proposal. 168 skilled nursing home beds will be relocated to these Green House buildings;
- (2) To remodel the Jewish Home building and reduce the number of skilled nursing beds to 160 (relocating 168 skilled nursing beds to the Green House buildings) with a total reduction on the Jewish Home campus from 362 to 328 skilled nursing beds. A phase 2 will propose 34 assisted living beds in the Jewish Home building, resulting in no net change in skilled nursing/assisted living beds;
- (3) To construct an independent living building with 65 residential units on the Meridian Center Boulevard frontage.
- (4) To expand the existing maintenance building and improvements to covered entranceways into the Jewish Home Tower.

WHEREAS, to enable the current Proposal to move forward, the following steps have been identified as required:

- (1) The 1996 Incentive Zoning resolution will be amended to remove Lot 1 from the 1996 Incentive Zoning, and Lot 1 will be made a part of a new Incentive Zoning resolution required in connection with the current Proposal;
- (2) The new Incentive Zoning will provide that Lot 1 be rezoned from BE-1 to RHD-1, to make the rezoning of this previously designated "office" use parcel consistent in zoning with Lot R-1, the Jewish Home parcel;
- (3) The new Incentive Zoning will address a combined Lot 1 and Lot R-1 (the Jewish Home Parcel), which shall be combined and together be called Lot AR-1 as delineated on attached Exhibit A.

WHEREAS, pursuant to the new Incentive Zoning, the Amenity Agreement shall also be amended to remove references to those amenities provided in connection with Lot 1, and a new Amenity formula will be incorporated as a part of the Incentive Zoning approval for Lot AR-1.

WHEREAS, the Town Board wishes to move forward with the Proposal of JSL and take the necessary step to amend the 1996 Incentive Zoning as described above.

WHEREAS, on July 9, 2014 the Town Board received and filed a correspondence dated June 26, 2014, from Ramsey A. Boehner, Executive Secretary to the Town of Brighton Planning Board, containing the Planning Board's advisory recommendations with respect to the Proposal and Application;

WHEREAS, on August 13, 2014 the Town Board conducted a public hearing to consider the Proposal and the Application and the environmental review thereof;

WHEREAS, the Monroe County Department of Planning forwarded the Development Review Referral for the Application dated August 1, 2014;

WHEREAS, JSL has submitted a Full Environmental Assessment Form (FEAF) together with an extensive supplement, and on October 22, 2014, the Town of Brighton Town Board made a determination that the proposed project will have no significant adverse environmental impact and issued in full compliance with SEQRA, a Negative Declaration attached hereto as Exhibit D .

NOW THEREFORE, on motion of Councilperson _____,
Seconded by Councilperson _____, it is

RESOLVED, that the Town Board make the following additional findings with respect to the Proposal:

1. The Proposal together with the Proposed Amenities will assist the Town to implement the specific physical, cultural and social policies of the Comprehensive Plan including:

a. The provision of elder care facilities for the residents of the Town of Brighton and the region.

2. The Proposal will allow JSL to meet current standards of care while allowing for further evolution of the campus.

3. The Proposal, when implemented, results in a residential land use that is compatible with the land use patterns in the area.

4. The Proposal, when implemented, will maintain a zoning classification consistent with existing zoning classifications of other parcels in the area.

5. After careful consideration of the potential impacts, as well as identifying beneficial impacts and public benefits of the Proposal, the Town Board determines that the Proposal is an appropriate use of the site.

6. The Proposal, together with the proposed amenities will provide sufficient public benefit for the Town of Brighton to provide the incentives described in Schedule D.

IT IS FURTHER RESOLVED, that pursuant to the authority conferred by the Municipal Home Rule Law, Article 16 of the Town Law of the State of New York, and the Comprehensive Development Regulations of the Town of Brighton ("CDR"), that the Proposal, be and it is hereby approved to the extent set forth in Schedule D, and subject to the conditions set forth in Schedules C-1 and C-2, which conditions the Town Board deems to be of grave importance and without which this Proposal would not be approved; and

IT IS FURTHER RESOLVED, that the following Ordinance be and hereby is enacted, ordained and adopted as an amendment to the Comprehensive Development Regulations of the Town of Brighton, Monroe County, New York:

ARTICLE I:

That the Town Board hereby amends the 1996 Incentive Zoning Resolution as follows:

1. Article III shall not apply to Lot 1, such that Schedule D—1 (Conditions for Lot 1) shall not apply to Lot 1.

2. Schedule C-1 (Conditions), paragraph 4 (regarding parking by visitors to the Town's Meridian Centre Park), shall not apply with respect to Lot 1.

ARTICLE II:

That the real property, described as Lot1 in Exhibit E, attached hereto, be rezoned from Office and Office Park BE-1 to High Density RHD-1 to the extent set forth on Schedule D, and that the Zoning Map of the Town of Brighton, Monroe County, New York be and hereby is amended accordingly.

ARTICLE III:

That the Town Board hereby amends the Amenity Agreement to remove references to those amenities provided in connection with Lot 1, and hereby incorporates a new Amenity formula as set forth in paragraph 2 of Schedule C-1 as a part of the Incentive Zoning approval for Lot AR-1.

ARTICLE IV:

That the Town Board, pursuant to CDR Section 209-4, grants the incentives as set forth in Schedule D, and that the CDR is hereby amended accordingly for Lot AR-1 as described in attached Exhibit F.

IT IS FURTHER RESOLVED, that the Supervisor is hereby authorized to execute and deliver the documents and agreements set forth in Schedule C-1 upon review and approval of the same as to form by the Attorney to the Town; and be it further

RESOLVED, that this Resolution shall take effect upon due publication and posting thereof as required by law.

UPON ROLL CALL VOTE, the vote was as follows

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

The resolution was thereupon declared adopted.

Dated: March 11, 2015

Schedule C-1

1. That, prior to the amendment of the Zoning Map for the Town of Brighton the applicant shall make a contribution of \$75,000 to the Parkland Trust Fund of the Town, to be used by the Town for the purposes of the Parkland Trust including but not limited to land acquisition and design, development and construction of facilities to improve existing or acquired park land.
2. That, prior to the amendment of the Zoning Map for the Town of Brighton, the Applicant shall execute and deliver a payment in lieu of taxes (PILOT) Agreement. Said Agreement shall provide for the annual payment to the Town of \$40,000 per year, indexed for inflation as set forth below, commencing in the first full calendar year following the issuance of any building permit for any portion of the project and due at the same time as Town and County tax payments are due by taxpayers to the Town of Brighton Tax Collector. Said annual payment shall be annually adjusted beginning January 1, 2016, and each January 1st during the term hereof, to a level equal to the product of \$40,000 times a fraction, the numerator of which shall be the level of the Consumer Price Index for all urban consumers, Northeast (CPI-U, Northeast), released with respect to the October preceding each such January 1st, and the denominator shall be the level of CPI-U(Northeast) released for October 2014, provided however that in no such case shall be fraction for any year be less than the fraction for the preceding year. The annual payment will be paid by the applicant, and/or their successors and/or assigns. This agreement shall be executed in the same manner as a deed and shall be recorded in the office of the Monroe County Clerk and shall be in form and substance as may be approved by the Attorney to the Town.
3. That, prior to the issuance of any permits for construction on Lot AR-1, the applicant shall enter into a contract and to continue to enter into a contract for non-emergency medical transportation for the residents of the facility.

Schedule C-2

1. That, Lot AR-1 shall only be developed in accord with this resolution, in general accord with the Conceptual Site Plan dated May1, 2014, (Plan), prepared by Perkins Eastman attached hereto as Exhibit G, and as the same may be modified and approved by the Planning Board during the site plan approval process.
2. That, the maximum new development on Lot AR-1 shall be as follows:
 - a. A total of six (6) "Green House" buildings with a maximum of 168 skilled nursing beds will be constructed. Four (4) buildings will be 3-stories and two (2) buildings will be 1-story as described in the Proposal;
 - b. An independent living building not exceeding 78,200 gross square feet with a maximum of 75 residential units will be constructed as described in the Proposal;

c. Building separations shall comply with the New York State Building Code requirements and as shown on Exhibit G; and

d. The maintenance building will be expanded and the entranceways into the Jewish Home Tower will be covered as described in the Proposal.

3. That, the existing Jewish Home building will be remodeled. The total number of skilled nursing beds in the Jewish Home Building and in the "Green House" buildings referenced in paragraph 2. will be no greater than the current number of 328 skilled nursing beds in the Jewish Home Building,, resulting in no net change in skilled nursing/assisted living beds and as described in the Proposal.

4. That, any subdivision and site plan development shall be subject to the approval of the Planning Board and of the Town Engineer of the Town of Brighton, and shall be consistent with this Resolution. Said site plan for Lot AR-1 shall include a detailed landscaping plan and lighting plan. The specification for the planting and the location of these plantings shall be as approved by the Planning Board during the site plan approval process. The lighting plan shall be reviewed and approved by the Planning Board during the site plan approval process.

5. That, prior to the issuance of any permits, Lot 1 and Lot R-1 shall be resubdivided together to create Lot AR-1 as described in the Proposal.

6. That, in addition to any other required approvals, all exterior sides of all structures to be constructed and improved shall be subject to the approval of the Architectural Review Board of the Town of Brighton, as provided in the Code of the Town of Brighton, New York, Comprehensive Development Regulations (CDR).

7. That, the project should consider sustainable practices such as Green Infrastructure and Building standards.

8. That, the conditions set forth herein may be altered, modified and/or removed only upon written consent of the Town Board of the Town of Brighton and the Applicant.

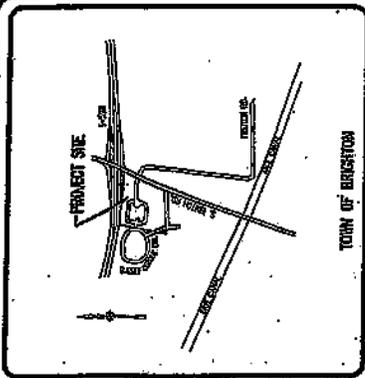
9. That, any agreements required to be executed under the terms of these Conditions, shall be in form and substance as may be approved by the Attorney for the Town.

10. That, if any or one or more of the conditions or requirements or any portion thereof which are set forth in this Resolution are determined by a Court of competent jurisdiction to be contrary to law, such condition or requirement, or portion thereof, shall **NOT** be deemed and construed to be severable from the remaining conditions and requirements which are herein contained and the same **SHALL** affect the validity of the Resolution or the validity of the remaining conditions and requirements, or portions thereof.

**Schedule D
Incentives**

That, upon the satisfaction of the conditions listed in Schedule C-1, the following incentives are granted for Lot AR-1:

1. An incentive to allow the minimum livable floor area per unit to be 390 square feet as described in the Proposal.
2. An incentive to allow a maximum building length of 245 feet for the independent living building as described in the Proposal.
3. An incentive to allow the following setbacks:
 - a. A 5 foot minimum setback from the independent living building to the western property line of Lot AR-1 as described in the Proposal;
 - b. A 98 foot minimum setback from the Green House building to the eastern property line (Winton Road) of Lot AR-1 as described at the public hearing and as depicted in the Proposal; and
 - c. A 83 foot minimum setback from the Green House building to the southern property line (Meridian Center Boulevard) of Lot AR-1 as described at the public hearing and as depicted in the Proposal.
4. An incentive to allow a minimum of 1.4 unenclosed parking spaces/unit for the independent living building.
5. An incentive to allow the 3-story Green Houses to be a maximum 45 feet in height (44 feet 10 inches as presented) as presented during the public hearing and as depicted in the Proposal.

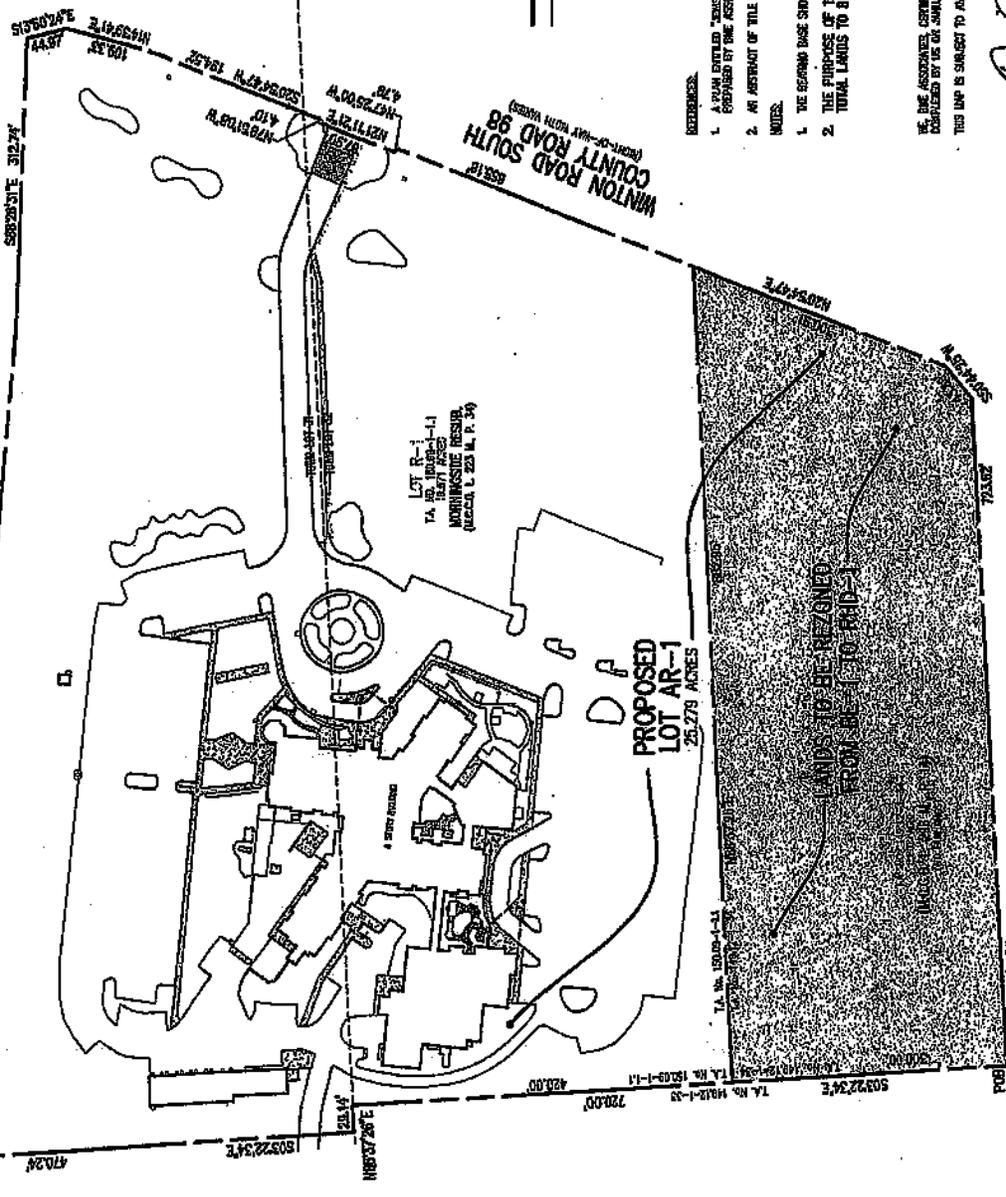


TOWN OF BRIGHTON
LOCATION MAP
NY TO SOULE



LEGEND

- BOUNDARY LINE
- ADJACENT LOTS
- LANDS TO BE REZONED FROM BE-1 TO RD-1



NYS 1-500
(PART-OF-WAY WITH VARIATION)

MERIDIAN CENTRE BOULEVARD
(PART-OF-WAY WITH VARIATION)

- REFERENCES:
- A PLAN ENTITLED "TOWN SENIOR LIFE, ALTAIR/ALTAIR THIS STREET OF LOT 6-1 (L. 223 A. P. 30) AND LOT 1 (L. 228 A. P. 40), PREPARED BY THE ASSOCIATES, HAVING DRAWING NUMBER 2310MP-06, DATED APRIL 2014.
 - AN ABSTRACT OF TITLE WAS NOT PROVIDED FOR THE COMPLETION OF THIS SURVEY.

NOTES:

- THE SPACING DATE SHOWN HEREON IS REFERRED TO THE NEW YORK STATE PLATE COORDINATE SYSTEM (NAD 83), RESURVEY ZONE.
- THE PURPOSE OF THIS EXHIBIT IS TO ILLUSTRATE THE REZONING OF LOT 1 FROM BE-1 TO RD-1, AS WELL AS TOTAL LANDS TO BE REZONED TO RESIDENTIAL ZONING.

BE, THE ASSOCIATES, CERTIFY TO THE TOWN OF BRIGHTON, THAT THIS MAP WAS PREPARED FROM THE NOTES OF AN INSTRUMENT SURVEY CONDUCTED BY US ON JANUARY 14, 2015 AND THAT THE REFERENCES NOTED HEREON.

THIS MAP IS SUBJECT TO ANY FACTS THAT MAY BE RECEIVED BY SOURCES OTHER THAN THOSE INDICATED HEREON.

DATE: 12/24/14
BY: [Signature]

PH: 2310MP (Drawing) / 2310MP (Recording) / 2310MP (Survey)

Drawing Attention
The following is an extract from the New York State Education Law Article 145 Section 720b and applies to the Survey:
It is the intention of this law that persons who are in a position to be the recipient of a financial gift or other benefit or advantage shall be held to the same standard of care as if they were acting in a fiduciary capacity. It is the intent of this law that any person who is in a position to be the recipient of a financial gift or other benefit or advantage shall be held to the same standard of care as if they were acting in a fiduciary capacity. It is the intent of this law that any person who is in a position to be the recipient of a financial gift or other benefit or advantage shall be held to the same standard of care as if they were acting in a fiduciary capacity.

NO.	REVISIONS	DATE	BY
7			
6			
5			
4			
3			
2	REVISED PER TOWN COMMENTS	12/24/14	BN
1	REVISED PER TOWN COMMENTS	12/24/14	BN

BME ASSOCIATES
ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS
POLY/TERRAZZO/LANDSCAPE ARCHITECTS
PROFESSIONAL REGISTERED
230 W. 14TH STREET, NEW YORK, NY 10011
PHONE: 212-255-7700



JEWISH SENIOR LIFE
TOWN OF BRIGHTON, WASHINGTON COUNTY, NEW YORK
CLIENT: JEWISH SENIOR LIFE, 100 WEST 14TH STREET, NEW YORK, NY 10011
REZONING EXHIBIT
LANDS TO BE REZONED TO RESIDENTIAL ZONING

PROJECT	DATE
PROJECT MANAGER	DATE
AN SPENCER	DATE
PROJECT SURVEYOR	DATE
ON ZACHARAS	DATE
DRAWN BY	DATE
KA MOY	DATE
SCALE	DATE ISSUED
1"=100'	DECEMBER 2014
PROJECT NO.	
	2310MP
DRAWING NO.	05

At a Regular Meeting of the Town Board of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town on the 11th day of September, 1996.

PRESENT:

SANDRA L. FRANKEL,

Supervisor,

JAMES R. VOGEL
ROBERT J. BARBATO
RAYMOND J. TIERNEY III
BRIDGET A. SHUMWAY,

Councilpersons

WHEREAS, The Jewish Home of Rochester ("The Home") the record owner of approximately 56.8 acres adjacent to #2021 Winton Rd. bearing tax map numbers as listed on and described in Schedule A hereto (the "Site") submitted to the Town Board of the Town of Brighton (the "Town Board") an Incentive Zoning and Rezoning Application, dated February 9, 1996 (the "Application") pursuant to the Incentive Zoning Ordinance and Amendment provisions of the Town Comprehensive Development Regulations ("CDR"), Chapters 209 and 225, for a proposed senior living community to be known as *The Summit* to be developed at the Site; and

WHEREAS, the Incentive Zoning and Rezoning Application as amended by letter dated August 9, 1996 from Arnold Gissin to the Brighton Town Board (collectively the "Proposal") included an application for (a) the rezoning of approximately 25.8 acres of land, delineated as Lot 2 of the Site on a certain Preliminary Subdivision and Site Plan (SU2 AND SE2) prepared by Sear-Brown Group, P.C., dated July 23, 1996 (collectively, the "Plan"), from Residential

(RLB) to Residential High Density (RHD-2), and (b) the rezoning of approximately 5.8 acres of land, delineated as Lot 1 of the Site on the Plan, from Residential (RLB) to Office (BE-1); and

WHEREAS, the Proposal and Plan calls for the development of Lot One as a Geriatric Service Center including offices and medical offices for senior-oriented services, and of Lot Two as a senior living community including independent and enriched living units and common area facilities, both with associated garages; recreational facilities, driveways, stormwater management facilities and parking facilities ; and

WHEREAS, the Proposal contemplated The Home's providing to the Town of Brighton (the "Town") the following amenities:

- donation to the Town of Brighton of some 6.4 acres known as Lot 4 ;
- an amenity agreement by and between the Home and the Town, providing for the following payments to be made by the Home to the Town:
 - for The Summit, initially equal to \$100 per unit per year
 - for the Geriatric Services Center, initially equal to \$.40 per square foot per year
 - for lot 4, a single payment of \$33,000;
- * provisions for the extension of Meridian Centre Blvd. and of utilities within it;

(The above amenities, together with those set out on Schedule C hereof, shall herein after be denoted, the "Proposed Amenities".) and

WHEREAS, in connection with the Proposal, the Town has considered granting certain incentives to The Home in consideration of the Proposed Amenities; and

WHEREAS, the Town Board referred the Proposal to the Planning Board of the Town and to the Monroe County Planning Department for their recommendations to the Town Board under the General Municipal Law of the State of New York; and

WHEREAS, the Planning Board considered the Application at a public meeting held on March 20, 1996, at which public meeting presentations were made by The Home; and

WHEREAS, the Planning Board forwarded an advisory report with comments, dated March 20, 1996 and the Monroe County Department of Planning forwarded an approval with comments dated March 20, 1996; and, to the Town Board; and

WHEREAS, on February 14, 1996, the Town Board indicated its intent to become the lead agency for purposes of the reviews required by the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, on March 27, 1996, the Town Board, following proper notice to all involved agencies, adopted a resolution declaring the Town Board to be the SEQRA Lead Agency for this action and identified initial areas of environmental concern; and

WHEREAS, upon a review of the application and supporting documentation, the Town Board, acting as Lead Agency, determined that the requested action may have significant adverse environmental impact and directed that The Home should prepare a Draft Environmental Impact Statement ("DEIS"); and

WHEREAS, The Home submitted a DEIS to the Town Board on May 17, 1996 for review for completeness; and

WHEREAS, after careful consideration and deliberation of the DEIS and written comments, the Town Board, acting as Lead Agency in accordance with SEQRA on May 22, 1996 at a regularly scheduled Town Board meeting determined that the DEIS dated May 17, 1996 to be complete and sufficient and issued an order setting a public hearing on the Incentive Zoning and Rezoning Proposal and on the DEIS; and

WHEREAS, a combined notice of DEIS Completeness and Notice of Public Hearing on the DEIS documents were filed on May 28, 1996 with all Involved Agencies and Interested Parties in accordance with and as such terms are defined under SEQRA and the DEIS was made available to the public; and

WHEREAS, the Notice of Public Hearing was duly posted and published in accordance with requirements of Town Law, the Comprehensive Development Regulations and SEQRA; and

WHEREAS, a public hearing was held in accordance with the Town Law, the Comprehensive Development Regulations and SEQRA, on Wednesday, July 10, 1996, at the Brighton Town Hall, 2300 Elmwood Avenue, Rochester, New York; and

WHEREAS, following such hearing the Town Board did review and carefully consider all oral and written comments submitted as part of the DEIS record, as well as the record of the Town Board and Planning Board meetings regarding the project including recommendations from the Town Consultant and Town Staff; and

WHEREAS, the applicant on August 13, 1996, submitted a revised Final Environmental Impact Statement ("FEIS") based upon comments from the Town Board, the Town Consultant and Town Staff; and

WHEREAS, on August 14, 1996, the Town Board at a Town Board Meeting accepted the FEIS as complete; and

WHEREAS, the FEIS was filed and a Notice of Completion of the FEIS dated August 13, 1996 was sent to all Involved Agencies and Interested Parties; and

WHEREAS, the Home has executed and delivered to the Town the following agreements, all of which have been approved as to form by the Town Attorney:

- * an Amenity Agreement guaranteeing certain payments of cash by the Home to the Town;
- * a Road Agreement guaranteeing the phased construction of Meridian Centre Blvd. and related utilities; and,

* a SEQR Agreement guaranteeing the Home's implementation of the mitigation measures identified in the findings statement

NOW, THEREFORE, on the motion of Councilperson Tierney, seconded by Councilperson Vogel, it is

RESOLVED that the Town Board hereby adopts the Finding Statement in full compliance with SEQR, a copy of which is annexed hereto as Schedule B; and it is further

RESOLVED that the Town Board makes the following additional findings with respect to the Proposal:

1. The Proposal together with the Proposed Amenities will assist the Town to implement the specific physical, cultural and social policies of the Master Plan including:

- Provision of open space, linkages and development of Town parklands.
- Enhancement of the Town as residential community.
- Development of a balance in type and cost of residential development and the provision of housing options that will meet the shelter needs of the current population.
- Expansion of the Town's open space network and spaces for passive recreational purposes.
- Incorporation of open space into private development.
- Provision of a sound economic base for the Town which does not compromise other community goals and increases revenues realized by the Town through new development.
- Development of elder-care facilities.

2. The Proposal, when implemented, results in a land use that is compatible with land use patterns and densities of other residential developments in the area.

3. The Proposal, when implemented, will result in a zoning classification consistent with existing zoning classifications of other parcels in the area.

IT IS FURTHER RESOLVED that pursuant to the authority conferred by the Municipal Home Rule Law, Article 16 of the Town Law of the State of New York and the CDR of the Town of Brighton, that the Proposal be and it is hereby approved to the extent set forth in Schedule D-1 and D-2 , subject to the conditions set forth in Schedule C-1, and be it further **RESOLVED**, that the following Ordinance be and hereby is enacted, ordained and adopted as an amendment to the Zoning Ordinance of the Town of Brighton, Monroe County, New York:

ARTICLE I:

That the real property, described as Lot 2 on the Plan and further described in Schedule F attached hereto, be rezoned from Residential (RLB) to Residential High Density (RHD-2) to the extent set forth on Schedule D-2, and that the the Zoning Map of the Town of Brighton, Monroe County, New York be and hereby is amended accordingly.

ARTICLE II:

That the Real property, described as Lot 1 on the Plan and further described in Schedule E attached hereto , be rezoned from Residential (RLB) to Office (BE 1) to the extent set forth on Schedule D-1, and that the Zoning Map of the Town of Brighton, Monroe County, New York be and hereby is amended accordingly.

ARTICLE III:

That the Town Board, pursuant to CDR sec. 209-4 grants each of the incentives as set forth in schedules D-1 and D-2, and that the CDR are hereby amended accordingly with respect to Lots 1 and 2 of the Site.

ARTICLE IV:

That the above-mentioned rezoning and changes in regulations are subject to the conditions set forth in schedule C-1, which this Board deem to be of grave importance and without which this rezoning and incentives would not be approved.

ARTICLE V:

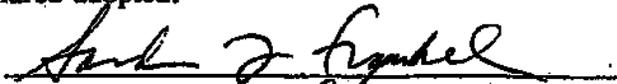
That the Road, Amenity and SEQOR Agreements, as executed by the Home, shall be executed by the Town Supervisor and appropriately filed by the Attorney for the Town.

RESOLVED, that this Resolution shall take effect upon due publication and posting thereof as required by law. Upon roll call vote, the vote was as follows:

Sandra L. Frankel	<u>aye</u>
James R. Vogel	<u>aye</u>
Robert J. Barbato	<u>aye</u>
Raymond J. Tierney III	<u>aye</u>
Bridget J. Shumway	<u>aye</u>

The Resolution was thereupon declared adopted.

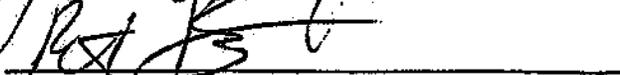
Dated: September 11, 1996



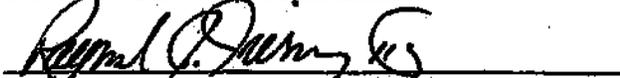
Sandra L. Frankel, Supervisor



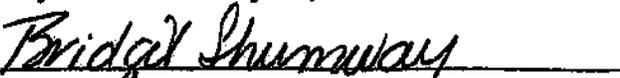
James R. Vogel, Councilman



Robert J. Barbato, Councilman



Raymond J. Tierney III, Councilman



Bridget A. Shumway, Councilperson

Members of the Town Board of Brighton,
New York, Monroe County

**SCHEDULE A
DESCRIPTION OF OVERALL PROJECT BOUNDARY**

All that tract or parcel of land containing 56.774 acres, more or less, situate in Townlots 31, 32, 39 and 40, Township 13, Range 7, Second Division in the Town of Brighton, County of Monroe, State of New York, all as shown on a map entitled, "The Summit at Brighton, Preliminary Subdivision Plan," prepared by The Sear-Brown Group, Inc., dated July 23, 1996, having drawing no. 12373 SU 2, and being more particularly bounded and described as follows:

Beginning at a point of intersection of the westerly right-of-way line of Winton Road South, County Route 98 (width varies) with the northerly right-of-way line of Meridian Centre Boulevard (80 feet wide) (per Liber 275 maps; page 24); thence

1. S 86°37'26" W, along the aforementioned northerly right-of-way line of Meridian Centre Boulevard, and also along the northerly line of lands now or formerly of Corporate Woods Associates (T.A. No. 149.12-01-031.1), a distance of 2499.08 feet to a point of intersection with the easterly line of lands now or formerly of May Gonsenhauser (T.A. No. 149.08-01-002); thence
2. N 03°31'50" W, along said easterly line of Gonsenhauser, a distance of 717.06 feet to a point; thence
3. N 21°22'26" E, continuing along said easterly line of Gonsenhauser, a distance of 860.98 feet to a point of intersection with the southerly right-of-way line of Interstate 590, Rochester Outer Loop; thence
4. S 80°24'03" E, along said southerly right-of-way line of Interstate 590, a distance of 1375.91 feet to a point, said point being the northwesterly corner of lands now or formerly of Jewish Home and Infirmary of Rochester, N. Y. (T.A. No. 150.09-01-001.1); thence the following three (3) courses along the westerly line of said lands
5. S 03°22'34" E, a distance of 470.01 feet to a point; thence
6. N 86°37'26" E, a distance of 29.14 feet to a point; thence
7. S 03°22'34" E, a distance of 420.00 feet to a point at the southwest corner of said lands of the Jewish Home and Infirmary of Rochester, N. Y.; thence
8. N 86°37'26" E, along the southerly line of the last mentioned lands, a distance of 901.28 feet to a point of intersection with the aforementioned westerly right-of-way line of Winton Road South; thence

12373.001

9-07-96 R.A.V.

9. S 20°09'22" W, along said westerly right-of-way line, a distance of 327.21 feet to the Point of Beginning.

Subject to any easements or encumbrances of record.

12373.D0001.doc

Summary of Tax Map Identification Numbers

Project: The Summit at Brighton

Tax Map ID Number

149.12-01-030.2
149.08-01.003
149.08-01-004
150.05-01-044.1
149.12-01-013
149.12-01-021
149.12-01-020
149.12-01-019
149.12-01-018
149.12-01-024
149.12-01-023
149.12-01-022
149.12-01-025
149.12-01-008
149.12-01-009
149.12-01-010
149.12-01-001
149.12-01-002
149.12-01-007
149.12-01-006
149.12-01-017
149.12-01-016

**State Environmental Quality Review
FINDINGS STATEMENT**

Date: 11 September 1996

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR 617, the Town of Brighton Town Board, acting as Lead Agency, makes the following findings.

Name of Action: The Summit at Brighton

Description of Action: The applicant is proposing the construction of a 201 unit continuing care retirement community and 2 office buildings on a 31.5± acre portion of a 56.8± acre site located adjacent to 2021 Winton Road in the Town of Brighton. The project also includes an approximately 910 foot long extension of a Town roadway and associated utility lines, the dedication of 6.4 acres of parkland to the Town of Brighton, the development of this parkland by the Town for active and passive recreational use, and the installation of paved parking, stormwater management facilities, and utilities to service the proposed uses.

Location: West side of Winton Road adjacent to the developed property at 2021 Winton Road and south of Interstate Route 590 in the Town of Brighton, Monroe County.

Agency Jurisdiction: The Town of Brighton Town Board is acting as Lead Agency for the coordinated environmental review of this Type I action. The construction of the proposed project requires a change in zoning which must be approved by the Town Board. Several other regulatory and funding approvals are necessary from the Brighton Town Board and other agencies as specified in the FEIS.

Date Final EIS Filed: 21 August 1995

Facts and Conclusions Relied Upon to Support Decision:

I. The Proposed Action

The Summit at Brighton is a Continuing Care Retirement Community proposed to contain a total of 201 living units for senior citizens and support services. The project will consist of 141 Independent Living units and 60 units of Enriched Housing with accompanying common area facilities. In addition to the residential units, the project will include 45,000 - 57,000 square feet of office space in two buildings dedicated to Geriatric Services. The project also includes the extension of a dedicated Town roadway, the donation of approximately 6.4 acres of parkland to the Town, and the development of this parkland by the Town for active and passive recreational uses. Internal driveways, pedestrian connections, stormwater management facilities, utilities, garages and parking facilities are also planned to support the proposed uses.

The total property involved with the pending action is approximately 56.8 acres. The Summit residential project will occupy approximately 25.8 acres and the Geriatric Service Center will occupy approximately 5.7 acres. Parkland to be dedicated to and developed by the Town of Brighton will total 6.4 acres and the remaining approximately 18.9 acres will be held by the applicant for possible future development or sale.

Further details on the proposed development are contained in the FEIS and accompanying

Incentive Zoning application.

II. Environmental Review Process

A chronology of the application, and the environmental review of it, is as follows:

The Applicant submitted an application for incentive zoning and a change in zoning to the Town of Brighton in February 1995 along with a full Environmental Assessment Form (EAF).

By letter dated 23 February 1996, the Town Board indicated its intent to act as Lead Agency, exercised reasonable diligence to identify all Involved and Interested Agencies and notified same of its intent in accordance with the provisions of Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act (SEQR), and its implementing regulations at 6NYCRR Part 617.

On 27 March 1996 the Brighton Town Board filed a Positive Declaration directing the applicant to prepare a Draft Environmental Impact Statement (DEIS).

The Applicant prepared and submitted a DEIS to the Town Board it was determined to be complete and sufficient with regard to scope and content for purposes of commencing the public review on 22 May 1996. A Notice of Completion and Public Hearing and the DEIS were subsequently filed with all Involved and Interested Agencies and made available to the public in accordance 6NYCRR Part 617.12.

The Public Hearing on the DEIS was held on 26 June 1996 and the written comment period closed on 8 July 1996.

The FEIS was determined complete by the Lead Agency on 13 August 1996 and filed, with Notice of Completion, on 21 August 1996 in accordance with 6NYCRR Part 617.12.

III. Project Environmental Impacts

A. Geology, Topography and Soils

Description of Impacts:

The proposed project at Brighton will involve the stripping and stockpiling of top soil over approximately 32± acres for the Summit and associated Geriatric Services Center and approximately 4.0 acres by the Town for parkland development, a minor amount of grade change, and no anticipated impact to the bedrock geology. The natural slope of the site will remain substantially unchanged and the proposed grading will result in the import of approximately 70,000 to 80,000 cubic yards of fill material to the site. High water table conditions on the site will necessitate the use of dewatering techniques and special care in the establishment of positive drainage for the site during construction.

Mitigation Measures:

- 1) Erosion and sediment control measures will be implemented in accordance with the NYS Guidelines for Urban Erosion and Sediment Control (USDA SCS).
- 3) A crushed stone construction entrance and a truck washing station will be utilized at the

project construction access point. The adjacent public roadway will be power swept on a regular basis and as necessary to meet unusual conditions.

- 4) The amount of top soil to be removed from the site, if any, will be subject to review and approval of the Town Planning Board as part of Site Plan review.

Conclusions:

No significant geological, soil erosion, or topographically related environmental impacts will result from the project.

B. Surface Waters/Drainage

Description of Impacts:

This site is located in the watershed drained by the west branch of Allen's Creek. The placement of impervious surfaces for the project will result in an increase in the rate and volume of stormwater runoff and an increase in associated stormwater pollutant loading.

Mitigation Measures:

- 1) A stormwater management plan has been developed and is shown on project plans. It provides for two primary retention ponds to temporarily store stormwater and enhance its quality. These facilities provide treatment of stormwater through sedimentation and biological removal.
- 2) After passing through the proposed on-site retention ponds, the stormwater discharge from the project site will pass through additional retention ponds previously constructed on an adjacent development.

Conclusions:

- 1) With implementation of the stormwater management plan, no increase will occur in the rate of stormwater flow from the site for storm events up to those with a 25 year return period.
- 2) Even with implementation of the stormwater management plan, increases in storm water pollutant loadings to Allen's Creek will occur. The applicant will design and implement further stormwater management measures as part of the final project engineering with the goal of providing a zero pollutant load increase from the site before discharge to the detention ponds on the adjacent development, if reasonable and practical to achieve.
- 3) Stormwater management plans and facilities will be subject to further review and approval by the Town Engineer and Town Planning Board as part of Site Plan review for the project.

C. Terrestrial and Aquatic Ecology

Description of Impacts:

The proposed project will involve the development of approximately 32± acres for the Summit project and approximately 4.0 acres by the Town for active recreational use of the

total 56.8 acre site. Areas that will be directly impacted by construction are primarily former pasture and agricultural lands presently in successional field. Interspersed in this area are approximately 3.8 acres of federally regulated wetlands. These are common vegetative cover types in the western New York area and there are no unique features on this site.

The development area and adjacent roadway construction will result in the direct loss of approximately 0.83 acres of the on-site, regulated wetlands. The applicant has applied to the US Army Corps of Engineers for authorization to use these wetland areas and expects to receive such authorization pursuant to Nationwide Permit No. 26 under the Corps section 404 program.

It is explicitly noted that authorization for wetland filling under Nationwide Permit No. 26 is for the entire site, including the western 18.9 acre parcel (referred to as Parcel 3 in the EIS) and the 6.4 acres of land to be dedicated to the Town of Brighton for park use. The provisions of Nationwide Permit No. 26 specifically rule out the subdivision of land as a means of segmenting wetland fill areas for purposes of determining project fill area. Thus, any future development on any portion of the total 56.8 acre property involved with this application will be subject to the applicable limits under Nationwide Permit No. 26 including the 0.83 acres of area to be filled for the Summit project.

Mitigation Measures:

- 1) No significant impacts to on-site terrestrial or aquatic resources have been identified and no mitigation measures are proposed are proposed.
- 2) Impacts to downstream aquatic resources may result due to increased stormwater pollutant loading resulting from site development. Mitigation measures to reduce these impacts have been incorporated into the project stormwater management plan and further measures will be developed and reviewed as part of the Site Plan review by the Town Engineer and Town Planning Board.

D. Transportation

Description of Impacts:

The proposed development will add additional traffic volumes to the adjacent highway network. It is projected that this will total approximately 169 vehicle trips during the weekday AM peak hour and 264 vehicle trips during the weekday PM peak hour.

An existing queuing problem at the Winton Road/I-590 interchange has been identified during previous traffic studies in this area performed as part of the Meridian Centre development review. Modifications to the existing phasing at the I-590 interchange and signal coordination along this section of Winton Road will help alleviate the queuing problem. These measures are to be implemented with the build-out of the Meridian Centre project which is scheduled to occur before full development of the Summit project.

A Level of Service analysis indicates that with the signal coordination and phasing changes to be implemented by the Meridian Centre project, the additional traffic from the Summit site will not result in any change in Levels of Service or significant degradation of operations at the signalized and unsignalized intersections in the area. If the Summit project is complete before Meridian Centre, such that the phasing and coordination improvements are not in place, traffic operations will still not be notably degraded. It is noted that in this case, the queuing problem along Winton Road near the I-590 interchange will continue

with no relief.

It is further noted that the construction of an additional northbound left turn lane at the I-590 interchange, as recommended in the Central Brighton Transportation Study, is not included as part of the Meridian Centre improvement program and will not be funded by the present project.

Operation of all site access driveways will be adequate under all reasonable future development scenarios for lands to the west of the project site all the way to Clinton Avenue. In addition, the proposed Meridian Centre Boulevard construction will provide adequate capacity to handle all anticipated traffic flows from development of the lands to the west.

Mitigation Measures:

- 1) A 910 foot extension of the Meridian Centre Boulevard, and associated utilities and sidewalk, will be constructed and dedicated to the Town of Brighton. This will extend the roadway to the western limit of the Summit phase of the project. The present project does not, however, include the extension of this roadway to the western property line of the lands owned by the applicant and included in the overall 56.8 acre site. However, the applicant has committed to providing an easement to the Town for further extension of this road and has agreed to participate and contribute to the financing of a transportation district for such extension should such a plan be developed and implemented by the Town.
- 2) No further traffic mitigation measures have been incorporated into the Summit project with the exception of the provision of adequate access from the site to the existing roadway network.

Conclusions:

- 1) Development of the proposed project will result in additional traffic volumes on the adjacent roadway network.
- 2) The additional traffic will not be sufficient to result in a change in the Level of Service at any area intersections and it is concluded traffic impacts resulting from the proposed project will be small.

B. Land Use and Zoning

Description of Impacts:

The development of the Summit will convert and approximately 32 acre, abandoned agricultural property into a 201 unit senior living, congregate care facility with two associated geriatric services office buildings. An additional 6.4 acres of land will be dedicated to the Town of Brighton with approximately 4.0 converted to active recreational use by the Town.

The density and type of use proposed for the Summit project is compatible with adjacent and vicinity land uses. It will, however, result in the use of approximately 26 acres of land for tax exempt, residential use which was designated for commercial office development by the Town Master Plan. This will have fiscal implications for the Town of Brighton. The loss of taxable, commercial office space may have to be compensated for elsewhere in the Town as the Master Plan is updated in the future.

Mitigation Measures:

No significant land use or zoning impacts were identified and no mitigation measures are necessary.

Conclusions:

No significant impacts of the project related to land use or zoning have been identified.

F. Community Services

Description of Impacts:

The proposed project will result in an increase in sewage flow to the existing Town sewer line in this area. However, the increased flow rate was adequately anticipated in the planning of the sewer system and no improvements will be necessary. The extension of the Meridian Centre Boulevard will also include extension of a sanitary sewer line to accommodate flows anticipated from lands to the west of the site. The sizing and final design of this sanitary sewer line extension will be subject to final review and approval by the Town Engineer.

Based upon an established Town goal of 6.4 acres of parkland per 1000 population, the additional population at the Summit project will result in an increased demand for 2.4 acres of parkland including 1.1 acres for active recreation. The project includes the provision of 6.4 acres of parkland to the Town, including approximately 4.0 acres which are suitable for active recreational use, and a cash contribution toward its development. Thus, the project is expected to result in a net positive impact on community parkland resources.

The demand for other community services, such as police and fire protection, will increase marginally as a result of this development but should not cause any significant impact to the service providers.

Due to its tax exempt status, the Summit residential project is anticipated to result in a net deficit to the Town of Brighton municipal budget of approximately \$57,000 annually. The associated Geriatric Services Center is estimated at 30% tax exempt, but is still anticipated to result in a net positive fiscal impact in excess of \$57,000 annually with tax revenues and an annual amenity payment offered by the applicant. Thus, the total project should be approximately revenue neutral in terms of the Town municipal budget.

Budget implications of the development of the remaining portions of the property will depend upon the type of development which occurs and its tax status.

Mitigation Measures:

- 1) The applicant will dedicate approximately 6.4 acres of land to the Town for parkland use. A cash payment will also be made to assist the Town in the development of this new parkland for active recreational use.
- 2) Recreational activities will be provided at the project for residents which will reduce the impact on Town recreation services.
- 3) The applicant will provide an annual amenity payment to Town for the Summit residential project and the tax exempt portion of the Geriatric Services Center.

Conclusions:

- 1) The impact of increased sanitary sewage flows due to the proposed project will be insignificant.
- 2) Unfunded municipal service costs due to the Summit residential project will be essentially offset by net tax and amenity revenues anticipated to be derived from the associated Geriatric Services Center.
- 3) The proposed project will result in a positive impact on Townwide parkland resources for active and passive recreational use.

G. Visual Impacts

The development of the Summit will change the visual appearance of the site. This will result from the placement of structures in currently open land. The structures will be visible and prominent from a number of important thoroughfares and from the Erie Canal recreational tow path and existing Meridian Centre Town Park. The EIS demonstrates that extensive landscaping and berming will be necessary to soften the visual appearance and screen the project.

Mitigation Measures:

- 1) Extensive landscaping and the construction of a berm will be necessary to screen the project and soften its visual appearance from the adjacent I-590 right-of-way. It is noted that this landscaping and berming has not been fully detailed in the EIS and must be incorporated into the project plans during the site plan review process. The landscaping and berming will be subject to review and approval by the Town Planning Board as part of the site plan review process.
- 2) Extensive landscaping will also be required along the Winton Road and Meridian Centre Boulevard frontage of the project, consistent with the visual analysis in the EIS. This landscaping has not been fully detailed in the EIS and must be incorporated into the project plans during the site plan review process. The landscaping will be subject to review and approval by the Town Planning Board as part of the site plan review process.
- 3) Further landscaping or setback may be necessary as a buffer for the undeveloped parcel to the west which will have a different zoning classification upon approval of the Summit.

Conclusions:

Significant visual impacts have been identified in the EIS which will be mitigated by berming and landscaping. Such berming and landscaping have not been fully detailed in the EIS, but will be incorporated into project plans, reviewed, and approved by the Town Planning Board during the site plan review process.

I. Noise

Description of Impacts:

Existing noise levels on the project site are high due to the proximity of I-590. Due to this, it is likely that outdoor sound levels over the northern portion of the Summit site will exceed Federal Housing Administrations and Federal Highway Administration recommendations for residential areas. The applicant is relying upon building construction elements to reduce indoor noise levels to acceptable levels for residents.

Mitigation Measures:

- 1) Berming and landscaping along the I-590 frontage, as discussed under visual impacts, will also help reduce existing noise levels on the project site.
- 2) The proposed setback of the residential units from the I-590 frontage is important should be maintained through final project planning.

Conclusions

- 1) Existing noise levels on the project site are high due to the adjacent I-590 roadway. Berming, landscaping, and the setback of residential units near the I-590 frontage will also help reduce noise levels on the project site for future residents of the project.

I. Unavoidable Adverse Environmental Impacts

- 1) Temporary construction related noise, dust, and traffic interruptions are expected.
- 2) Significant increases are projected in storm water pollutant loadings to Allen's Creek from development of the project. The applicant will design and implement further stormwater management measures as part of the final project engineering with the goal of providing a zero pollutant load increase before discharge from the project site.
- 3) No significant impacts to on-site terrestrial or aquatic resources have been identified and no mitigation measures are proposed. The project will result in the direct loss of approximately 0.83 acres of federally regulated wetlands. This appears to be consistent with allowable limits under Nationwide Permit No. 26 pursuant to the US Army Corps of Engineers Section 404 regulatory requirements.
- 4) Development of the proposed project will result in additional traffic volumes on the adjacent roadway network. The additional traffic will not be sufficient to result in a change in the Level of Service at any area intersections and it is concluded that traffic impacts resulting from the proposed project, while negative, will be small.
- 5) Unfunded municipal service costs due to the tax exempt Summit residential project will be essentially offset by net tax and amenity revenues anticipated to be derived from the associated Geriatric Services Center. The proposed project will result in a positive impact on Townwide parkland resources for active and passive recreational use.
- 6) Significant visual impacts have been identified in the EIS which will be partially mitigated by berming and landscaping. Such berming and landscaping have not been fully detailed in the EIS, but will be incorporated into project plans, reviewed, and approved by the Town Planning Board during the site plan review process.
- 7) Existing noise levels on the project site are high due to the adjacent I-590 roadway. Berming, landscaping, and the setback of residential units near the I-590 frontage will also help reduce noise levels on the project site for future residents of the project.

K. Alternatives

The EIS examined four alternative development patterns for the property plus the No Action alternative.

Alternative Layout for Geriatric Services Center

An alternative was examined which would provide additional setback of the Geriatric Services Center buildings from Winton Road. While feasible, this alternative does not significantly improve the visual appearance of the site and will hamper site operations somewhat. Other environmental impacts remain essentially unchanged under this alternative.

Project Developed With Zone Change but Without Other Zoning Incentives

This alternative would provide for the requested zone change, but not the other zoning incentives requested. It is concluded that this alternative is impractical and unacceptable to meet the applicant's goals of providing a retirement community with continuing care. Environmental impacts remain essentially unchanged under this alternative.

Project Developed per Master Plan Recommendations for the Site

The Town Master Plan recommends office development of the project site. If developed in such a manner, it is projected that approximately 568,000 square feet of office space with approximately 2,272 parking spaces could be placed on the property. Such a development scenario would result in increased stormwater, traffic, and visual impacts as compared to the pending proposal. However, fiscal impacts to both the Town and the Brighton Central School District would be significantly improved over the pending proposal. Finally, it is not clear that sufficient demand exists to support the development of the site for office use and such a development will not meet the goals or needs of the project sponsor.

Development Consistent with Current Site Zoning

The project site is currently zoned for single family residential use and it is projected that approximately 127 single family lots could be accommodated on the property. While traffic and stormwater impacts would be reduced under this scenario, utility demands and fiscal impacts to the Town and School District would be increased. This alternative does not meet the needs of the project sponsor and may not be feasible given the surrounding land uses and location of the property.

No Action Alternative

The no action alternative does not meet the goals and needs of the project sponsor and does not meet the goals of the Town as contained in the most recent Master Plan.

L. Irreversible and Irretrievable Commitment of Resources

Development of the Summit project will involve the irreversible and irretrievable commitment of approximately 32 acres of inactive agricultural land to a residential, continuing care retirement community with associated geriatric services offices. It will also result in the irreversible extension of the Meridian Centre Boulevard approximately 910 feet west of its present terminus and the development of approximately 6.4 acres of Town parkland with approximately 4.0 acres devoted to active recreational use. Project

development would also result in the irretrievable commitment of materials, energy, capital, and labor for the construction and operation of the proposed facilities.

Certification of Findings:

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement, and;
3. Consistent with social economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

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AMENITY AGREEMENT**JEWISH HOME OF ROCHESTER**

INCENTIVE ZONING AND RE-ZONING. PREMISES ADJACENT TO 2021 WINTON ROAD, TOWN OF BRIGHTON, COUNTY OF MONROE, NEW YORK.

THIS AGREEMENT, dated the 11th day of September, 1996 by and between the JEWISH HOME OF ROCHESTER, a religious, charitable not-for-profit organization duly existing under the State of New York having an office for the transaction of business at 2021 Winton Road, Rochester, New York 14620 (the "Home"), and the Town of Brighton, a municipal corporation of the State of New York, with offices at 2300 Elmwood Avenue, Rochester, New York 14618 (the "Town").

WITNESSETH:

WHEREAS, The Home acquired title to certain real property located in the Town of Brighton by several deeds recorded in the Monroe County Clerk's Office, as set forth on Schedule "A" attached hereto; said deeds describing approximately sixty-six (56) acres of land, more fully identified on Schedule "A"; and

WHEREAS, The Home has applied for, ~~XXXXXXXXXX~~ an incentive zoning and re-zoning of a portion of said acquired property, which said portion is hereinafter referred to as "Premises", and is further identified as Lot 1 and Lot 2 on a certain preliminary subdivision and site plan (SU2 and SE2) prepared by The Sear Brown Group, P.C., dated July 23, 1996 (collectively, The Plan) of said acquired property; and

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WHEREAS, incentive zoning and re-zoning of said Lot 1 and Lot 2 is evidenced by a resolution of the Town Board dated September 11, 1996, authorizing the development of a senior living community to be known as The Summit, to be situated on Lot 2, and a Geriatric Service Center to be situated on Lot 1 of the Premises; and

WHEREAS, The Home has been, and continues to be recognized by the Town as an organization exempt from real estate taxation, pursuant to New York State Real Property Tax Law regarding both its organization and the intended use of Lot 2 and a portion of Lot 1 of the Premises for the project; and

WHEREAS, pursuant to New York State Real Property Tax Law, The Home is exempt, both on a use and organizational basis from payment of taxes and assessments imposed on Lot 2 of the Premises, other than certain levies which are, or may be imposed for special improvements or with respect to special improvement districts of Lot 2 of the Premises; and

WHEREAS, pursuant to New York State Real Property Tax Law, The Home is exempt, both on a use and organizational basis for the payment of taxes and assessments imposed on Lot 1 of the Premises other than certain levies which are or may be imposed for special improvements or with respect to special improvement districts to the extent that improvements to be constructed on Lot 1 are used for purposes exempt from such taxes; and

WHEREAS, the Town and The Home deem it necessary and proper to enter into an agreement regarding Lot 1 and Lot 2 of the Premises

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by making provisions for payments as an amenity by The Home to the Town; and

NOW, THEREFORE, in consideration of the foregoing contents, it is mutually agreed as follows:

1.

(a) As long as The Home or related entity owns or controls Lot 1 and Lot 2 of the Premises and operates the projects thereon, The Home agrees to make amenity payments to the Town (it being understood that Lot 1 of the Premises will be partially exempt from the payment of real estate taxes and assessments, as hereinabove set forth, and that Lot 2 will be fully exempt from the payment of all real estate taxes and assessments as hereinabove set forth), and in addition, pay all special ad valorem levies against the Premises which are, or may be imposed for special improvements by special improvement districts which would be levied upon, or with respect to the Premises if the Premises were not owned by the tax exempt entity. The amount of such payments and the method of calculation are set forth herein.

(b) Commencing with the issuance of a Certificate of Occupancy to The Home or a related entity for each unit on Lot 2 of the project (the Summit) by the Town, The Home or the related entity shall pay as amenity payments the annual amount of One Hundred Dollars (\$100.00) per unit as to the number of such units

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for which a Certificate of Occupancy is issued as of January 1st of each year. Such payment per unit shall be adjusted beginning January 1, 1998 and as of each January 1st during the term hereof to a level equal to the product of 100 X a fraction, the numerator of which shall be the level of Consumer Price Index for all urban consumers (CPI-J; 1982-1984 = 100 [Buffalo]) released with respect to the October preceding such January 1, and the denominator which shall be the level of Consumer Price Index for all urban consumers (CPI-J; 1982-1984 = 100, [Buffalo]) released for October 1, 1997, provided however, that in no case shall such fraction be less than 1.

2.

(a) As long as The Home or a related entity owns or controls Lot 1 of the Premises and a Geriatric Service Center containing one or more buildings is built thereon, the portion of the buildings used for specific use which support The Home and/or its affiliates and related charitable health care purposes shall be determined each year as of the regular tax assessment date. The total such area of the building(s) shall be calculated on a square foot basis and a fraction shall be calculated, the numerator of which shall be the rentable square footage devoted to uses which support The Home or related entities and would be considered tax exempt uses under the Real Property Tax Law, and the denominator shall be the total square footage of the rentable space in the Geriatric Service Center building(s). Such fraction when applied

to the total square footage of the Geriatric Service Center building(s) shall be considered tax exempt. The balance of said Geriatric Service Center building(s) shall be considered fully taxable. The foregoing calculations shall be made once per year as of the tax assessment date.

(b) As long as The Home or a related entity owns or controls the Geriatric Service Center and operates the buildings thereon, The Home agrees to make amenity payments to the Town in the annual amount of Forty Cents (\$.40) per square foot of such space, as is devoted to uses which support The Home or its affiliates and would be considered tax exempt uses under the Real Property Tax Law. Such payment per square foot shall be adjusted beginning January 1, 1998, and each January 1st during the term hereof, to a level equal to the product of \$.40 X a fraction, the numerator of which shall be the level of the Consumer Price Index for all urban consumers (CPI-J 1982-1984, [Buffalo]) = 100 released with respect to the October preceding January 1st, and the denominator shall be the level of Consumer Price Index for all urban consumers (CPI-J 1982-1994, [Buffalo]) = 100 released for October, 1997, provided however, in no such case shall the fraction be less than 1. In the event that tax exempt utilization of the Geriatric Service Center shall exceed 50% of the gross rentable space of the Geriatric Service Center, then, and in such event only, the annual amenity payment will be re-examined and modified if required to bring about a fair and equitable result.

(c) During the term of this Agreement, The Home shall continue to pay all special ad valorem levies, special assessments, sewer rents and service charges levied against Lot 1 of the Premises for special improvements by special improvement districts.

3. The Home, or its affiliate will pay, or cause to be paid, the amounts set forth in paragraph 1 and 2 above, as applicable, after receipt of bills from the Town or the appropriate Authorities, as the case may be, issued in the normal and customary fashion to property owners. Failure to receive a bill shall not relieve The Home of its obligation to make all payments provided for hereunder. If, for any reason, The Home does not receive an appropriate bill, The Home shall have the responsibility and obligation to make all reasonable inquiries to the Town and to have such a bill issued, and thereafter to make payment of the same no later than the due dates provided therein. Payments shall be made directly to the Town or the Authorities. Payments made after the due date(s) as set forth in the applicable tax bills shall accrue interest (and penalties) at the rates applicable to late payments of taxes for the respective Taxing Authorities and as further provided in the General Municipal Law. Anything contained in this paragraph (3) to the contrary notwithstanding, The Home shall have the obligation to make payment required by this subparagraph (other than payments of penalties, if any) on or prior to February 10 of

each year or on such later due dates as may be established by the parties from time to time.

4. In the event that Lot 2 or any part thereof is declared to be subject to taxation for taxes levied by the Town for general Town purposes, by legislative change, or by a final judgment of a court of competent jurisdiction, the obligations of The Home hereunder shall, to such extent, be null and void.

5. As long as this Agreement is in effect, The Home shall have the right to institute both administrative and judicial review of an assessment of the real estate with respect to the Premises pursuant to the provisions of Article 7 of the New York Real Property Tax Law or any other applicable law, as the same may be amended from time to time. Notwithstanding the foregoing, in the event that the assessment of the real estate with respect to the Premises is reduced as a result of any such review so that The Home would be entitled to receive a refund or refunds of taxes paid to the respective Taxing Authorities, if The Home were not a tax exempt owner of the Premises, The Home shall not be entitled to any change of the amounts paid pursuant to paragraph 1 (b) and 2(b) of this Agreement. In that event, The Home shall only be entitled to receive a refund of amounts paid to the respective Taxing Authorities pursuant to paragraph 2 (c) of this Agreement.

6. Except as otherwise provided herein, any notice required to be given by or under this Agreement shall be deemed to have been

duly given when delivered and, if delivered by mail, shall be sent by certified mail; postage prepaid, return receipt requested, addressed to the respective parties hereto at their respective addresses specified below or such other addresses as either party may specify in writing to the other:

The Town:

Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618
Attention: Town Supervisor and
Town Clerk

The Home

Jewish Home of Rochester
2021 Winton Road South
Rochester, NY 14618
Attention: President and
Executive Vice President

Notice by mail shall be effective when delivered, but if not yet delivered shall be deemed effective at 12:00 p.m. on the third business day after mailing.

7. Forthwith, upon the issuance by the Town of a building permit to The Home or its affiliate for the Geriatric Service Center, The Home shall pay to the Town the sum of Thirty-Three Thousand Dollars (\$33,000.00) as and for an amenity payment to be used to aid, assist, and/or reimburse the Town in causing Lot 4 of the Premises to be adapted for use as an addition to the Town Park, known as Meridian Centre Park. No further payment shall be due hereunder, notwithstanding the full cost of such improvement. The

Home shall receive a credit against such Thirty-Three Thousand Dollars (\$33,000.00) payment to the extent that The Home delivers fill material to Lot 4, such credit to be at the rate of Eight Dollars (\$8.00) per cubic yard of fill delivered. Nothing herein contained shall be deemed to require The Home to furnish any fill.

8. Failure by the Town in any instance to insist upon the strict performance of any one or more of the obligations of The Home under this Agreement, or to exercise any election herein contained, shall in no manner be or deemed to be a waiver by the Town of any of The Home's defaults or breaches hereunder or of any of the rights and remedies of the Town by reason of such defaults or breaches, or a waiver or relinquishment of any and all of The Home's obligations hereunder. No waiver, amendment, release or modification of this Agreement shall be established by conduct, custom or course of dealing. Further, no payment by The Home or receipt by the Town of a lesser amount than the correct amount or manner of payment due hereunder shall be deemed to be other than a payment on account, nor shall any endorsement or statement on any check or any letter accompanying any check or payment be deemed to effect or evidence an accord any satisfaction, and the Town may accept any checks or payments as made without prejudice to the right to recover the balance or pursue any other remedy in this Agreement or otherwise provided at law or equity.

9. This Agreement shall become effective as of the taxable status date of the Town in 1997 or upon execution, whichever first occurs. All taxes assessments, special assessments, service charges, special ad valorem levies, or similar tax equivalents due or to become due based upon prior taxable status dates shall be paid by The Home when due.

Town of Brighton

By: 
SANDRA FRANKEL
SUPERVISOR

Jewish Home of Rochester ,

By: 
ARNOLD S. GISSIN
PRESIDENT

**SCHEDULE C-1
CONDITIONS**

1. That, prior to the issuance of any building permit for construction on the Site, The Home will convey to the Town, or will cause to be conveyed to the Town, by means of a deed approved as to form by the Town Attorney, Lot 4, as shown on the Plan.
2. That, prior to the issuance of any building permit for construction on the Site, The Home will convey, or will cause to be conveyed, to the Town and its designees, an easement approved as to form by the Town Attorney, over that portion of Lot 3 as shown on the Plan. This conveyance shall offer that portion of Lot 3 for dedication to the Town as a public highway. Nothing contained in this paragraph 2 shall obligate the Home to bear any expense for the construction of said road, except as otherwise provided in this Resolution or in the Road Agreement.
3. That the final Subdivision Plan for the Site shall require the ongoing compliance by the Home, its successors and assigns with any applicable requirements of the U.S. Army Corps of Engineers concerning wetland disturbance.
4. That, prior to the issuance of any building permit for construction on Lot 1 of the Site, The Home agrees in writing with the Town, in a form acceptable to the Town, to permit the non-exclusive use, after 5 PM weekdays and on weekends and holidays, of any parking lots constructed on Lot 1 by visitors to the Town's Meridian Centre Park.
5. That, with respect to each contemplated agreement, neither party will unreasonably withhold their consent.

6. That, in addition to any other required approvals, all exterior sides of all structures to be constructed on proposed Lots 1 through 3 as shown on the Plan shall be subject to the approval of the Architectural Review Board of the Town of Brighton as provided in the Comprehensive Development Regulations.

7. That any site plan for Lots 1 and 2 of the Site shall be subject to the approval of the Planning Board and of the Town Engineer of the Town of Brighton, and shall be consistent with this Resolution.

8. That the real property described on Schedules E and F as Lots 1 and 2 shall only be developed in accord with the approved site plan, with the DEIS, with the FEIS and with the Findings Statement adopted by the Town Board on 9/11/96.

9. That all residential units constructed on Lot 2 will be occupied only as a Life Care Community, as defined in article 46 of the New York State Public Health Law.

10. That Lots 1 and 2, and any improvements thereon, shall be owned and operated by The Home, or an entity owned or controlled by The Home.

11. That the Home, its successors and assigns are not in default of any of its obligations under any of the agreements with the Town.

12. That, if any or one or more of the conditions or requirements or any portion thereof which are set forth in this Resolution are determined by a Court of competent jurisdiction to be contrary to law, such condition or requirement, or portion thereof, shall be deemed and construed to be severable from the remaining conditions and requirements which are herein contained and shall in no way affect the validity of the Resolution or the validity of the remaining conditions and requirements, or portions thereof.

13. That the conditions set forth herein may be altered, modified and/or removed only upon written consent of the Town Board of the Town of Brighton and The Home.

**SCHEDULE D-1
CONDITIONS FOR LOT 1**

1. That the minimum yard setback to the West property line shall be 0 feet .
2. That the minimum yard setback to the North property line shall be 25 feet.
3. That the screening for the parking area from the North property line shall be a minimum of 5 feet.
4. That the development on Lot 1 of the Site shall not exceed 57,000 SF.
3. That the front setback from Winton Rd. shall be at least 175 ft.

**SCHEDULE D-2
CONDITIONS FOR LOT 2**

1. That the density shall not exceed 8.2 units per acre .
2. That the maximum number of units to be constructed is limited to 201 units.
3. That the lot coverage shall not exceed 28%.
4. That the minimum garage setback to the East property line shall be 10 feet.
5. That the minimum setback for the primary buildings to the South property line shall be 300 feet.
6. That the minimum garage setback to the South property line shall be 180 feet.
7. That the minimum setback for the primary buildings to the North property line shall be 185 feet.
8. That the minimum garage setback to the North property line shall be 75 feet.
9. That the minimum floor area for any unit shall be 390 square feet.
10. That the minimum required parking shall be 1.0 space per unit of which .25 spaces per unit are enclosed.
11. That the maximum building length shall be 700 ft.
12. That the minimum distance between buildings, except garages, shall be 0 ft.

13. That the minimum distance between garage buildings shall be 15 ft.
14. That the ring road shall be 22 feet wide pavement (with gutters only as required) and with a pavement cross-section of 9" of stone base and 3" of pavement.
15. That the parking areas shall have concrete curb, as shown on the approved site plan, and shall have a pavement cross-section of 9" of stone base and 3" of pavement.
16. That a conditional use permit is granted to allow a sandwich/convenience shop of no more than 1000 square feet , whose use is limited to residents, their guests and staff.
17. That the signage is permitted to cover up to 220 square feet (excluding walls), and may be illuminated.
18. That walls on which signs are placed will not exceed a height of six feet.
19. That the dedicated roadway may be constructed with sidewalks only on one side from stations 3+30 to station 9+18, as shown on the Plan.
20. That fencing be permitted to extend up to four (4) feet in the front yard.
21. That the applicant and the construction of improvements as contemplated in the Plan shall otherwise comply in all other respects with the requirements of the Comprehensive Development Regulations.
22. That the conditions set forth herein may be altered, modified and/or removed only upon written consent of the Town Board of the Town of Brighton and the Home.

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STATE OF NEW YORK)
COUNTY OF MONROE)

On this 17th day of September, 1996, before me personally came Sandra Frankel, the above named person resides in Town of Brighton, that said person is the Supervisor of the Town of Brighton, the municipal corporation described in and which executed the foregoing instrument; and that the above-named person signed thereto on behalf of said corporation.

BABS MICHAEL
NOTARY PUBLIC, STATE OF NEW YORK
COUNTY OF MONROE 8031583
MY COMMISSION EXPIRES 08/08 98

Babs Michael
Notary Public

STATE OF NEW YORK)
COUNTY OF MONROE)

On this 11 day of September, 1996, before me personally came Arnold S. Gissin, the above named person resides in Town of Brighton, that said person is the President of the Jewish Home of Rochester, the corporation described in and which executed the foregoing instrument; and that the above-named person signed thereto on behalf of said corporation.

FINNIS L. EMBLING
Notary Public, State of N.Y.
Qualified in Monroe County
No. 01EM5059004
My Commission Expires 4/22/98

Finnis L. Embling
Notary Public

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: ER-7-14

Date: October 22, 2014

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

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

Name of Action: Jewish Senior Life Campus

SEQR Status: Type 1

Conditioned Negative Declaration: No

Description of Action: Resubdivision Approval, Site Plan Approval, Rezoning Approval, and amendment of existing Incentive Zoning requirements for a 25.3 ± acre parcel of land at 2021 Winton Road South in the Town of Brighton, Monroe County.

The project involves rezoning of a 5.6 ± acre lot (Lot 1) from BE-1 Office and Office Park to RHD-1 Residential High Density and combining Lot 1 with the adjacent 19.7 ± acre lot (Lot R-1), to create 25.3 ± acre proposed Lot AR-1, amendment of the existing Incentive Zoning Approval requirements for the parcel, and Site Plan Approval for the development of 1 (one) independent living/apartment building with 65 residential units, 4 (four) 3-story Greenhouse buildings, 2 (two) 1-story Greenhouse buildings, expansion of the existing maintenance building and improvements to covered entranceways into the Jewish Home Tower.

Location: 2021 Winton Road South in the Town of Brighton, Monroe County.

Reasons Supporting This Determination:

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

1. Geology, Topography and Soils

Initial site soil testing was completed by Foundation Design and Nofnagle Drilling, Inc. on May 16, 2013. These test included Borings and Test Pits and the results have been analyzed and included in a Geotechnical Evaluation Report completed by Foundation Design dated June 2013. The proposed project will involve the stripping and stockpiling of topsoil within the development area, a minor change in grade elevations and no anticipated impacts to the bedrock geology. Based upon initial earthwork calculations, it is expected that there will be an excess of both topsoil and select fill material generated from the proposed development. The excess material will be spoiled on-site if feasible or removed from the site. It is anticipated that a majority of the materials generated from the site can be utilized to create land forms and berming around the perimeter of the site to provide additional visual and noise buffers to the surrounding area. Any select fill material needed for fills within the buildings or pavement areas will most likely be generated from the proposed pond excavation areas. Per the report completed by Foundation Design it is anticipated there may be a need to import select fill for building and pavement areas.

2. Surface Waters / Drainage

The proposed development will increase the impervious cover of the site thus resulting in an increase in the volume of stormwater generated by the project. GI practices will be implemented to mitigate the additional volume of stormwater. However, the majority of the site contains soils of hydrologic class D which are not conducive to infiltration and an increase in the volume of stormwater discharged from the site is anticipated. The proposed stormwater management plan will be designed to offset the peak flows generated by the site from those peak flows naturally occurring within Allen's Creek thus mitigating the impact of the anticipated increase in the volume of stormwater generated by the project site.

The stormwater management systems will incorporate a combination of conveyance systems, stormwater management as well as standard and green infrastructure (GI) practices to treat storm water for water quality improvements and discharge it from the site at controlled rates. These improvements will provide the water quality volume needed to meet the pollutant removal goals specified in the Irondequoit Creek Watershed Stormwater Management Report Requirements and the latest New York State Stormwater Design Manual. In addition, these practices will provide a reduction of peak flows rates below existing peak runoff rates meeting the Town of Brighton and New York State Stormwater Design Manual requirements.

3. Terrestrial and Aquatic Ecology

The New York State and Federal wetland inventories were searched for wetlands and no existing regulated wetlands exist within the proposed development area. This was confirmed through field observations made during several visits to the project site.

The NYSDEC Natural Heritage Program was contacted in June 2013 to determine the possible presence of state-listed rare, threatened, or endangered species. A letter dated June 17, 2013 was received from the Natural Heritage Program, indicating only one recorded occurrences of any rare

or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of the site. The occurrence was for the Blackchin Shiner (*Notropis heterodon*) being observed in Irondequoit Bay and in Allen's Creek which was recorded in 1952. The Blackchin Shiner is a fish species and is ranked "S1" – Critically Imperiled in New York State. Globally it is ranked as a "G5" – Secure. Its legal status is unlisted. The possibility of the species occurring in the vicinity of the site is only valid if the appropriate habitat is present. The habitat for this species consists of cool, clear and shallow sections of lakes and slow regions of streams with weedy vegetation, very little siltation and a sandy substrate.

Allen's Creek is located on the east side of Winton Road and portions of the proposed project drain via constructed storm sewers to Allen's Creek. There are no streams that transverse the project site and therefore the habitat for the Blackchin Shiner is not present on the project site.

A request was also made to the United States Department of the Interior's Fish and Wildlife Service to review the project site against their records for endangered species. Their search returned one endangered species within proximity of the project site, the Bog Turtle (*Clemmys muhlenbergii*). Review of the habitat parameters consistent with the Bog Turtle, Northern Population Recovery Plan (U.S. Fish and Wildlife Service, 2001) were not observed during site visits within the proposed re-development area.

No habitat for rare fish, animal or plants that were listed as potential endangered species have been identified on the development site. Based upon this, no impacts are anticipated with the proposed rezoning or proposed development of the site.

4. Transportation

Proposed improvements to the project include upgrades to the internal circulation within the campus to provide more direct access to all parts of the campus including access between the Jewish Home parcel and the Summit at Brighton and Wolk Manor parcel. The improvements will enable motorists to utilize either the Winton Road or Meridian Centre Boulevard access points from any area of the JSL campus. It is anticipated that with these improvements that access to the site will be greatly improved and that traffic to the surrounding road network can be more evenly distributed between access points. Additionally, the proposed project will see a reduction in the traffic generated on site in comparison to the originally approved BE-1 parcel with a 50,000 SF medical office building. Traffic trip generations have been provided that show a decrease in the anticipated traffic between the two by 66%, and only an increase of 0.2% to the surrounding roadway network. The proposed internal circulation improvements and minimal increase in traffic to the roadway network indicates that impacts will be lower than those previously reviewed and approved. Additionally, the nominal increase in trip generation and more even distribution of trips to the available access points mitigates external traffic impacts to below those identified with the previous environmental review.

A suggestion from New York State Department of Transportation, contained as part of the

(2412774:)

mandated General Municipal Law referral response from Monroe County dated August 8, 2014 noted that consideration should be given to eliminating the existing driveway on Winton Road across from French Road and having sole access through Meridian Centre Boulevard. The applicant would like to continue utilization of two points of access to their campus from Winton Road and Meridian Centre Boulevard to maintain the current traffic patterns on the site. The proposed project does not measurably increase traffic on the surrounding road network and does not warrant the closing of the prime entrance into the Jewish Home property. Removal of the Winton Road access point would increase the use of the Meridian Centre Boulevard entrance and potentially have a negative effect on the Wolk Manor and Summit entrance, as well as the adjacent Meridian Centre office development. This project was designed to have minimal impact to the neighboring Summit and Wolk Manor parcel and require slight modifications to the site to facilitate the addition of the internal roadway between the two project parcels. The roadway configuration as proposed is consistent with the initial approved plan for The Summit and Wolk Manor to provide cross access between all of the parcels. The approved filed subdivision map for The Summit at Brighton, Wolk Manor and the five acre BE-1 zoned parcel included filed easements between these properties. Providing two points of access to a site is important and beneficial in providing access to emergency vehicles if one of the access points is temporarily closed.

5. Land Use and Zoning

This property was not identified within the Town of Brighton Comprehensive Plan and there are currently no recommendations regarding the individual land use of the parcel. There are however recommendations for senior housing within the Town of Brighton Comprehensive Plan.

The land use patterns surrounding the parcel are well established and virtually built out. Surrounding land uses include institutional uses, office complexes, medium / high density residential uses and Town park land. The proposed density of the project will increase by a factor of 18%, 65 independent living units. All other living units are transitioned from the Jewish Home to the proposed 'Green Houses'®. There will be a decrease in the impervious surfaces of the property by approximately 25% between the approved plan and the proposed plan on Lot 1. The overall project will have a total building coverage of 13% and total impervious coverage of 45%. The project as proposed will comply with the coverage requirements of the RHD-1 district. The project will require a change from the BE-1 zoning district to the RHD-1 district to be developed as proposed. The site plan for the proposed development will be reviewed and approved by the Planning Board. There will be no adverse environmental impact associated with this project relative to land use and zoning.

6. Community Services

The proposed project will generate additional sanitary sewer flow into the existing Town of Brighton sanitary sewer system; however no adverse impacts are anticipated. Utility services have been reviewed by the applicant's engineer and it is anticipated there will be adequate facilities to handle the proposed development. The MCWA is requiring an additional connection to be made to the existing water system to augment the existing water supply. RG&E has will provided

confirmation of their ability to serve the proposed development.

Emergency services (fire service, ambulance, police) have adequate response capabilities for this proposal.

There will be no impact to the Brighton School District. No school age children will be living in the project confines.

The existing recreational services/ facilities currently provided by the Jewish Home will be continued after the proposed additional development at the project site. Impacts from the increase of the 65 proposed independent living units will be mitigated by the Parkland Trust fee to be paid prior to obtaining a permit for construction.

As an amenity to the Town for rezoning the BE-1 parcel and allowing the proposed incentives for bulk standards within the site, as well as removing this parcel from the current tax rolls, as it will become integrated with the remainder of the Jewish Senior Life not-for-profit organization, the applicant is proposing cash contribution to the Town of \$75,000 to be paid at the time of issuance of the first building permit from the Town. In addition, a payment in lieu of taxes contribution of \$40,000 per year, adjusted annually, has also been proposed to offset the potential taxable revenue that would be created if the parcel were to be developed as a medical office building as was originally approved.

7. Cultural Resources

Deuel Archaeological was contracted to review the site for a Phase IA/Phase 1B Cultural Resource Investigation. The report concludes that there will be no adverse impact upon cultural resources that are or could be included within the State or National Registers of Historic Places. The New York State Office of Parks, Recreation and Historic Preservation reviewed the Cultural Resources Investigation and also found that the project will have no impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

8. Visual Resources

The development of the project will change the visual appearance of the site, resulting from the placement of proposed structures on an undeveloped, maintained portion of the site that is predominantly mown lawn. The proposed structures are all smaller in height and scale to the existing six-story Jewish Home building. The general character of the new architecture is residentially scaled and articulated to respect the scale of the surrounding community. The proposed structures will be reviewed and approved by the Architectural Review Board.

A naturalized buffer is being proposed around the site to limit the views from the surrounding community while giving a sense of privacy to those living on the campus. Within the campus will be a combination of landscape elements that will help tie all of the buildings into one contiguous campus environment.

9. Construction

Prior to any earthwork being commenced on the site an erosion and sediment protection plan, and

{2412774: }

storm water pollution prevention plan, SWPPP, in accordance with the Town of Brighton and latest NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities will be implemented. In addition, the project may disturb an area greater than 5 acres and may need to obtain a 5 acre waiver from the Town of Brighton. The Town of Brighton strongly discourages the need for a 5 acre waiver in most circumstances and may require that a phasing plan be prepared prior to the start of construction that defines the maximum disturbed area per phase, and the specific sequencing and phasing that will be done to minimize the amount and duration of exposed areas to the maximum extent practicable.

Erosion control measures consistent with the New York State Standards and Specifications for Erosion and Sediment Control will be installed to capture sediments from the site. Temporary cover will be established as soon as all earthwork has been completed. The proposed design will minimize the need to import or export materials to the greatest extent practicable. Access to the site will be monitored and a temporary construction entrance will be established to alleviate soils and mud from being tracked off of the site.

Each phase of construction will also be designed to conform to the construction erosion control requirements of the latest New York State Department of Environmental Conservation (NYSDEC), State Pollutant Discharge Elimination System (SPDES), General Permit.

Other common NYSDEC approved forms of construction erosion control that can be implemented on this site include but are not limited to, silt fence installation, stone check dams, sediment traps, temporary diversion swales and rock outlet protection.

10. The Summit Environmental Impact Statement

In conjunction with the 1996 Incentive Zoning/Rezoning, an Environmental Impact Statement analyzing all potential significant adverse environmental impacts was prepared. That study addressed the potential of a 50,000 square foot medical office building on the BE-1 Office parcel. Based on the reduction of the level of development (residential units), the environmental impacts of this development will be less than, and within the parameters of the environmental review conducted in 1996.

For further information:

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

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

Telephone: (585)784-5229

2310MP
KAM
Revised
12/24/14

Exhibit E
Description of lands
to be rezoned from BE-1 to RHD-1
Lot 1

ALL THAT TRACT OR PARCEL OF LAND containing 5.608 acres more or less, situate in the Phelps and Gorham Purchase, Township 13, Range 7, Town Lot 32, Town of Brighton, County of Monroe, and State of New York, as shown on the drawing entitled "Jewish Senior Life, Rezoning Exhibit, lands to be rezoned to Incentive Zoning" prepared by BME Associates; having drawing number 2310MP-05, last revised December 24, 2014, being more particularly bounded and described as follows:

Beginning at a point, said point being the intersection of the easterly boundary line of T.A. No. 143.12-1-33 with the northerly right-of-way line of Meridian Centre Boulevard (Right-of-Way Width Varies); thence

1. N 03°22'34" W, along said easterly boundary line of T.A. No. 143.12-1-33, a distance of 300.00 feet to a point on the southerly boundary line of Lot R-1, as filed in the Monroe County Clerk's Office at Liber 223 of Maps, Page 34; thence
2. N 86°37'26" E, along said southerly boundary line of Lot R-1, a distance of 882.95 feet to a point on the westerly boundary line of Winton Road South – County Road 98 (Right-of-Way Width Varies); thence
3. S 20°54'47" W, along said westerly right-of-way line of Winton Road South, a distance of 300.91 feet to a point; thence
4. S 50°44'25" W, Continuing along the westerly right-of-way line of Winton Road South, a distance of 43.89 feet to a point on the aforementioned northerly right-of-way line of Meridian Centre Boulevard.; thence
5. S 86°37'26" W, along said northerly right-of-way line of Meridian Centre Boulevard, a distance of 723.62 feet to the Point of Beginning.

2310MP
KAM
Revised
12/24/14

Exhibit F
Description of Lot AR-1

ALL THAT TRACT OR PARCEL OF LAND containing 25.279 acres more or less, situate in the Phelps and Gorham Purchase, Township 13, Range 7, Town Lots 31 and 32, Town of Brighton, County of Monroe, and State of New York, as shown on the drawing entitled "Jewish Senior Life, Rezoning Exhibit, lands to be rezoned to Incentive Zoning" prepared by BME Associates, having drawing number 2310MP-05, last revised December 24, 2014, being more particularly bounded and described as follows:

Beginning at a point, said point being the intersection of the easterly boundary line of T.A. No. 143.12-1-33 with the northerly right-of-way line of Meridian Centre Boulevard (Right-of-Way Width Varies); thence

1. N 03°22'34" W, along said easterly boundary line of T.A. No. 143.12-1-33, a distance of 720.00 feet to a point on the southerly boundary line of Lot R-1, as filed in the Monroe County Clerk's Office at Liber 223 of Maps, Page 34; thence
2. S 86°37'26" W, continuing along said easterly boundary line of T.A. No. 143.12-1-33, a distance of 29.14 feet to a point; thence
3. N 03°22'34" W, continuing along said easterly boundary line of T.A. No. 143.12-1-33, a distance of 470.24 feet to a point on the southerly right-of-way line of New York State Interstate 590 (Right-of-Way Width Varies); thence
4. S 80°24'57" E, along said southerly right-of-way line of New York State Interstate 590, a distance of 78.46 feet to a point; thence
5. S 85°19'40" E, continuing along said southerly right-of-way line of New York State Interstate 590, a distance of 820.76 feet to a point; thence
6. S 88°26'31" E, continuing along said southerly right-of-way line of New York State Interstate 590, a distance of 312.74 feet to a point on the westerly right-of-way line of Winton Road South - County Road 98 (Right-of-Way Width Varies); thence
7. S 13°50'24" E, along said westerly right-of-way line of Winton Road South, a distance of 44.97 feet to a point; thence

8. S 14°39'41" W, continuing along said westerly right-of-way line of Winton Road South, a distance of 109.33 feet to a point; thence
9. S 20°54'47" W, continuing along said westerly right-of-way line of Winton Road South, a distance of 194.52 feet to a point; thence
10. N 79°51'08" W, continuing along said westerly right-of-way line of Winton Road South, a distance of 4.10 feet to a point; thence
11. S 21°11'21" W, continuing along said westerly right-of-way line of Winton Road South, a distance of 87.90 feet to a point; thence
12. S 47°25'00" E, continuing along said westerly right-of-way line of Winton Road South, a distance of 4.79 feet to a point; thence
13. S 20°54'47" W, continuing along said westerly right-of-way line of Winton Road South, a distance of 655.18 feet to a point; thence
14. S 50°44'25" W, continuing along said westerly right-of-way line of Winton Road South, a distance of 43.89 feet to a point on the aforementioned northerly right-of-way line of Meridian Centre Boulevard.; thence
15. S 86°37'26" W, along said northerly right-of-way line of Meridian Centre Boulevard, a distance of 723.62 feet to the Point of Beginning.

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 11th day of March, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated February 27, 2015 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Supervisor to execute an amendment to the agreement with Bayer Architecture, PLLC to conduct the Phase 1b testing in connection with the Cultural Resources Study for the Shared Use Trail for an additional cost not to exceed \$2,375.00, and to further authorize a transfer out of the Parkland Trust Fund of \$2,375.00 to the engineering services line of the trail's capital project account to fund these additional services, be received and filed; and

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an amendment to the agreement with Bayer Architecture, PLLC to conduct the Phase 1b testing in connection with the Cultural Resources Study for the Shared Use Trail for an additional cost not to exceed \$2,375.00, and further authorizes the transfer out of the Parkland Trust Fund of \$2,375.00 to the engineering services line of the trail's capital project account to fund these additional services.

Dated: March 11, 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)784-5260 * FAX (585)784-5368

February 27, 2015

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

Re: Farash Property Shared Use Trail
Additional Professional Services

Dear Councilperson Werner and Committee Members:

The Town Board authorized a bid award to Bayer Landscape Architecture, PLLC to execute an agreement to provide professional services in connection with the development of the Farash property shared use trail project at a cost not to exceed \$117,550.00. The scope of this agreement required that Bayer Landscape Architecture conduct a Phase 1a Cultural Resource Study. The State Historic Preservation Office reviewed the Phase 1a study and requested that Phase 1b testing be completed. The scope identified in the agreement does not include provisions for Phase 1b testing. Bayer Landscape Architecture, PLLC has provided a proposal to complete this work for a cost not to exceed \$2,375. A copy of this proposal is attached for your reference.

I am requesting that the FASC recommend that the Town Board authorize the Supervisor to endorse an amendment to the Bayer Architecture, PLLC agreement to complete the Phase 1b testing as requested by the State Historic Preservation Office for an amount not to exceed \$2,375. Also, following a discussion with the Finance Director we are requesting that \$2,375 be transferred from the Parkland Trust Fund to the engineering services line of the trail's capital project account to fund these additional services.

I will be in attendance at your regularly scheduled March 3, 2015 meeting in the event that you have any questions regarding this correspondence. As always, your consideration of matters such as this is greatly appreciated.

Sincerely,

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

Cc: Suzanne Zaso
Tim Keef

Bayer Landscape Architecture, PLLC
19 North Main Street
Honeoye Falls, NY 14472

P: 585.582.2000
F: 585.582.2005

bayerla.com

February 26, 2015

Michael E. Guyon, PE
Town of Brighton Department of Public Works
2300 Elmwood Avenue
Rochester, New York 14618

Re: Brighton Shared-Use Trail
Request for Additional Services / Phase 1b Investigation

Dear Mike,

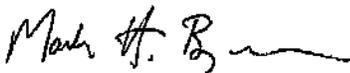
As requested, we are submitting a fee proposal to complete the Phase 1B Field Investigation required by the New York State Historic Preservation Office. We will oversee and coordinate this work with our sub-consultant, Deuel Archeology to provide the services outlined below for a total fee not-to-exceed \$2,375.

Scope of Services:

- Field investigation (excavate shovel tests at 50-foot intervals along sections of the proposed trail alignment indicated in orange on the Project Map included in the Phase IA Cultural Resource Investigation (DACRM 2015); photograph field conditions, field methodology, current conditions of any archaeological sites identified, and any areas not tested due to standing water or prior ground disturbance).
- Plot locations of shovel tests, photographs, and potential archaeological sites on project map.
- Complete SHPO site forms for all identified archaeological sites.
- Incorporate data into Phase IB Field Investigation report.
- Submit digital copy of Phase IB report to the New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP).

Once approved, we are prepared to begin the field work in Spring 2015 as field conditions permit. All archaeological work will be conducted in compliance with the Standards for Cultural Resource Investigations adopted by the NYSOPRHP. If additional work is required beyond this scope due to our findings in this investigation and/or additional requirements imposed by NYSOPRHP, a scope of service increase will be submitted for your review and approval.

Sincerely,



Mark H. Bayer, RLA, ASLA
Principal

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 11th day of March, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated February 26, 2015 from Police Chief Mark T. Henderson regarding a request to authorize the acceptance of \$600.00 in funding from Lifespan of Greater Rochester for Elder Abuse Training together with a request that the Police Department 2015 budget be amended to reflect the receipt of these funds, be received and filed; and

BE IT RESOLVED, that the Town Board hereby authorizes the acceptance of \$600.00 in funding from Lifespan of Greater Rochester for Elder Abuse Training and amends the Police Department 2015 budget in accordance with the above referenced letter to reflect the receipt of these funds.

Dated: March 11, 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 26, 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 \$600.00 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 4.14 Law Enforcement Supplies** by \$600.00 to be fully supported by an increase in revenues **A.POLCE.3120 1589 Public Safety** of the same amount.

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 11th day of March, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated February 27, 2015 from Town Engineer Michael E. Guyon regarding a request to authorize the Supervisor to execute an agreement with In.Site Architecture to provide professional services in accordance with the scope outlined in the November 25, 2014 Request for Proposal for the Town of Brighton Farmer's Market project for a cost not to exceed \$118,000.00, be received and filed; and

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with In.Site Architecture to provide professional services in accordance with the scope outlined in the November 25, 2014 Request for Proposal for the Town of Brighton Farmer's Market project for a cost not to exceed \$118,000.00, subject to the review and approval of the agreement by the Attorney to the Town.

Dated: March 11, 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 27, 2015

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

Re: Request for Proposals, (RFP)
Town of Brighton Farmer's Market
Professional Services

Dear Councilperson Werner and Committee Members:

The Town Board authorized the preparation and solicitation of a request for proposal for professional consulting services on November 26, 2014 for the Town of Brighton Farmer's Market Project. The consultant selected for this project will produce an overall concept and site development plan for the farmer's market and multi-use facility. They will also be responsible to develop design and construction documents for the initial phase of the project.

The Town of Brighton solicited a Request Proposals for professional services for this project in November 2014. The Request for Proposal was advertised in the NYS Contract Reporter on November 28, 2014 and responses were requested and received on December 30, 2014. Six firms submitted a response to the Request for Proposal.

A committee consisting of Recreation Department staff, a Parks and Recreation Committee member, a member of the Farmer's Market and Town staff evaluated the proposals and after much deliberation selected three firms to interview, Fisher Associates In.Site Architecture, and TYlin International. Interviews were conducted on February 5, and February 6, 2015. After reviewing all details from the presentations and reference checks the group unanimously has decided to recommend In.Site: Architecture for the project. While not the lowest fee, In.Site was selected for their innovative, creative and purposeful use and re-use of existing buildings and farm structures. They have experience working on other market projects and quickly identified ways in which they could work with us to identify alternate funding sources for our project. They emphasized utilizing the material that existed on site possibly for rehabilitation of existing buildings or repurposing building materials in other ways. Their team was a cohesive unit that presented very well. Their references were outstanding and echoed our initial response to the firm. The references that we spoke to had positive experiences and worked well with In. Site in all areas including budget, construction schedule, and public meetings. The references reported a very strong, positive public information process and identified



numerous ways in which In.Site involved the public in developing the project. The bidders along with their proposed not-to-exceed fee are listed in Appendix A.

The In.Site Architecture price proposal indicates that a maximum not-to-exceed price to provide those services outlined in the RFP including Construction Administration and Inspection is \$118,000.00. We are proposing to award the entire contract for a fee not to exceed \$118,000.00.

I am requesting that the FASC authorize the Supervisor to enter into an agreement with In.Site Architecture for a cost not-to exceed \$118,000.00 to provide those professional services in accordance to the scope outlined in the November 25, 2014 Request for Proposal for the Town of Brighton Farmer's Market project. The Town has secured grant funding of approximately \$400,000 to plan, design and construct the initial phase of this project.

I will be in attendance at your regularly scheduled March 3, 2015 meeting in the event that you have any questions regarding this correspondence. As always, your consideration of matters such as this is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "M. E. Guyon", is written over a horizontal line.

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

Cc: Suzanne Zaso
Tim Keef
Rebecca Cotter



Appendix A

Town of Brighton Farmer's Market Request for Proposal

Bidders List

Consultant Firm	Total Price
Bell & Spina	\$154,560.00
TY LIN International	\$110,450.00
LaBella Associates, D.P.C.	\$98,120.00
In.Site Architecture	\$118,000.00
KCB Architecture	\$271,625.50
Fisher Associates	\$98,300.00

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 11th day of March, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated March 2, 2015 from Finance Director Suzanne Zaso regarding a request to authorize the Supervisor to execute an agreement with the firm of Raymond F. Wager, CPA, P.C. to perform a special review of the procedures used in the Brighton Police Department property room's inventory at a cost not to exceed \$1,500.00, be received and filed; and

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with the firm of Raymond F. Wager, CPA, P.C. to perform a special review of the procedures used in the Brighton Police Department property room's inventory at a cost not to exceed \$1,500.00.

Dated: March 11, 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

March 2, 2015

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

Dear Honorable Town Board:

I am requesting that the Town Board authorize the Supervisor to execute an agreement with the independent audit firm of Raymond F. Wager, CPA, P.C. for a special review procedure relating to the Brighton Police Department's property room inventory. This audit is above and beyond the annual audit services for which the Town has already engaged the firm. The estimated charge for these additional services is between \$1,200 and \$1,500. Funding is available in the independent audit budget for 2015.

Chief Henderson or 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.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne Zaso".

Suzanne Zaso
Director of Finance

Cc: Chief Mark Henderson

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 11th day of March, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated March 2, 2015 from Town Engineer Michael E. Guyon, P.E. regarding a request to appoint Michael E. Guyon as Brighton's Climate Smart Community Coordinator, be received and filed; and

BE IT RESOLVED, that the Town Board hereby appoints Michael E. Guyon as Brighton's Climate Smart Community Coordinator.

Dated: March 11, 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

March 2, 2015

The Honorable Town of Brighton Town Board
Town of Brighton
2300 Elmwood Ave.
Rochester, New York 14618

Re: New York State Climate Smart Communities
Certification Program

Dear Supervisor Moehle and Town Board Members::

The Town of Brighton passed a resolution on April 9, 2014 adopting the Climate Smart Community, CSC, Pledge. This resolution represents Pledge Element 1.1 of a certification framework that has been organized around the ten elements in the Climate Smart Communities Pledge. Additionally, the Town has completed Pledge Element 1.2, Create a community Task Force, known as the Sustainability Oversight Committee and Pledge Element 1.4, Create an internal green team. Pledge Element 1.3 requires that the Town Board appoint a Climate Smart Community coordinator. The CSC Program indicates that local governments should submit documentation such as an executive memorandum or resolution demonstrating that a staff member or volunteer has been appointed to serve as the local government's CSC coordinator.

Therefore, I am requesting that the Town Board appoint Michael Guyon as the Climate Smart Community coordinator. Mr. Guyon currently serves as Town staff's liaison with the Sustainability Oversight Committee.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled March 11, 2015 Town Board meeting in the event that you have any questions regarding this matter.

Respectfully,

Michael E. Guyon
Department of Public Works

Cc Tim Keef
Mary Ann Hussar

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 11th day of March, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated February 26, 2015 from Deputy Highway Superintendent Timothy J. Anderson regarding a request to declare as surplus a 2000 Mill Welder (Asset #00952), a 2010 59" Snow blower attachment for sidewalk tractor (S/N M059SBX650958) and a Four Drawer Filing Cabinet (Asset #02036), and to trade in the welder on the purchase of a new welder and dispose of the two other items as junk, be received and filed; and

BE IT RESOLVED, that the Town Board hereby declares as surplus a 2000 Mill Welder (Asset #00952), a 2010 59" Snow blower attachment for sidewalk tractor (S/N M059SBX650958) and a Four Drawer Filing Cabinet (Asset #02036), and further authorizes the trade in of the welder on the purchase of a new welder and the disposal of the two other items as junk.

Dated: March 11, 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 26, 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:

2000 Miller welder	Asset #00952
2010 59" Snow blower attachment for sidewalk tractor	S/N M059SBX650958
4 Drawer file cabinet	Asset #02036

I further recommend that I be authorized to dispose of the Miller welder by trading it towards the purchase of a new welder. Funds have been allocated in the 2015 budget, D.HWY.5130 2.30 and SS. SEWER.8120 2.40, for the purchase of a new welder. The snow blower attachment and four drawer file cabinet have no remaining value and/or no longer serviceable and should be disposed of as junk.

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 11th day of March, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated February 25, 2015 from Recreation Director Rebecca J. Cotter regarding a request to authorize the transfer of \$500.00 from the Part-Time Wages account (A.REC 7310 1.20) with \$400.00 to be transferred to the Farmers Market Other Contract Services Account (A.REC 8981 4.49) and \$100.00 to be transferred to the Community Garden Other Contracted Services Account (A.REC 8983 4.49), be received and filed; and

BE IT RESOLVED, that the Town Board hereby authorizes the transfer of \$500.00 from the Part-Time Wages account (A.REC 7310 1.20) with \$400.00 to be transferred to the Farmers Market Other Contract Services Account (A.REC 8981 4.49) and \$100.00 to be transferred to the Community Garden Other Contracted Services Account (A.REC 8983 4.49).

Dated: March 11, 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
RECREATION, PARKS & COMMUNITY SERVICE DEPARTMENT

220 Idlewood Road
Rochester, NY 14618
<http://www.townofbrighton.org>

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

February 25, 2015

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

Dear Board Members:

I respectfully request your permission to authorize the budgetary transfer of funds in the amount of \$500 to cover an increase in payment for the coordination of the Brighton Farmers Market and Community Garden. Money is available in the 2015 budget to support this transfer. I am requesting \$500 will transfer from A. Rec. 7310 1.20 (Part-Time Wages) with \$400 going to A. Rec. 8981 4.49 (Famers Market Other Contracted Services) and \$100 will transfer to A. Rec. 8983 4.49 (Community Garden Other Contracted Services). This transfer will allow for a \$500 total increase for the coordination of these two programs. The Coordinator of the Market and Community Garden has not received an increase in payment since 2013.

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

Thank you for your consideration,

Rebecca J. Cotter
Recreation Director
Town of Brighton

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 11th day of March, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

JAMES R. VOGEL

LOUISE NOVROS

CHRISTOPHER K. WERNER

JASON S. DIPONZIO

Councilpersons

BE IT RESOLVED, that a memorandum dated March 3, 2015 from Finance Director Suzanne Zaso regarding a request to authorize certain appropriations and re-appropriations with respect to Capital Projects initiated prior to 2015 as set forth in her memorandum and to authorize the Finance Director to make any and all necessary accounting entries to implement the above referenced actions, be received and filed; and

BE IT RESOLVED, that the Town Board hereby authorizes the appropriations and re-appropriations as set forth in the above referenced memorandum and authorizes the Finance Director to make any and all necessary accounting entries to implement the above referenced actions.

Dated: March 11, 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 *W*
Date: March 3, 2015
Subject: Appropriation/Re-Appropriation of Capital Projects Budgets

I am requesting Town Board authorization of the Finance Department to take the following actions with regards to ongoing capital projects initiated in 2014 or prior years and with regards to new 2015 capital projects, as detailed on the attached capital projects spreadsheet:

- To re-appropriate the balances of estimates for all unrealized revenues and all unexpended, unencumbered appropriations relating to ongoing capital projects initiated in years prior to 2015, and
- To authorize the appropriation of, and the transfer of cash provided for, cash capital contributions adopted as part of the 2015 budget, and
- To appropriate into each capital project budget any interest earned on project monies through 12/31/2014, thereby providing additional spending authorization and excluding interest earned on borrowed funds (that have been properly transferred to the Debt Service Fund), and
- To direct and empower the Director of Finance to make any and all necessary accounting entries to implement the Town Board's intended actions with regard to this matter.

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.

Attachment

Copy to: T. Keef
M. Guyon
A. Banker

TOWN OF BRIGHTON			
2015 CAPITAL PROJECT BUDGETS			
Appropriation/Re-Appropriation of Prior-Year "Open" and "New" Capital Projects			
Capital Project Description	Budget Code	Debit	Credit
Ambulance Purchase 2013 (AMB13/AM13)			
Ambulance 13 - Serial Bonds	H.AMBUL.AMB13.5710	\$ 33,750.00	
Ambulance 13 - BANs Redeemed from Approp.	H.AMBUL.AMB13.5731	\$11,250.00	
Fire Alarm System - Town Hall and Operations Center - (ALARM/ALRM)			
Fire Alarm System - Serial Bonds	H.BLDGS.ALARM 5710	\$115,670.00	
Fire Alarm System - BANs Redeemed from Approp.	H.BLDGS.ALARM 5731	\$19,150.00	
Fire Alarm System - Building Improvements	H.BLDGS.ALARM 2.63		\$20,824.00
Fire Alarm System - Attorney Fees	H.BLDGS.ALARM 4.53		\$1,936.04
Fire Alarm System - Fiscal Advisor Fees	H.BLDGS.ALARM 4.56		\$1,102.84
Town Hall/Public Safety Wing Roof (ROOF/ROOF)			
Roof - Serial Bonds	H.BLDGS.ROOF 5710	\$293,020.00	
Roof - BANs Redeemed from Approp.	H.BLDGS.ROOF 5731	\$41,860.00	
Roof - Attorney Fees	H.BLDGS.ROOF 4.53		\$0.00
Roof - Fiscal Advisor Fees	H.BLDGS.ROOF 4.56		\$127.97
Salt Barn Roof Replacement (SALT/ROOF)			
Salt Roof - Serial Bonds	H.BLDGS.SALTR 5710	\$108,000.00	
Salt Roof - BANs Redeemed from Approp.	H.BLDGS.SALTR 5731	\$12,000.00	
Salt Roof - Building Improvements	H.BLDGS.SALTR 2.63		\$3,990.00
Salt Roof - Engineering Fees	H.BLDGS.SALTR 4.52		\$6,540.00
Corwin Road Bridge Maintenance (COWRN/CRWN)			
Corwin Road Bridge - New York State Aid	H.BRIDG.CORWN.3580	\$2,459.27	
Corwin Road Bridge - Federal Aid	H.BRIDG.CORWN 4580	\$0.00	
Corwin Road Bridge - Transfer from Highway Fund	H.BRIDG.CORWN 5015	\$7,559.56	
Monroe Avenue Green Street Project (MAGSP/MAGS)			
Monroe Ave Green St. Proj - New York State Aid GIGP Grant	H.GIGP.MAGSP.3992	\$1,399,421.73	
Monroe Ave Green St. Proj - Drain Infrastructure	H.GIGP.MAGSP.2.81		\$738,185.36
Monroe Ave Green St. Proj - Dept Chg HWY	H.GIGP.MAGSP.4.01		\$500,000.00
Monroe Ave Green St. Proj - DptchgProj	H.GIGP.MAGSP.4.03		\$40,000.00
Monroe Ave Green St. Proj - Engnr Fees	H.GIGP.MAGSP.4.52		\$18,405.00
Monroe Ave Green St. Proj - Attny Fees	H.GIGP.MAGSP.4.53		\$20,993.31
Library HVAC Unit			
HVAC - Serial Bonds	H.LIBRY.HVAC 5710	\$52,500.00	
HVAC - BANs Redeemed from Approp.	H.LIBRY.HVAC 5731	\$7,500.00	
HVAC - Building Improvements	H.LIBRY.HVAC 2.63		\$12,550.61
HVAC - Engineering Fees	H.LIBRY.HVAC 4.52		\$0.00
HVAC - Attorney Fees	H.LIBRY.HVAC 4.53		\$191.05
HVAC - Fiscal Advisor Fees	H.LIBRY.HVAC 4.56		\$500.00
Elmwood/Westfall Trail (Brickvard Trail) (EWTRL/EWTR)			
Elmwood/Westfall Trail - Engineering Fees (approp. interest earned)	H.PARKS.EWTRL 4.52		\$48.74
Park Planning and Investigation Project:			
Park Planning/Investigation - Planning/Consulting Services	H.PARKS.PLAN.4.49		\$82,304.04
Park Planning/Investigation - Planning/Consulting Services (approp. Int.)	H.PARKS.PLAN.4.49		\$39.22

TOWN OF BRIGHTON			
2015 CAPITAL PROJECT BUDGETS			
Appropriation/Re-Appropriation of Prior-Year "Open" and "New" Capital Projects			
Capital Project Description	Budget Code	Debit	Credit
Highland Park / Canalway Trail Project (PARKS/TPTRL)			
Highland Park / Canalway Trail - Intergovernmental Fees (City of Rochester)	H.PARKS.TPTRL 2389	\$28,567.04	
Highland Park / Canalway Trail - Federal Aid	H.PARKS.TPTRL 4585	\$194,317.95	
Highland Park / Canalway Trail - EsmntRgtWwy	H.PARKS.TPTRL.2.69		\$200,000.00
Highland Park / Canalway Trail - Engineering Fees	H.PARKS.TPTRL.4.52		\$12,328.88
Highland Park / Canalway Trail - Engineering Fees (approp. Interest earned)	H.PARKS.TPTRL.4.52		\$11.69
Street Sweeper 2014 (SWEEP/SWP14)			
Street Sweeper 2014 - Serial Bonds	H.SWEEP.SWP14 5710	\$167,140.00	
Street Sweeper 2014 - BANs Redeemed from Approp.	H.SWEEP.SWP14 5731	\$27,860.00	
Street Sweeper 2014 - Attorney Fees	H.SWEEP.SWP14 4.53		\$1,600.00
Street Sweeper 2014 - Fiscal Advisor Fees	H.SWEEP.SWP14 4.56		\$2,500.00
Dump Truck - Highway - DMP11/DM11			
Dump Truck - Serial Bonds	H.TRUCK.DMP11 5710	\$117,710.00	
Dump Truck - BANs Redeemed from Appropriations	H.TRUCK.DMP11 5731	\$29,430.00	
Dump Truck - Attorney Fees	H.TRUCK.DMP11 4.53		\$128.01
Dump Truck - Fiscal Advisor Fees	H.TRUCK.DMP11 4.56		\$300.00
Dump Truck - Highway - DMP14/DM14			
Dump Truck - Serial Bonds	H.TRUCK.DMP14 5710	\$188,570.00	
Dump Truck - BANs Redeemed from Appropriations	H.TRUCK.DMP14 5731	\$31,430.00	
Dump Truck - Attorney Fees	H.TRUCK.DMP14 4.53		\$2,000.00
Dump Truck - Fiscal Advisor Fees	H.TRUCK.DMP14 4.56		\$4,530.64
Sn. Keating Blvd - (SNKTG/SNKT)			
Sn. Keating Blvd - Engineering Fees	H.CAPRJ.SNKTG 4.52		\$8,777.01

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 11th day of March, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated March 4, 2015 from Town Planner Ramsey A. Boehner regarding a request that the Town undertake a coordinated review under the State Environmental Quality Review Act and seek lead agency status with respect to the Brighton Shared-Use Trail Project, be received and filed; and

BE IT RESOLVED, that the Town Board hereby directs the Town Planner to undertake a coordinated review under the State Environmental Quality Review Act and seek lead agency status with respect to the Brighton Shared-Use Trail Project.

Dated: March 11, 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

March 4, 2015

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

Re: Brighton Shared-Use Trail Project

Honorable Supervisor and Members:

I recommend that your Honorable Body receive and file this communication. The above referenced project has been determined to be a Type I action pursuant to the Comprehensive Development Regulation's list of additional Type I actions. I further recommend that the Town Board direct me to coordinate the review with all involved agencies, and to seek lead agency status for the project pursuant to the State Environmental Quality Review Act.

Respectfully Submitted



Ramsey A. Bohner
Town Planner

cc: T. Keef
M. Guyon



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 March 11, 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 AND/OR REPLACEMENT OF A CULVERT ON FAIRFIELD ROAD; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$195,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$195,000 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 \$195,000 in serial bonds of the Town to finance the estimated cost of the reconstruction and/or replacement of a culvert on Fairfield Road, including creek diversion and erosion control, the replacement and installation of new culvert piping, walls, related site improvements, 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 financing of the estimated cost of the reconstruction and/or replacement of a culvert on Fairfield Road, including creek diversion and erosion control, the replacement and installation of new culvert piping, walls, related site improvements, and costs incidental to the financing of the foregoing (collectively, the "Project"). The estimated maximum cost of the aforementioned specific object or purpose, including all costs incidental thereto or in connection with the financing thereof, is \$195,000 and said amount is hereby appropriated therefor. The plan for the financing thereof shall consist of

(i) the issuance of \$195,000 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 \$195,000 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 3. 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: March 11, 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 March 11, 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 AND/OR REPLACEMENT OF A CULVERT ON FAIRFIELD ROAD; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$195,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$195,000 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 11th day of March, 2015.

[SEAL]

Daniel Aman, Town Clerk

**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 March 11, 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 AND/OR REPLACEMENT OF A
CULVERT ON FAIRFIELD ROAD; STATING THE MAXIMUM ESTIMATED
COST THEREOF IS \$195,000; APPROPRIATING SAID AMOUNT THEREFOR;
AND AUTHORIZING THE ISSUANCE OF UP TO \$195,000 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 hereby authorized to undertake the financing of the estimated cost of the reconstruction and/or replacement of a culvert on Fairfield Road, including creek diversion and erosion control, the replacement and installation of new culvert piping, walls, related site improvements, 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 \$195,000 and said amount is appropriated therefor. Serial bonds of the Town (including, without limitation, statutory installment bonds) in the principal amount of \$195,000 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 \$195,000 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.

2. The period of probable usefulness for the aforementioned specific object or purpose is determined to be fifteen (15) years, pursuant to subdivision 3. 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: March 11, 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 March ____, 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 March, 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 March 11, 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 April, 2015.

[SEAL]

Daniel Aman, Town Clerk

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on March 11, 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 March 11, 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 AND/OR REPLACEMENT OF A CULVERT ON FAIRFIELD ROAD; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$195,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$195,000 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 reconstruction and/or replacement of a culvert on Fairfield Road, including creek diversion and erosion control, the replacement and installation of new culvert piping, walls, related site improvements, and costs incidental to the financing of the foregoing, at an estimated maximum cost of \$195,000.

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

4. The amount of obligations authorized to be issued is \$195,000.

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 March 11, 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 CERTAIN BUILDING ALTERATIONS TO THE TOWN'S DEPARTMENT OF PUBLIC WORKS OPERATIONS CENTER; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$185,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$185,000 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 \$185,000 in serial bonds of the Town to finance the estimated cost of certain building alterations to the Town's Department of Public Works Operations Center located at 1941 Elmwood Avenue (the "Center") consisting of (i) the reconstruction and replacement of the roof of the main offices over the Center including the installation of insulation and related improvements and (ii) the reconstruction and replacement of the existing windows at the Center, 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 financing of the estimated cost of certain building alterations to the Town's Department of Public Works Operations Center located at 1941 Elmwood Avenue (the "Center") consisting of (i) the reconstruction and replacement of the roof of the main offices over the Center including the installation of insulation and related improvements and (ii) the reconstruction and replacement of the existing

windows at the Center, and costs incidental to the financing of the foregoing (collectively, the "Project"). The estimated maximum cost of the aforementioned specific object or purpose, including all costs incidental thereto or in connection with the financing thereof, is \$185,000 and said amount is hereby appropriated therefor. The plan for the financing thereof shall consist of (i) the issuance of \$185,000 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 \$185,000 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 twenty-five (25) years, pursuant to subdivision 12. 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: March 11, 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 March 11, 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 CERTAIN BUILDING ALTERATIONS TO THE TOWN'S DEPARTMENT OF PUBLIC WORKS OPERATIONS CENTER; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$185,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$185,000 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 11th day of March, 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 March 11, 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 CERTAIN BUILDING ALTERATIONS TO THE TOWN'S DEPARTMENT OF PUBLIC WORKS OPERATIONS CENTER; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$185,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$185,000 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 hereby authorized to undertake the financing of the estimated cost of certain building alterations to the Town's Department of Public Works Operations Center located at 1941 Elmwood Avenue (the "Center") consisting of (i) the reconstruction and replacement of the roof of the main offices over the Center including the installation of insulation and related improvements and (ii) the reconstruction and replacement of the existing windows at the Center, 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 \$185,000 and said amount is appropriated therefor. Serial bonds of the Town (including, without limitation, statutory installment bonds) in the principal amount of \$185,000 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 \$185,000 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.

2. The period of probable usefulness for the aforementioned specific object or purpose is determined to be twenty-five (25) years, pursuant to subdivision 12. 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: March 11, 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 March ____, 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 March, 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 March 11, 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 April, 2015.

[SEAL]

Daniel Aman, Town Clerk

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on March 11, 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 March 11, 2015.

1. The resolution is entitled "BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING CERTAIN BUILDING ALTERATIONS TO THE TOWN'S DEPARTMENT OF PUBLIC WORKS OPERATIONS CENTER; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$185,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$185,000 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 certain building alterations to the Town's Department of Public Works Operations Center located at 1941 Elmwood Avenue (the "Center") consisting of (i) the reconstruction and replacement of the roof of the main offices over the Center including the installation of insulation and related improvements and (ii) the reconstruction and replacement of the existing windows at the Center, and costs incidental to the financing of the foregoing, at an estimated maximum cost of \$185,000.

3. The period of probable usefulness is twenty-five (25) years.

4. The amount of obligations authorized to be issued is \$185,000.

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 March 11, 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 RELINING OF APPROXIMATELY 3,512 LINEAR FEET OF SANITARY SEWER LINES; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$265,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$265,000 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 \$265,000 in serial bonds of the Town to finance the estimated cost of the relining of approximately 3,512 linear feet of sanitary sewer lines within the Town of Brighton, 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 financing of the estimated cost of the relining of approximately 3,512 linear feet of sanitary sewer lines within the Town of Brighton, and costs incidental to the financing of the foregoing (collectively, the "Project"). The estimated maximum cost of the aforementioned specific object or purpose, including all costs incidental thereto or in connection with the financing thereof, is \$265,000 and said amount is hereby appropriated therefor. The plan for the financing thereof shall consist of (i) the issuance of \$265,000 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 \$265,000 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 forty (40) years, pursuant to subdivision 4. 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: March 11, 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 March 11, 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 RELINING OF APPROXIMATELY 3,512 LINEAR FEET OF SANITARY SEWER LINES; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$265,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$265,000 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 11th day of March, 2015.

Daniel Aman, Town Clerk

[SEAL]

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 March ____, 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 March, 2015.

Notary Public, State of New York

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on March 11, 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 March 11, 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 RELINING OF APPROXIMATELY 3,512 LINEAR FEET OF SANITARY SEWER LINES; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$265,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$265,000 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 relining of approximately 3,512 linear feet of sanitary sewer lines within the Town of Brighton, and costs incidental to the financing of the foregoing, at an estimated maximum cost of \$265,000.
3. The period of probable usefulness is forty (40) years.
4. The amount of obligations authorized to be issued is \$265,000.

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.



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

March 9, 2015

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

Dear Honorable Town Board,

I am recommending that Your Honorable Body adopt three bond resolutions that will provide financing for the following projects:

- The reconstruction and/or replacement of a culvert on Fairfield Road for a maximum financing of up to \$195,000
- The relining of sanitary sewers on East Avenue for a maximum financing of up to \$265,000
- The replacement of windows and roof on a portion of the DPW Operations Center for a maximum financing of up to \$185,000

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

Sincerely,

A handwritten signature in cursive script that reads "Suzanne Zaso".

Suzanne Zaso
Director of Finance