

MINUTES OF TOWN BOARD MEETING  
OF THE TOWN OF BRIGHTON, COUNTY OF  
MONROE, NEW YORK, HELD AT THE  
BRIGHTON TOWN HALL, 2300 ELMWOOD  
AVENUE, ROCHESTER, NEW YORK  
September 9, 2015

Present:

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

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

**MEETING CALLED TO ORDER AT 7:00 PM:**

**PRESENTATIONS & RECOGNITIONS:**

September is "National Ovarian Cancer Awareness Month" – Proclamation Presentation  
*Ginger Ruff Brighton Business Owner & Ovarian Cancer Awareness advocate*

**OPEN FORUM:**

**APPROVAL OF AGENDA:**

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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

August 12, 2015 Town Board Meeting  
August 26, 2015 Town Board Meeting

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**PUBLIC HEARINGS:**

**MATTER RE:** Draft Environmental Impact Statement Scoping Outline associated with the Incentive Zoning Application for the project known as Palazzo Plaza.

Public Hearing Closed. Written comments accepted until 9/11/15 at 5:00 pm

**BIDS:**

**MATTER RE:** Approval to solicit for bids to provide construction services associated with the HVAC improvements in the Public Safety Wing of the Town Hall (*see Resolution #1 and letter dated August 31, 2015 from Michael Guyon, P.E. Town Engineer*).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

- FROM:** United States Department of Defense dated August 28, 2015 re: Statement of Support by the Town for the men and women of the National Guard and Reserve by honoring the Uniformed Services Employment and Reemployment Act.
- FROM:** Dr. & Mrs. Michael Kallay, MD to Town Board regarding the project known as Palazzo Plaza.
- FROM:** Marilyn and William Fisher dated August 26, 2015 expressing appreciation for the excellent customer service they received from Animal Control Officer Shana Hagins.
- FROM:** Jeff Mehr to Supervisor dated August 27, 2015 thanking the Town for the excellent emergency aid service he received on a recent sewer clog issue and for the Town of Brighton's great Farmer's Market.

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to receive and file the aforementioned communications

**COMMITTEE REPORTS:**

Parks and Recreation & Community Services – Has not met since last Town Board meeting; next meeting 9/21/15 at 4:30 PM at Brookside School.

Finance and Administrative Services – Met on 9/1/15 next meeting 9/15/15 at 3:30 PM in the Stage Conference Room at Town Hall.

Public Safety Services – Met on 9/8/15; next meeting 10/13/15 at 8:00 AM in the Downstairs Meeting Room at Town Hall.

Public Works Services – Met on 9/8/15; next meeting 10/6/15 at 9:00 AM in the Downstairs Meeting Room at Town Hall.

**OLD BUSINESS:**

**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. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement with Site Hub Inc. to provide graphic design services for the new street pole banner project (*see Resolution #2 and letter dated August 25, 2015 from MaryAnn Hussar, Assistant to the Town Supervisor*).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approval to establish Affordable Care Act standards for measurement, administrative and stability periods for full-time, part-time and seasonal employees (*see Resolution #4 and letter dated August 31, 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. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approval to amend the 2015 Building and Planning department budget by appropriating \$39,430 received as reimbursement from applicant, to support engineering services charges for environmental scoping and review, provided to the Town from Stantec Consulting Group for the project known as Palazzo Plaza (*see Resolution #5 and letter dated August 31, 2015 from Suzanne Zaso, Director of Finance*).

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. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE SUPERVISOR:**

Expenses and Revenue for month ending August 31, 2015

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to approve and file the aforementioned report

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE ATTORNEY TO THE TOWN:**

**MATTERS OF THE TOWN CLERK:**

**MATTERS OF THE BOARD:**

**MOTION TO GO INTO EXECUTIVE SESSION:**

**ADJOURNED AT 10:11 PM:**

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to adjourn at 10:11 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 9<sup>th</sup> day of September 2015 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 9th day of September, 2015.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated August 31, 2015 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Department of Public Works to solicit bids for the construction services needed to install the HVAC improvements within the Public Safety Wing, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Department of Public Works to solicit bids for the construction services needed to install the HVAC improvements within the Public Safety Wing.

Dated: September 9, 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

August 31, 2015

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

Re: Town of Brighton Public Safety Wing  
HVAC Improvements  
Construction Bid

Dear Councilperson Werner and Committee Members:

The Town Board authorized M/E Engineering P.C. to prepare construction documents and provide construction administration services for the installation of HVAC improvements within the Public Safety Wing. The construction documents are 95% complete and we would like to advance the project to the construction phase. Therefore, I am requesting that the FASC recommend that the Town Board authorize the Department of Public Works to solicit a request for bidders to provide those construction services necessary to install the HVAC improvements within the Public Safety Wing.

No action as to awarding a contract will be considered without returning to this committee.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled September 1, 2015 meeting in the event that you have any questions regarding this matter. 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  
Steve Spencer  
Chief Mark Henderson  
Tim Keef

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

September 9, 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>85,343.95</u>
D - HIGHWAY		<u>97,448.77</u>
H - CAPITAL		<u>12,915.91</u>
L - LIBRARY		<u>344.34</u>
SB - BUSINESS IMPROVM		<u>270.00</u>
SF - FIRE DIST		<u>10,000.00</u>
SR-REFUSE DISTRICT		<u>67,392.68</u>
SS - SEWER DIST		<u>15,921.23</u>
TA - AGENCY TRUST		<u>4,760.49</u>
	TOTAL \$	<u>294,397.37</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 9th day of September, 2015.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated August 25, 2015 from Assistant to the Supervisor MaryAnn Hussar regarding a request to authorize the Supervisor to execute a contract with Site Hub, Inc. to provide design services in connection with the new street pole banner project, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a contract with Site Hub, Inc. to provide design services in connection with the new street pole banner project.

Dated: September 9, 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**  
**Office of the Assistant to the Town Supervisor**

**August 25, 2015**

**TO: Honorable Town Board**  
**Members of the Finance and Administrative Services Committee**

**RE: Site Hub Agreement**

I respectfully request that authorization be granted to the Town Supervisor to execute an agreement between the Town of Brighton and the lowest and responsive bidder Site Hub Inc. a graphic design business located at 556 Park Avenue, Rochester, NY to provide the following professional services:

- Provide (3) Design Concept Ideas for a series of 3 – 4 themed street pole banners at a cost of \$300
- Provide Finalized Print Ready Designs at \$100 per print
- Extra cost of \$20 per stock photograph if needed

Appropriate funding has been budgeted in the 2015 budget for the entire Street Pole Banner project.

Thank you in advance for your consideration.

Sincerely,

**MaryAnn Hussar**

**Assistant to the Town Supervisor**

2300 Elmwood Avenue, Rochester, NY 14618  
585-784-5252 Fax: 585-784-5373  
Maryann.hussar@townofbrighton.org

AGREEMENT

THIS AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_, by and between the Town of Brighton, a municipal corporation, with offices at 2300 Elmwood Avenue, Rochester, New York 14618, hereinafter referred to as the "Town", and Site Hub, with a mailing address of 556 Park Avenue, Rochester, NY 14607, hereinafter referred to as the "Contractor".

WITNESSETH

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

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

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

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

**\_\_\_\_\_ Provide (3) Design Concept/ideas/samples for consideration for a series of 3-4 themed street Pole Banners. Provide Final print ready designs.**

**\_\_\_\_\_ Provide any changes/modifications to submitted concept ideas and/or samples in order to reach the final print ready design/s at no additional charge to the Town**

2. The Town hereby agrees to pay the Contractor a sum in full satisfaction of all expenses and compensation due the Contractor payment will be based on terms as follows:

**\_\_\_\_\_ Concept Creation \$300 (Three (3) design concept idea/samples \$100 per print ready design/s and \$20 per stock photography if used.**

Payment by the Town for the sum(s) herein contracted for shall be made upon the submission of an invoice(s) and properly executed Town of Brighton claim vouchers, supported with such information and documentation necessary to substantiate the claim, approved by the Town Supervisor\_\_\_\_\_, or by his/her designee, audited by the Director of Finance of the Town of Brighton, and approved for payment by the Town Board.

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

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

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

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

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

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

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

TOWN OF BRIGHTON

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

By: \_\_\_\_\_

\_\_\_\_\_  
[Print Name]

\_\_\_\_\_  
Fed. I.D.# or Social Security #

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 9th day of September, 2015.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated August 31, 2015 from Finance Director Suzanne Zaso regarding a request to authorize the adoption of Affordable Care Act standards for measurement, administrative and stability periods for full-time, part-time and seasonal employees, be received and filed; and

WHEREAS, the Patient Protection and Affordable Care Act (the "Act") and the regulations promulgated thereunder authorize employers to utilize measurement, administrative and stability periods to determine whether ongoing employees constitute full-time employees under the Act; and

WHEREAS, the Town of Brighton wishes to adopt measurement, administrative and stability periods for the purposes of determining whether ongoing employees constitute full-time employees under the Act; and

WHEREAS, the Patient Protection and Affordable Care Act (the "Act") and the regulations promulgated thereunder authorize employers to utilize measurement, administrative and stability periods to determine whether new variable hour, part-time and seasonal employees constitute full-time employees under the Act; and

WHEREAS, the Town of Brighton wishes to adopt measurement, administrative and stability periods for the purposes of determining whether new variable hour, part-time and seasonal employees constitute full-time employees under the Act; now therefore

BE IT RESOLVED that the standard measurement period for ongoing employees shall be a period of twelve (12) months from October 3<sup>rd</sup> to October 2<sup>nd</sup>; and

BE IT FURTHER RESOLVED that the administrative period for ongoing employees shall be a period of ninety (90) days from October 3<sup>rd</sup> to December 31<sup>st</sup>; and

BE IT FURTHER RESOLVED that the stability period for ongoing employees shall be a period of twelve (12) months from January 1<sup>st</sup> to December 31<sup>st</sup>; and

BE IT FURTHER RESOLVED that the initial measurement period for new variable hour, part-time and seasonal employees shall be a period of twelve (12) months that commences on the first day of the calendar month following an employee's first day of work; and

BE IT FURTHER RESOLVED that the administrative period for new variable hour, part-time and seasonal employees shall commence on the day after the end of the employee's initial measurement period and continue until the last day of the first calendar month beginning on or after the first anniversary of the employee's start date; and

BE IT FURTHER RESOLVED that the stability period for new variable hour, part-time and seasonal employees shall be a period of twelve (12) months commencing on the day after the end of the employee's administrative period.

Dated: September 9, 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  
Suzanne Zaso, Director of Finance  
2300 ELMWOOD AVENUE  
ROCHESTER, NEW YORK 14618  
(585) 784-5210 Fax (585) 784-5396

August 31, 2015

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

Dear Board Members:

Included in the Affordable Care Act of 2010 is a provision for Employer Shared Responsibility that takes effect in 2015. Under this provision, if an employer does not offer affordable health care that meets minimum coverage to at least 95% of its full-time employees, the employer may be subject to a shared responsibility payment. In determining which employees are considered full-time under the Act, the employer must establish measurement periods for tracking and calculating hours paid.

My formal request to the Town Board is to adopt the attached resolution establishing a measurement period, administrative period, and stability period for ongoing and new employees as outlined in the resolution for determining employee status based on the provisions of the Affordable Care Act.

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

Sincerely,

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

Suzanne Zaso  
Director of Finance

Cc: T. VanPutte

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 9th day of September, 2015.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated August 31, 2015 from Finance Director Suzanne Zaso regarding a request to authorize the amendment of the 2015 Building and Planning Department Budget by appropriating \$39,430.00 received as reimbursement from the Applicant, to support engineering services charges for environmental scoping and review provided from Stantec Consulting Group for the project known as Palazzo Plaza, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes the amendment of the 2015 Building and Planning Department Budget by appropriating \$39,430.00 received as reimbursement from the Applicant, to support engineering services charges for environmental scoping and review provided from Stantec Consulting Group for the project known as Palazzo Plaza.

Dated: September 9, 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  
Suzanne Zaso, Director of Finance  
2300 ELMWOOD AVENUE  
ROCHESTER, NEW YORK 14618  
(585) 784-5210 Fax (585) 784-5396

August 31, 2015

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

Dear Board Members:

At the July 22, 2015 Town Board meeting, your Honorable Body authorized a contract with Stantec Consulting Group, Inc. to provide environmental scoping and review of the proposal by the Daniele Family Companies to redevelop the Clover Lanes property on Monroe Ave. The amount of the contract (\$39,430) has been fully reimbursed by the applicant. At this time I am requesting that the Town Board authorize an amendment to the 2015 budget to support this contract and corresponding revenue.

My formal request of the Town Board is to amend the 2015 Building and Planning Department budget by appropriating \$39,430 in engineering services (A.DPW.8020 4.52) to be fully supporting by an increase in revenues (A.DPW.8020 2560 - contractor expense reimbursement) by the same.

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

Sincerely,

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

Suzanne Zaso  
Director of Finance

Cc: Ramsey Boehner