

**TOWN BOARD MEETING
December 28, 2016
12:00 Noon
Brighton Town Hall
2300 Elmwood Avenue**

MEETING CALLED TO ORDER:

PRESENTATIONS/RECOGNITIONS:

OPEN FORUM:

APPROVAL OF AGENDA:

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

PUBLIC HEARINGS:

BIDS:

COMMUNICATIONS:

- FROM:** Timothy Keef, P.E. to Town Board dated December 14, 2016 regarding retirement, effective December 30, 2016, of Edward Senecker after 40 years of service with the Town of Brighton Highway Department .
- FROM:** Brighton resident, Judith Van Houten to Town Board regarding proposed project known as Whole Foods Plaza.
- FROM:** United States Senator Kirsten Gillibrand dated December 5, 2016 to Supervisor thanking him for attending her press conference concerning recent hate crimes in Rochester and throughout New York State.
- FROM:** Phillip Lederer dated December 12, 2016 to Supervisor regarding recent RG&E tree trimming.

COMMITTEE REPORTS:

Community Services Committee
Finance and Administrative Services
Public Safety Services
Public Works Services

OLD BUSINESS:

NEW BUSINESS:

MATTER RE: Reading and approval of claims

- MATTER RE:** Authorize Supervisor to execute agreements with Platinum Limousine of Western New York to provide transportation services for Senior residents for various Brighton Recreation Senior programs and events, effective January 1, 2017 (*see Resolution #1 and letter dated December 7, 2016 from Rebecca Cotter, Recreation Director*).
- MATTER RE:** Approval to accept donation in the amount of \$1,500 from the Board of Trustees for the Jack G. Lubelle Foundation to be used for the Brighton Recreation Senior Program (*see Resolution #2 and letter dated December 19, 2016 from Rebecca Cotter, Recreation Director*).
- MATTER RE:** Authorize the Supervisor to execute a Stormwater Easement Maintenance Agreement with the owner of the property located at 2861 West Henrietta Road (*see Resolution #3 and letter dated December 19, 2016 from Evert Garcia, Department of Public Works*).
- MATTER RE:** Approval of rate increase for Mary Louise Conrow of Coughlin & Gerhart LLP, to provide legal representation to the Town for labor matters and collective bargaining issues for 2017 (*see Resolution #4*).
- MATTER RE:** Consideration of documents submitted by the Daniele Family Companies dated November 28, 2016, as Supplemental Draft Environmental Impact Statement for completeness and adequacy for public review for the proposed project known as Whole Foods Plaza (*see Resolution #5, letter dated December 27, 2016 from Ramsey Boehner, Town Planner, letter dated December 22, 2016 from Michael J. Flanigan, Associate, Environmental Services, Stantec Consulting Services, Inc. and letter dated December 22, 2016 from Anthony Daniele, Daniele Family Companies*).
- MATTER RE:** Authorize reappointment of William Price as Chairperson of the Planning Board effective January 1, 2017 through December 31, 2017 (*see Resolution #6*)

MATTERS OF THE SUPERVISOR:

MATTERS OF THE ATTORNEY TO THE TOWN:

MATTERS OF THE TOWN CLERK:

MATTERS OF THE BOARD:

MOTION TO GO INTO EXECUTIVE SESSION:

MEETING ADJOURNED:

NEXT TOWN BOARD MEETING:

January 3, 2017 **TUESDAY – 12:00 noon**

2017 Organizational Meeting- Brighton Town Hall - 2300 Elmwood Avenue

COMMUNICATIONS



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

December 14, 2016

Supervisor William W. Moehle
and the Honorable Town Board
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

re: Retirement of Edward Senecker
Town of Brighton Highway Department

Dear Supervisor Moehle and Council Members:

After 40 years of service with the Town it is with the sincerest regret that I recommend your Honorable Body accept the retirement of Mr. Edward Senecker of the Highway Department from his position as Senior MEO, effective December 31, 2016. Ed, currently the longest tenured Highway Department employee, has been an exemplary coworker. Going about his duties and assignments in an ever reliable, dependable and professional manner, he is truly the definition of "Steady Eddie". Day in and day out, Ed could be counted on to bring the services of the Highway Department to the people of Brighton. He will be tough to replace and I wish him the best in his retirement as he certainly deserves everything that accompanies this next stage of his life.

Sincerely,

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

TEK/wpd

attachment

cc: T. Anderson
S. Zaso
D. Aman
M. Hussar
T. VanPutte
K. Gordon, Esq.

Brighton Board:

These are some
articles I thought
had pertinence to
our feeling about
the projected
Whole Foods project

Judy Wulfarten
205 Sherman Dr
Rockwell, N.H.
14618

JudyWHL@nbc.com

P.S. Their traffic study
can't be right -
I LIVE HERE!!

KIRSTEN E. GILLIBRAND
NEW YORK



UNITED STATES SENATOR

December 5, 2016

Mr. William Moehle
Brighton Town Supervisor
Town of Brighton
2300 Elmwood Avenue
Brighton, New York 14618

Dear Mr. Moehle,

Thank you for attending my press conference regarding the recent hate crimes that have occurred in Rochester and throughout New York State. I appreciate you standing with me as we work together to address the issues our city has faced.

I promise to continue to fight against injustice for all people, and I hope that you will join me in fighting for what is right and protecting all New Yorkers against these crimes.

Sincerely,

A handwritten signature in cursive script that reads "Kirsten Gillibrand".

Kirsten Gillibrand
United States Senator



December 12, 2016

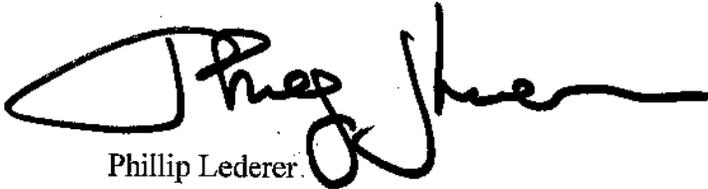
Mr William Moehle
Supervisor
Town of Brighton
Town Hall
2300 Elmwood Avenue
Rochester, NY 14618

Dear Mr Moehle

I have sent the attached letter and photos to RGE to complain about the huge damage they did to the trees outside my landmarked house.

I hope you will agree that RGE overstepped itself here and will take a stand against such attacks on the town's mature trees.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Phillip Lederer". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Phillip Lederer
2169 Clinton Avenue South
Rochester NY 14618

December 12, 2016

Mark Lynch
President
RGE
89 East Avenue
Rochester, NY 14649

Dear Mr. Lynch

I write to express my outrage at the butchery that your crews performed on the trees in front of my home. This occurred last week when I was away for a vacation. I certainly would have stopped it if I were home.

I live in a landmarked home. The trees have stood since 1840. Three of them are horribly disfigured. A few years ago (2011), crews did some trimming which I did not like at all, but the latest assault ruins and probably will kill these trees. Aside from aesthetics, my home's value has suffered.

I attach several photographs that show the extent of the damage.

I understand the need to prevent power outages caused by falling branches, but what was done was **extreme and unnecessary**.

Now, work needs to be done to help preserve these historic trees. I expect your firm to do this work.

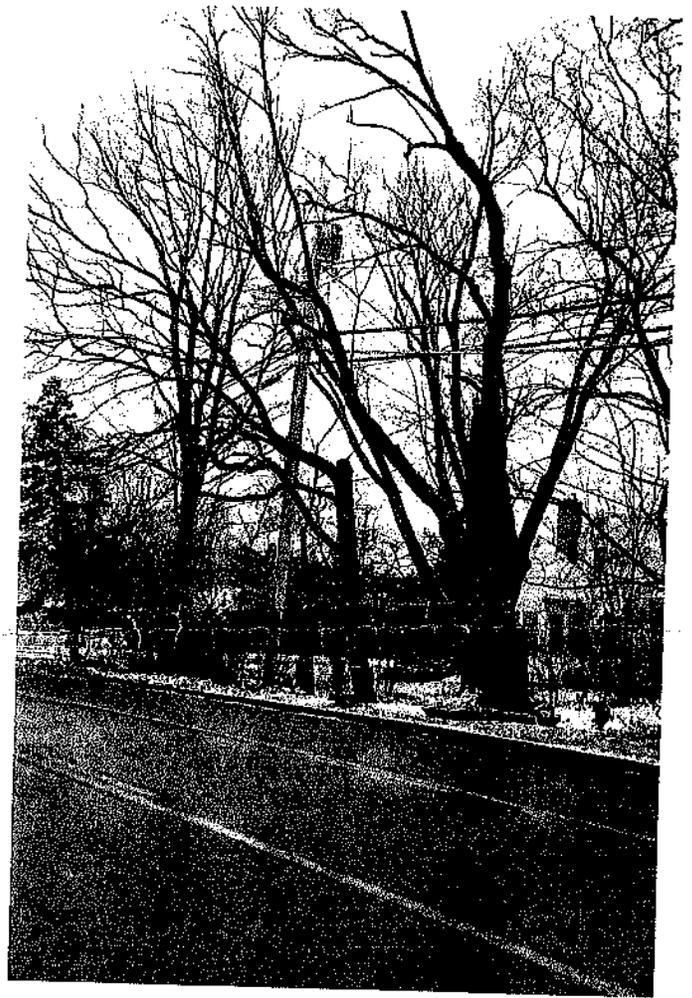
I have taken the liberty to send a copy of this letter to the Brighton Town Supervisor, the Landmarks of Commission of Brighton and the New York State Public Service Commission.

Sincerely yours,

Phillip Lederer
2169 Clinton Avenue South
Rochester NY 14618
585 275 3369 (W)
585 473 3929 (H)

Cc: William Moehle, Supervisor Brighton NY
NY State Public Service Commission
Ramsey Boehner, Town Planner Brighton NY





CLAIMS

NEW BUSINESS

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 28th day of December, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

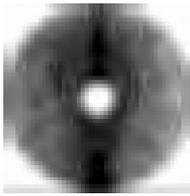
Councilpersons

RESOLVED, that correspondence dated December 7, 2016 from Recreation Director Rebecca Cotter regarding a request to authorize the Supervisor to execute the Town's transportation service contracts with Platinum Limousine of Western New York for calendar year 2017 at a contract rate of \$87.50 per hour with a four (4) hour minimum, and \$80.00 per hour for trips lasting more than 5 hours, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract to renew the Town's transportation service contract with Platinum Limousine of Western New York as outlined above for calendar year 2017 with the option on the part of the Town to renew said contracts for up to three additional one year periods subject to the review and approval of the form of said contracts by the Attorney to the Town.

Dated: December 28, 2016

| | | |
|--------------------------------------|--------|-------|
| 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 DEPARTMENT

220 Idlewood Rd.
Rochester, NY 14618
www.townofbrighton.org

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

December 7, 2016

Honorable Finance Committee
Town of Brighton
2300 Elmwood Ave.
Rochester, NY 14618

Senior Transportation Contract

Dear Finance Committee Members:

Based upon bid results received in 2015 for Brighton Senior Transportation, I respectfully request your permission to authorize the Supervisor to execute annual renewals (total of 4) of the contract for our current Senior Transportation Service provider, Platinum Limousine of Western New York.

The original bids were received November 4, 2015 and were opened at 10:00 am. Platinum Limousine of Western New York was the sole bidder, with a bid price of \$87.50 per hour with a 4 hour minimum, and \$80.00 per hour for trips lasting more than 5 hours. This bid package provided the Town the right to unilaterally extend the contract for up to four one year periods at a price equal to the current price offered as adjusted by the formula set forth in the original bid document. 2017 would be year one of this four year renewal period.

I am pleased to report that Platinum Limousine of Western New York has extended their pricing for 2017 with no change in rate. The service provided by Platinum Limousine has been stellar with no cause for concern. Funding is available for Senior Transportation in the 2017 Recreation Department Budget.

I am available to answer any questions that you may have regarding this matter.

Respectfully,

A handwritten signature in cursive script that reads "Rebecca Cotter".

Rebecca J. Cotter
Recreation Director

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 28th day of December, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

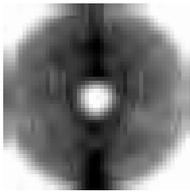
Councilpersons

BE IT RESOLVED, that correspondence dated December 19, 2016 from Recreation Director Rebecca J. Cotter regarding a request to accept a donation in the amount of \$1,500.00 from the Board of Trustees of the Jack G. Lubelle Foundation, Inc. to support the Brighton Senior Citizens Group, be received and filed; and be it further

RESOLVED, that the Town Board hereby gratefully accepts the generous donation in the amount of \$1,500.00 from the Board of Trustees of the Jack G. Lubelle Foundation, Inc. to support the Brighton Senior Citizens Group.

Dated: December 28, 2016

| | | |
|--------------------------------------|--------|-------|
| 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 DEPARTMENT

220 Idlewood Rd.
Rochester, NY 14618
www.townofbrighton.org

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

December 19, 2016

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

Re: Acceptance of Donation for Brighton Senior Citizens Group

Dear Honorable Members:

I am requesting that your Honorable Town Board accept a donation in the amount of \$1500 in support of the Town of Brighton Senior Citizens Group. This donation was received from The Board of Trustees for the Jack G. Lubelle Foundation, Inc. Funds will be deposited in the Senior Citizen Program Trust Fund (TA 93.1).

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

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Cotter".

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 28th day of December, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated December 19, 2016 from Evert Garcia of the Department of Public Works regarding a request to authorize the Supervisor to execute a Stormwater Easement Maintenance Agreement with the owner of the property located at 2861 West Henrietta Road, be received and filed; and further

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Stormwater Easement Maintenance Agreement with the owner of the property located at 2861 West Henrietta Road in the form of the proposed easement agreement attached to the above referenced correspondence, together with any other documents or agreements necessary to carry out the intent of this resolution, in form approved by the Attorney to the Town.

Dated: December 28, 2016

| | | |
|--------------------------------------|--------|-------|
| 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

December 19, 2016

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

Re: Starbucks Coffee Restaurant
2861 West Henrietta Road
Stormwater Maintenance Agreement

Dear Supervisor Moehle and Town Board Members:

Chapter 215-12 "Duration, Maintenance and Closeout" paragraph D. (1) of the Code of the Town of Brighton states that, "The applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility". The above referenced project is served by a stormwater management facility and a maintenance easement agreement is necessary. The maintenance easement agreement documentation will be reviewed and approved by the Town Attorney and Staff before the document is presented to the Town Supervisor for signature.

Upon a review and approval by the Town Attorney and Town Staff, I am requesting that the Town Board authorize the Supervisor to endorse the stormwater maintenance agreement for the above referenced project.

As always, your consideration of matters such as this is greatly appreciated.

Respectfully,

Evert Garcia
Department of Public Works

Cc: Tim Keef
Mike Guyon
Ramsey Boehner



STORM DRAINAGE MAINTENANCE AGREEMENT
(REDEVELOPMENT PROJECT)

THIS AGREEMENT is made as of the 6th day of December, 2016 by and between the TOWN OF BRIGHTON (the "Town") and 2861 BHTL Rd, LLC, having offices at 550 Latona Road – Bldg E, Suite 501, Rochester, N.Y. 14626, (the "Sponsor").

WHEREAS, the Sponsor is the owner of property located at 2861 West Henrietta Road, bearing tax ID number 148.20-02-50.11, or any address or tax ID number subsequently assigned to the (resubdivided) property (the "Site"); and,

WHEREAS, the Sponsor intends to construct Bioretention and SW Detention/Infiltration Practices at said location in order to provide Runoff Reduction Volumes, Water Quality Volumes, and Peak Flow Attenuation; and,

WHEREAS, the Sponsor is obligated to comply with Federal, State and local regulations regarding stormwater quantity and quality mitigation, inclusive of *Chapter 215, Stormwater Management of the Town Code of the Town of Brighton*; and,

WHEREAS, the Town and the Sponsor mutually desire to provide stormwater quantity attenuation and enhanced stormwater quality mitigation measures in conjunction with the redevelopment of the Site, specifically, the installation of onsite best management practices and connection to Monroe County storm drainage system (the "Improvements"); and,

WHEREAS, the proper performance of the Improvements require connection to the storm drainage system within the Monroe County right of way adjoining the Site, and will allow such a connection at the expense of the Sponsor; and,

WHEREAS, the Sponsor will incorporate the Improvements into the scope of Site work associated with the construction of Bioretention and SW Detention/Infiltration Practices at their sole expense; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties hereto as set forth herein, it is agreed as follows:

1. The Improvements:

The work shall consist of installing the Bioretention and SW Detention/Infiltration Practices, and the connection to the Monroe County drainage system along Brighton-Henrietta Town Line Road, and all incidental and necessary appurtenances as described within the engineering report, depicted upon the project plans as designed by Costich Engineering, D.P.C. for the Sponsor.

2. Maintenance

During the term of this Agreement, the Sponsor shall bear all responsibility, including, but not limited to, the inspection, cleaning, and all other maintenance procedures (the "maintenance") necessary for the system(s) to operate in accordance with required protocol for the Improvements. At a minimum, the maintenance shall be performed no less than once a year, between May 1st and May 31st of each year. A detailed report certifying the extent of the maintenance procedures shall be provided to the Town DPW by June 15th of each year, prepared by a professional engineer licensed to practice in the State of New York or other professional qualified to perform such work.

3. The Costs of Improvements

The costs of construction and/or installation of all Improvements shall be borne by the Sponsor.

4. No Liability

The Town shall not be responsible for any loss or damage, incurred by the Sponsor or its agents, tenants, employees, contractors or invitees, in connection with this Agreement. Furthermore, no language contained herein shall be construed as the Town assuming any obligations of the Sponsor, relieving the Sponsor of their duties associated with the inspection, operation and/or maintenance of the system(s).

5. Indemnity

The Sponsor shall indemnify and hold the Town harmless at all times from and after the date of this Agreement, including from all claims, damage, liability and expense, including legal fees, arising from, related to or in any way connected with the Agreement, except claims, damage, liability and expenses caused by a negligent, willful or wrongful act or omission on the part of the Town and/or any of its employees, agents or contractors.

6. Default

If the Sponsor fails in the due performances of any of its obligations under the terms of this Agreement, the Town shall have the right to issue a notice of default in accordance with the following:

A) After a twenty four (24) hour period from the issuance of written, facsimile or electronic notice for correction of an emergency maintenance situation(s) and remedial action has not been performed to the satisfaction of the Town by the Sponsor or its agent(s); and/or

B) After a thirty (30) day period from the issuance of written, facsimile or electronic notice for correction of routine maintenance procedure(s) (including failure to properly perform the maintenance) and remedial action has not been performed to the satisfaction of the Town by the Sponsor or its agent(s);

In accordance with the above conditions, the Town may then issue written, facsimile or electronic notice for default and at its election, (a) cause the necessary maintenance to be performed immediately and to add the costs thereof to the property tax bill issued to the Sponsor for the Site, and/or (b) to sue for damages for such breach and to seek such legal and equitable remedies as may be available to it, including the right to recover all expenses including legal fees.

An emergency is defined as, but not necessarily limited to, a situation that presents an immediate threat to the well being of property and/or personal health of individuals and/or the general public. Routine is defined as, but not necessarily limited to, the maintenance and care, recommended or otherwise, of the system(s) for its ability to operate in accordance with the intended performance parameters. Pursuant to paragraph #4, the Town assumes none of the Sponsor's obligations with regards to maintaining the system.

The Sponsor shall provide below the name, title and contact information of the person in their employ who shall be notified in accordance with the terms and conditions of this paragraph, and may be reached twenty four hours a day. Sponsor shall be responsible to promptly inform the Town of any changes that may occur with regards to this information.

6. Default (continued)

CONTACT INFORMATION (please type or print all information)

NAME:

Angelo Ingrassia – 2861 BHTL Rd, LLC

TITLE: Member

MAILING ADDRESS:

550 Latona Road
Bldg E – Suite 510
Rochester NY 14626

PHONE NUMBERS:

Office - (585) 225-0140

FAX NUMBER:

None

E-MAIL ADDRESS:

autoange@aol.com

7. Term

The Term of this agreement will commence upon execution by both Parties and will remain permanently in full force and effect from the date of this Agreement.

8. Successors and Assigns

The terms of this agreement shall be perpetually binding upon the Sponsor, their heirs, successors and all subsequent property owners. This agreement and the obligations thereof shall not be assigned, transferred or otherwise disposed of by the Sponsor.

9. Modifications

This document represents the full and complete agreement between the parties. No changes may be made to any of the terms of this Agreement, nor any provision revised or waived, except in writing signed by both parties.

10. Severability

If a court of competent jurisdiction finds any provisions of this agreement invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated as being invalid. All other provisions of this agreement shall remain in full and separate effect.

11. Authorization

The undersigned represent that they are authorized to execute this Agreement on behalf of the Town or the Sponsor, and that the Town and the Sponsor are authorized to enter into this Agreement and perform its obligations described herein.

12. Filing

The Sponsor shall file this document at the Monroe County Clerk's Office upon its execution and provide a copy of the date/time stamped filed document to the Town along with the transaction receipt from the County Clerk's Office.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and date first set forth above.

SPONSOR

Signature _____

Name (printed) Angelo Ingrassia
(BHTL Rd, LLC)

Title Member

TOWN OF BRIGHTON

Signature _____

Name (printed) _____

Title _____

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 28th day of December, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

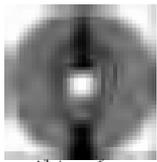
Councilpersons

RESOLVED, that correspondence dated December 13, 2016 from Mary Louise Conrow, Esq to Town Supervisor William Moehle regarding proposed rate increases for her services provided through and by the law firm of Coughlin & Gerhart, LLP to represent the Town in labor and collective bargaining issues, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves rate increases outlined in above referenced correspondence for the legal services of Mary Louise Conrow, Esq. through and by the law firm of Coughlin & Gerhart, LLP for 2017 as is referenced in the above correspondence.

Dated: December 28, 2016

| | | |
|--------------------------------------|--------|-------|
| 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 Town Supervisor
The Honorable William W. Moehle

December 20, 2016

TO: Members of the Finance and Administrative Services Committee

FROM: Supervisor William Moehle

Request to approve rate increase from Attorney Mary Louise Conrow, Esq. from Coughlin & Gerhart LLP. The proposed rate increase will raise the current rates/fees from \$245 per hour to \$255 per hour and the travel expense rate will increase an additional \$10.00 per hour from \$190 per hour to \$200 per hour.

The firm's Associate rates will range from \$170 to \$220 per hour depending on experience.

All hourly rates will apply to services provided by Mary Louise Conrow, Esq and Coughlin Gerhart LLP for legal representation to the Town for labor matters and collective bargaining issues for 2017.

WWM:mah



BINGHAMTON
BAINBRIDGE
HANCOCK
ITHACA
MONTROSE
OWEGO
WALTON

www.cglawoffices.com

99 Corporate Drive
Binghamton, New York 13904

Mailing Address:
PO Box 2039
Binghamton, NY 13902-2039
(607) 723-9511
(877) COUGHLIN
Fax: (607) 723-1530
e-mail: MConrow@cglawoffices.com

December 13, 2016

Mr. William W. Moehle, Supervisor
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Re: Rates for 2017

Dear Bill,

As you may know, our firm has been very cognizant of the current financial conditions of all of our clients.

However, our cost of doing business has continued to increase over the last several years. In order to assist with our increased costs, but also to be mindful of your continuing financial issues, it has been decided that our rates will be given a modest increase of \$10 per hour. Therefore, my rates will go from \$245 to \$255 per hour, and the travel will increase from \$190 to \$200 per hour. Associate rates will range from \$170 to \$220 per hour, depending on experience.

We are hopeful that this increase will not significantly impact upon your cost of doing business with us. As always, I will continue to use attorneys billing at a lower rate when possible. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,
COUGHLIN & GERHART, LLP

A handwritten signature in cursive script that reads 'Mary Louise Conrow'. Below the signature, the name 'Mary Louise Conrow, Esq.' and the title 'Partner' are printed in a serif font.

Mary Louise Conrow, Esq.
Partner

MLC:kmt

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 28th day of December, 2016.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

WHEREAS, the Daniele Family Companies (the "Project Sponsor") submitted an application for Incentive Zoning for a proposal now known as the Whole Foods Plaza that was received by the Town Board on February 25, 2015; and,

WHEREAS, following receipt of the proposal and pursuant to the NYS Environmental Quality Review Act (SEQRA), the Town Board declared itself to be lead agency for the environmental review of the project, directed a coordinated review of the proposal and on September 9, 2015 conducted a scoping hearing to hear comments concerning the proposed scope of the environmental review with written comments on the proposed scope accepted through September 11, 2015; and

WHEREAS, the Town Board adopted the final scope for development of the Draft Environmental Impact Statement (DEIS), on September 24, 2015; and,

WHEREAS, the Project Sponsor submitted a DEIS for the project, dated January 20, 2016; and,

WHEREAS, following review, the Town Board determined that the initial submission of the DEIS was not complete and adequate for public review on February 24, 2016; and

WHEREAS, the Project Sponsor submitted a second DEIS, dated April 22, 2016, which was supplemented by the Project Sponsor by correspondence dated May 6, 2016; and,

WHEREAS, following review, the Town Board determined that the second submission of the DEIS was complete and adequate for public review on May 25, 2016, and conducted public hearings on the DEIS on June 22, 2016 and July 13, 2016, and received written comments concerning the DEIS through August 1, 2016; and,

WHEREAS, it was subsequently determined that traffic signal timings in operation at the time of the traffic study at the Monroe Avenue/Clover Street intersection were inconsistent with the New York State Department of Transportation's (NYSDOT) directives for signal timing following completion of the 2015 Safety Project for Monroe Avenue; and

WHEREAS, on August 24, 2016 the Town Board directed the Project Sponsor to prepare a Supplemental Draft Environmental Impact Statement (SDEIS) that re-analyzes the potential traffic impacts of this proposed project and that such SDEIS be based on the transportation sections, together with any other transportation related topics contained in the scope of SEQRA review adopted by the Town Board on September 24, 2015; and

WHEREAS, the Town Board also directed the Project Sponsor to prepare a new traffic impact study incorporating any modifications made by the NYSDOT affecting existing conditions in the area, as well as written responses to all substantive transportation comments received during the Public Hearing and the written comment period; and

WHEREAS, the Project Sponsor delivered to the Town on or about November 30, 2016, under a cover letter describing the enclosures as a "Supplemental Draft Environmental Impact Statement" the following enclosures: a revised Traffic Impact Study and written responses to comments received at the public hearing on the DEIS, but based on correspondence dated December 22, 2016 from Michael J. Flanigan of Stantec Consulting Services, Inc. ("Stantec"), the Town's independent consultant for the Environmental Review of the proposal, the aforementioned Traffic Impact Study and response to comments do not constitute the requisite SDEIS and therefore the Project Sponsor has not submitted an SDEIS that is complete and adequate for public review.

NOW, THEREFORE IT IS HEREBY RESOLVED, that correspondence dated December 27, 2016 from Commissioner of Public Works Timothy E. Keef, P.E., and correspondence dated December 22, 2016 from the Town's Consultant Michael Flanigan of Stantec regarding the November 30, 2016 submissions referred to by the Project Sponsor as a "Supplemental Draft

Environmental Impact Statement" prepared and submitted by the project sponsor for the Whole Foods Project, and correspondence dated December 22, 2016 from Anthony Danielle on behalf of the Project Sponsor indicating the Project Sponsor's future intention of submitting an updated SDEIS and agreeing that the Town is to have 45 days to review and respond to the updated SDEIS once the Town Board receives the updated SDEIS, be received and filed; and further

BE IT RESOLVED, that the Town Board hereby determines based upon the final adopted written scope for the environmental impact statement under the New York State Environmental Quality Review Act for the Whole Foods Project and the standards set forth in 6 NYCRR Section 617.9 that the Project Sponsor's submissions of November 30, 2016 referred to as a "Supplemental Draft Environmental Impact Statement" are not complete and adequate for public review and comment based upon the reasons set forth in the above referenced December 22, 2016 letter from Stantec; and further

BE IT RESOLVED, that the Town Board hereby directs the Environmental Review Liaison Officer to provide to the Project Sponsor a copy of the above referenced December 22, 2016 correspondence from Stantec.

Dated: December 28, 2016

| | | |
|--------------------------------------|--------|-------|
| 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

December 27, 2016

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

Re: Supplemental Draft Environmental Impact Statement for the Whole Foods Project

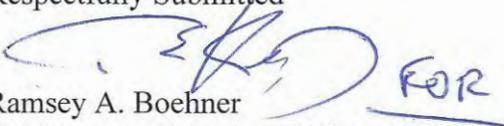
Honorable Supervisor and Members:

I recommend that your Honorable Body, as lead agency, receive and file this letter along with the attached letter from our consultant, Michael Flanigan of Stantec to Ramsey Boehner, dated December 22, 2016.

I further recommend based on the letter from Mr. Flanigan, that the Town Board determine the Supplemental Draft Environmental Impact Statement is incomplete and inadequate for public review.

I also recommend that Town Board direct the Environmental Review Liaison Officer to provide a copy of Mr. Flanigan's letter to the applicant.

Respectfully Submitted


Ramsey A. Boehner
Environmental Review Liaison Officer

attachment

cc: T. Keef
K. Gordon



Stantec Consulting Services Inc.
61 Commercial Street, Suite 100, Rochester NY 14614-1009

December 22, 2016

Reference: Whole Foods TIS and SDEIS Review Comments

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

Dear Ramsey,

The August 24, 2016 Town Board resolution required the Applicant to:

1. Prepare a Supplemental DEIS (SDEIS) that re-analyzes the potential significant traffic impacts of the Project, and which addresses traffic related issues raised in the Project Scope dated September 24, 2015;
2. Prepare a revised Traffic Impact Study (TIS) that incorporates the traffic signal modifications set forth by the NYSDOT; and
3. Provide written responses to all substantive transportation comments received during the Public Hearing and written comment period.

Stantec received the revised TIS (bullet 2) and written responses (bullet 3) on November 28, 2016. We did not receive the SDEIS to review. The revised TIS is intended to be an Appendix of the SDEIS, similar to how the previous TIS was provided as Appendix 3 of the DEIS. An SDEIS needs to be prepared that follows the traffic related issues raised in Project Scope and include all of the chapters and sections that relate to traffic, as well as the necessary appendices relative to traffic and comment responses. Pending resubmission of a SDEIS that can be determined adequate for public review, we are unable to offer comprehensive comments at this time.

Please contact me at any time to discuss anything further or need additional information in any regard.

Regards,

STANTEC CONSULTING SERVICES INC.

Michael J. Hanigan



December 22, 2016
Mr. Ramsey Boehner
Page 2 of 2

Reference: Whole Foods TIS and SDEIS Review Comments

Michael J. Flanigan
Associate, Environmental Services
Phone: (585) 413-5270
Fax: (585) 424-5951
mike.flanigan@stantec.com

fm u:\190500863\02_correspondence



December 22, 2016

Tim Keef
Commissioner of Public Works
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

Re: Whole Foods Plaza Redevelopment SDEIS

Dear Mr Keef,

As the applicant of the proposed Whole Foods Plaza development at 2740, 2750 & 2800 Monroe Avenue, we intend to submit an updated SDEIS. The Town Board will have 45 days to review and respond after the Town Board receives the updated submission.

Respectfully,

Anthony Daniele
Daniele Family Companies

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 28th day of December, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED that the Town Board hereby appoints William Price of 305 Sylvan Road as Chairperson of the Planning Board for a one year term commencing on January 1, 2017.

Dated: December 28, 2016

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