

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
October 26, 2011

PRESENT:

Supervisor Sandra Frankel
Councilmember Louise Novros
Councilmember Ray Tierney
Councilmember Sheila Gaddis
Councilmember James Vogel

William Moehle, Attorney for the Town

Susan Kramarsky, Town Clerk

Pledge of Allegiance

Our National Anthem – Special thanks to Mr. Josh Shapiro-Brighton resident, Singer

MEETING CALLED TO ORDER AT 7:20PM:

RECOGNITIONS/PRESENTATIONS:

Proclamation Presentation - November is National Adoption Month
Veronica Black, Community Outreach Specialist – Children Awaiting Parents, accepting

OPEN FORUM:

James Vogel
Mordechai Rennert
Peg Goggin
Al Antonez
Brijen Gupta
Mordechai Rennert

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:

October 12, 2011 Town Board Meeting

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Second of two Public Hearings to consider adoption of the Supervisor's 2012 Preliminary Operating & Capital Improvement Budgets. Communication received from Brighton resident Dr. Brijen Gupta to Supervisor dated October 25, 2011

(Complete transcript under separate cover)

MATTER RE: Second of two Public Hearings to consider adoption of Assessment Rolls for Service Charges, Maintenance Improvements Capital Improvements and Sewer Rent Charges for Special Improvements Districts and for Special Improvements for the Town of Brighton.

(Complete transcript under separate cover)

MATTER RE: Second of two Public Hearings regarding proposed contracts with the West Brighton Fire Department and the City of Rochester Fire Department for fire protection and medical emergency services within the West Brighton Fire Protection District during 2012.

(Complete transcript under separate cover)

Councilmember Sheila Gaddis arrived at 9:30 PM

BIDS:

MATTER RE: Authorize solicitations for requests for proposals for Computer Management System Software to replace existing in-house Fox Pro database presently serving the Higher/Sewer and Public Works Operations Center (see Resolution #1 and letter dated October 13, 2011 from Michael Guyon, P.E. Town Engineer).

Motion by Councilmember Ray Tierney 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. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Rebecca Cotter, Assistant Director Brighton Recreation & Parks Department dated October 7, 2011 Re: Outstanding Asset Builder Award from the Rochester-Monroe County Youth Bureau Organization to Supervisor.

FROM The NY State Municipal Insurance Reciprocal to Supervisor dated October 11, 2011 regarding General Safety Audit performed at Town Hall with zero recommendations generated as a result of the Audit/Inspection.

FROM State of NY Governor's Traffic Safety Committee, Department of Motor Vehicles dated October 12, 2011 awarding the Brighton Police Department \$3,843 to participate in the statewide "Buckle Up, New York!" campaign.

FROM Monroe Community College Foundation 2010 – 2011 Annual Report to Supervisor (report available for viewing in the Town Clerk's office).

FROM Lawrence M. Howk, Treasurer, Brighton Fire District dated October 19, 2011 Re: Submission to Supervisor of the Brighton Fire District tax levy for their 2012 Budget.

FROM Carl Lamb-LaFay NY State Bureau of Water Permits-Stormwater General Permit Section dated October 24, 2011 Re: Public notice finalization of modifications to the State Pollutant Discharge Elimination System General Permit for storm water discharges from Municipal separate storm sewer systems that extend specific watershed improvement strategy and retrofit deadlines.

FROM Mary Ellen Petri, Town employee and Brighton resident, to Supervisor and Town Recreation & Parks Dept. dated October 25, 2011, thanking all those involved in making the Brighton Fall Family Festival a wonderful success.

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to receive and file aforementioned communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services--Councilmember Louise Novros reported on meeting of Oct 20, 2011. Next Meeting November 17, 2011

Finance and Administrative Services—Last meeting October 18, 2011; next meeting November 2, 2011

Public Safety Services--Councilmember Ray Tierney reported on special meeting of October 20, 2011.

Next meeting November 8, 2011

Public Works Services--Councilmember James Vogel reported on meeting of October 13, 2011. Next meeting November 7, 2011

OLD BUSINESS:

MATTER RE: Authorize adoption of the Preliminary Budget for the year 2012 including amendments proposed in memorandum from Sandra Frankel, Suzanne Zaso, and Andrew Robinson dated October 26, 2011 as the Town of Brighton's Final Budget for the year 2012 (see Resolution #15).

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to amend the budget as outlined in the memorandum from Sandra Frankel, Suzanne Zaso and Andrew Robinson dated October 26, 2011.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Sheila Gaddis 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 adoption of the Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvement Districts and special Town improvements for the fiscal year 2012 (see Resolution #14 and Schedule A).

Motion by Councilmember Sheila Gaddis 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

NEW BUSINESS:

MATTER RE: Reading and approval of claims

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Supervisor read and approve the claims as set forth in Exhibit 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval for Supervisor or designee to prepare and submit comments and written response in connection with the proposed Empire State College Regional Center pursuant to the SEQR act process (see Resolution #2 and letter dated October 13, 2011 from Timothy Keef, P.E. Commissioner of Public Works).

Motion by Councilmember Sheila Gaddis 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

Councilmember Sheila Gaddis	aye
Councilmember Louise Novros	aye
Councilmember Ray Tierney	no
Councilmember James Vogel	aye
Supervisor Sandra Frankel	aye

MOTION CARRIED

MATTER RE: Authorize approval of the Incentive Zoning application submitted by Wegman Companies, Inc. for the construction of an Assisted Living and Memory Care Facility on 9.5 acres of the total 83 acres of property located on Westfall Road and;

Authorize approval for Supervisor to execute associated contracts with Wegman Companies, Inc. for the acquisition of approx. 73.5 acres of donated land within the total 83 acres of property located on Westfall Road (see Resolution #23, letter dated October 25, 2011 from Ramsey Boehner, Town Planner and copy of Incentive Zoning application)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval for Supervisor to execute contract with the Skycoasters in an amount not to exceed \$3,500 for their performance at the 2012 July 4th Celebration (see Resolution #3, letter dated October 1, 2011 from Jerry LaVigne, Director of Parks and Recreation and copy of contract).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval for Supervisor to execute revised contract with Rel Comm Inc. for telecommunications system maintenance services, needed for the period November 11, 2011 through December 31, 2012 due to the current migration from the old Inter-tel phone system to the new Mitel system (see Resolution #5, memorandum dated October 6, 2011 from Susan Wentworth, Coordinator of Data Processing and copy of contract).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize amendment to existing Town Personnel Policies as it relates to Equal Employment Opportunity guidelines and harassment of Town employees based on the Gender Identity, Non-Discrimination Act, referred to as GENDA (see Resolution #6 and Memorandum dated August 24, 2011 from William Moehle, Town Attorney).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize change order with Campobello Construction Co. Inc. in the amount of \$1,263.80 for asphalt and lawn restorations relating to the Westfall Road Sidewalk project (see Resolution #7, letter dated October 13, 2011 from Timothy Keef, P.E. Commissioner of Public Works, copy of change order and project accounting over/under sheet).

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis 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 for Supervisor to execute renewal agreement with Penflex Inc. to serve as the third-party administrator for the West Brighton Fire Protection District's Service Award program for the period November 1, 2011 through October 31, 2012 (see Resolution #8 and Memorandum dated October 17, 2011 from Suzanne Zaso, Director of Finance).

Motion by Councilmember Ray Tierney 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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize budget appropriations due to increased fuel costs for the Highway Department, which have exceeded those costs budgeted in the 2011 budget. This action is fully supported by increased fuel revenues (see Resolution #9 and letter dated October 13, 2011 from Amy Banker Highway Department Accountant).

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 12 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize contract renewal and approval for Supervisor to sign same, for the 2012 Employee Assistance Program for all permanent full-time and part-time Town employees (see Resolution #10 and Memorandum dated October 6, 2011 from Gary Brandt, Director of Personnel).

Motion by Councilmember Sheila Gaddis 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. 13 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval of a 2011 budget transfer totaling \$25,600 to enable purchase of new Town Police car. Funding is fully supported by sufficient remaining, and anticipated funds needed for year-end expenditures in the 2011 Police Department budget (see Resolution #11 and Memorandum dated October 18, 2011 from Suzanne Zaso, Director of Finance).

Motion by Councilmember Ray Tierney 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. 14 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize approval of 2011 budget transfer totaling \$25,000 to enable purchase of new replacement Town Recreation Department truck. Funding is fully supported by sufficient

remaining, and anticipated funds needed for year-end expenditures, in the 2011 Parks and Recreation Department budget (see Resolution #16 and Memorandum dated October 17, 2011 from Suzanne Zaso, Director of Finance).

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 15 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Expense and Revenues for month ending September 2011

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel receive and file aforementioned reports

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Moody's Investors Service has assigned an Aa2 rating to the Town of Brighton's (NY) General Obligation Public Improvement Refunding Bonds transaction resulting in a borrowing interest rate of 1.34% provided by JPMorgan Chase Bank, N.A.

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to receive and file

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to adjourn at 10:55 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Susan Kramarsky, 79 Monteroy Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceedings of the Town of Brighton County of Monroe, State of New York meeting held on the 26th October 2011 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 26th day of October, 2011.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated October 13, 2011 from Michael E. Guyon, P.E., Town Engineer, concerning a request for proposals for computer management software, be received and filed; and be it further

RESOLVED, that the Town Engineer is hereby authorized to prepare and solicit a request for proposals for the purchase of computer management software to replace the Town's existing Fox Pro Database Software.

Dated: October 26, 2011

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 26th day of October, 2011.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

WHEREAS, the Town of Brighton 2012 Tentative Budget has been prepared and presented to the Town Board and filed with the Town Clerk as the Preliminary Budget; and

WHEREAS, public hearings on such Preliminary Budget were held at meetings of the Town Board on October 12, 2011 and October 26, 2011 at 7:30 p.m. prevailing local time, and all persons having an interest therein have been heard in the matter; and

WHEREAS, the Supervisor, the Director of Finance, and the Budget Officer have recommended certain amendments to the Preliminary Budget and otherwise have recommended its approval; and

WHEREAS, the Town Board has authorized such amendments to the Preliminary Budget, and desires to approve such Budget as amended; it is therefore

RESOLVED, that a memorandum, dated October 26, 2011, from Sandra L. Frankel, Supervisor, Suzanne E. Zaso, Finance Director, and Andrew C. Robinson, Budget Officer, concerning certain proposed amendments to the 2012 Budget, be received and filed; and be it further

RESOLVED, that the Preliminary Budget for the year 2012, as amended to include those amendments, is hereby approved and adopted as the Town's Final Budget for 2012.

Dated: October 26, 2011

Sandra L. Frankel, Supervisor	Voting _____
James R. Vogel, Councilman	Voting _____
Raymond J. Tierney III, Councilman	Voting _____
Louise Novros, Councilperson	Voting _____
Sheila A. Gaddis, Councilperson	Voting _____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 26th of October, 2011.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons.

WHEREAS, the Town Board duly called and held Public Hearings on the Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvements Districts and for Special Improvements, on October 12, 2011 and October 26, 2011, at meetings commencing at 7:30 P.M., a list of which Districts and Improvements is attached hereto as Schedule "A" and made a part hereof, for the fiscal year commencing January 1, 2012, notice of which public hearings were duly given by advertisement in the official Town newspaper, the Brighton Pittsford Post; and

WHEREAS, the Court of Appeals of the State of New York has determined that the provisions of Section 239 of the Town Law of the State of New York that permitted notice to be given of public hearings to consider the assessment rolls for special improvements districts in which assessments are determined on a "benefits derived" basis, to be unconstitutional and mandated that individuals owning property within such districts receive personal notice of such hearings; and

WHEREAS, in response to such mandate, the Town Clerk also mailed notice of such public hearings to all taxable property owners in the Town as part of the Town's newsletter; and

WHEREAS, such public hearings having been duly called and held and all persons having an interest in such matter having been heard and the matter having been considered, be it

RESOLVED, that the said Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvements Districts and for Special Improvements for the fiscal year commencing January 1, 2012, be and the same hereby are adopted and established and that the same be filed forthwith in the office of the Town Clerk, and be it

FURTHER RESOLVED, that the Supervisor be and she hereby is directed to transmit a copy of said Assessment Rolls to the County Legislature of the County of Monroe on or before the next annual meeting of said County Legislature of the County of Monroe, in accordance with law.

On motion of Councilperson _____, seconded by Councilperson _____, and upon roll call, the following vote was recorded:

Dated: October 26, 2011

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

SPECIAL DISTRICT LISTING (as of 9/14/2011)

<u>#</u>	<u>#</u>	<u>LIGHTING DISTRICT</u>	<u>YEAR</u>
5201	BR301	Bel Air Lighting	
5202	BR302	Council Rock Lighting	
5203	BR303	Council Rock Est Lighting	
5204	BR304	East Ave Lighting	
5205	BR305	Houston Barnard Lighting	
5206	BR306	Ferndale Manor Lighting	
5207	BR307	Home Acres Lighting	
5208	BR308	Malvern Lighting	
5209	BR309	Meadowbrook Lighting	
5213	BR310	Penfield Landing Lighting	
5210	BR311	Roselawn Lighting	
5211	BR312	Struckmar Lighting	
5212	BR313	Sunnymeade Add lighting	
5214	BR315	Victory lane Lighting	
5215	BR316	Clover Elmwood Lighting	
5216	BR317	Elmwood Manor Lighting	
5218	BR319	Dunn & Paul Lighting	
5217	BR320	E. Henrietta Rd Lighting (MCC)	
5219	BR321	Metro Industrial Lighting	
5220	BR322	Meridian centre Lighting	
5221	BR323	Elmwood terrace Lighting	
5223	BR324	Deerfield lighting	
5222	BR325	Lac-de-Ville/Keating Lght	
5224	BR326	Penfield Rd Lighting #2	
5225	BR327	Mercy Park Lighting District	

<u>#</u>	<u>#</u>	<u>SIDEWALK SNOW REMOVAL</u>	<u>YEAR</u>
5421	BR501	Bel Air Snow Removal	
5423	BR502	Homeacres Snow Removal	
5426	BR503	Struckmar Snow Removal	
5427	BR504	Rowlands Snow Removal	
5425	BR505	Roselawn Snow removal	
5424	BR506	Meadowbrook Snow Rml	
5428	BR507	N Roselawn Snow Rmvl	
5422	BR508	Fairhaven Snow Removal	
5429	BR509	Brookside Snow Removal	
5430	BR510	Council Rock Snow Removal	
5431	BR511	Pelham Rd. Snow Removal	
5432	BR512	Grosvenor Snow Removal	
5433	BR513	Ambassador Snow Removal	2011
5434	BR514	Sandringham Snow Removal	2011

<u>#</u>	<u>#</u>	<u>CONSOLIDATED SIDEWALKS</u>	<u>YEAR</u>
5411	BR550A	Sidewalk Dist-4' Phase II - UN	
5411	BR550B	Sidewalk Dist-4' Phase II - FE	
5411	BR551A	Sidewalk Dist-5' Phase II - UN	
5411	BR551B	Sidewalk Dist-5' Phase II - FE	
5412	BR578	Mercy Park Sidewalk District	

<u>#</u>	<u>#</u>	<u>PARK MAINTENANCE</u>	<u>YEAR</u>
7201	BR601	Kirk Astor Park District	
<u>#</u>	<u>#</u>	<u>REFUSE</u>	<u>YEAR</u>
8200	BR647	Schoolhouse	
8198	BR648	Thornwood	
8197	BR649	Council Rock	
8179	BR650	Ashley Drive	
8180	BR651	Britany-Markay	
8181	BR652	Bronsonwood	
8182	BR653	Coventry Green	
8183	BR654	Evans Farm	
8184	BR655	Fairways	
8185	BR656	Forest Hills	
8186	BR657	Frankland	
8187	BR658	Gailhaven Rd	
8188	BR659	Howland	
8189	BR661	Meadow View	
8191	BR662	Parkwood Ave	
8192	BR663	Pelham Road	
8193	BR664	Rawlingswood	
8194	BR665	Village lane	
8195	BR666	Westerloe Ave	
8196	BR667	Wyatt Drive	
8199	BR668	Greenaway	2009
8202	BR669	Maywood	2009
8203	BR670	Modelane	2009
8204	BR671	Pickford	2009
8205	BR672	Shalimar	2009
8206	BR673	Willowbend	2009
8201	BR674	Link-Burkedale	2009
8207	BR675	Brighton Meadows	2010
8161	BR681	Bel Air	
8162	BR682	Home Acres	
8164	BR683	Struckmar	
8163	BR684	Roselawn	
8166	BR685	Hemingway	
8165	BR686	Dunrovin	
8167	BR687	Ledgerock	
8168	BR688	Rockhill	
8169	BR689	Fairhaven Rd	
8170	BR690	Mandy-Woodgate	
8173	BR691	Kirk-Astor	
8171	BR692	East Avenue	
8172	BR693	Houston-Barnard	
8174	BR694	Dfar View Hills	
8175	BR695	Monroe Meadows	
8176	BR696	Rowlands	
8177	BR697	Spier Ave	
8178	BR698	S. landing Rod	
8190	BR699	Meadowbrook	

<u>#</u>	<u>#</u>	<u>DRAINAGE</u>	<u>YEAR</u>
8541	BR704	Heatherstone Drainage	
8540	BR706	Brighton Meadows Drain	
8542	BR708	Meridian Centre Drainage	
8543	BR709	Deerfield Woods Drainage	
8544	BR710	Lac-de-ville/Sr. Keating Drainage	
8545	BR711	Barclay Drainage	
8546	BR712	Mercy Park Drainage	

<u>#</u>	<u>#</u>	<u>CONSOLIDATED SEWER</u>	<u>YEAR</u>
8120	BR7424A	Consolidated Sewer Dist	
8120	BR742B	Consolidated Sewer Dist	
8120	BR743A	Consolidated Sewer Dist	
8120	BR743B	Consolidated Sewer Dist	
8120	BR744A	Consolidated Sewer Dist	
8120	BR744B	Consolidated Sewer Dist	
8125	BR745A	Sewer Dist 87A	
8125	BR745B	Sewer Dist 87A	
8130	BR746A	Consolidated Sewer Dist - Ext #67	
8130	BR746B	Consolidated Sewer Dist - Ext #68	
8130	BR747	Consolidated Sewer Dist - Ext #69	
8135	BR748A	Western Dr Area Sewer District	
8135	BR748B	Western Dr Area Sewer District	
8135	BR749	Western Dr Area Sewer District	

<u>#</u>	<u>#</u>	<u>BUSINESS IMPROVEMENT</u>	<u>YEAR</u>
BID01	BR801	Monroe Ave Bid #1	

<u>#</u>	<u>#</u>	<u>NEIGHBORHOOD IMPROVEMENT</u>	<u>YEAR</u>
NIDHA	BR802	Homeacres Neighborhood Dist.	

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 26th day of October, 2011.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated October 13, 2011 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning authorizing the Supervisor or her designee to prepare and submit comments and response to documentation submitted by the State University Construction Fund in connection with the proposed Empire State College Regional Center on South Clinton Avenue for the review of such project under the State Environmental Quality Review Act, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to submit comments to the State University Construction Fund in connection with its proposed Empire State College Regional Center in connection with the review of such project under the State Environmental Quality Review Act.

Dated: October 26, 2011

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, 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

October 13, 2011

Supervisor Sandra Frankel and
the Honorable Town Board
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

re: Proposed Empire State College Regional Center
South Clinton Avenue Site
SEQR Comments

Dear Supervisor Frankel and Town Council Members:

The State University Construction Fund (SUCF) has provided correspondence and documentation regarding siting the above facility along the west side of South Clinton Avenue south of Elmwood Avenue, all as described in said correspondence dated October 4, 2011 and received by the Town October 6, 2011. Comments regarding the project, and in accord with the SEQR process, must be made within 30 days of the correspondence, which is November 3, 2011. It is therefore requested that staff prepare comments in response to the documentation submitted and that you or your designee be authorized to forward this information to the SUCF. As always, your consideration of matters such as this is greatly appreciated.

Very truly yours,

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

TEK/wp

cc: R. Bohner
M. Guyon
M. Hussar
W. Moehle

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 26th day of October, 2011.

PRESENT :

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

WHEREAS, Wegman Companies, Inc., the applicant for a proposed Assisted Living/Skilled Nursing Facility with dementia care, to be located on approximately a 9.5 acre portion of an approximately 82.5 acre parcel of land formerly owned by Farash Properties on Westfall Road, known as Tax I.D.# 136.16-02-029.2; and

WHEREAS, the applicant submitted its full environmental assessment form dated July 19, 2011, and supplemental SEQRA documentation addressing traffic, wetlands, wildlife, infrastructure, landscape lighting and signage on August 10, 2011; and

WHEREAS, on August 24, 2011, the Town Board reviewed the full environmental assessment form and determined the development of the Project is a Type I action, and initiated the coordinated review of the application, along with other involved agencies, pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, on September 14, 2011, the Town Board conducted a public hearing to consider the Project and the application and the environmental review thereof under SEQRA; and

WHEREAS, the following such public hearing, and on review of the materials submitted by the applicant, the Town Board has determined that the Project will not involve a significant adverse impact on the environment; it is therefore

RESOLVED, that the Town Board, acting as lead agency under SEQRA

for the environmental review of the application of Wegman Properties, Inc., hereby finds that the proposed application and project will not have a significant adverse impact on the environment and hereby authorizes the issuance of a Negative Declaration under SEQRA for the Project.

Dated: October 26, 2011

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

October 25, 2011

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

Re: Incentive Zoning Application
Wegman Companies Assisted Living Proposal
Farash Parcel (Westfall Road/Elmwood Avenue)

Honorable Supervisor and Town Board Members:

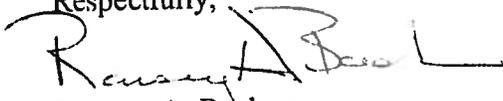
I recommend that the Town Board receive and file this communication, the Monroe County Department of Planning's Development Review Referral dated September 26, 2011 and the Negative Declaration prepared by town staff, dated October 26, 2011.

I further recommend that the Town Board, acting as lead agency pursuant to the State Environmental Quality Review Act (SEQRA), issue a Negative Declaration for the Application.

I further recommend that the Town Board approve the Application with conditions.

I further recommend that the Town Board authorize the Supervisor to execute and deliver all related documents and agreements.

Respectfully,


Ramsey A. Boehner
Town Planner

cc: T. Keef
M. Guyon
M. Hussar
W. Moehle



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 26th day of October, 2011.

PRESENT:

SANDRA L. FRANKEL, Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

WHEREAS, on August 24, 2011 the Town Board received and filed an Incentive Zoning Application (the Application) from Wegman Companies, Inc., Applicant, for a proposed Assisted Living/Skilled Nursing facility with dementia care (the Project) to be located on a portion of land formerly owned by Farash Properties on Westfall Rd, known as Tax ID # 136.16-02-029.2 (the Property), and in connection therewith has paid the requisite and provided proof thereof is available to the Town Board pursuant to Section 209-5.A of the Town Code, and provided the necessary documentation as set forth in Section 209-5; and

WHEREAS, the Applicant is seeking an incentive to permit an Assisted Living/Skilled Nursing facility with dementia care consisting of 68,000 square feet with 96 residential units on approximately 9.5 acres (the Site) of the approximately 83 acre Property, which is not permitted within the RLL Residential Large Lot district in which the Property is located; and

WHEREAS, the Applicant proposes to convey the remaining approximately 73.5 acres (the Premises) of the approximately 83 acre Property to the Town of Brighton for parkland use, approximately 40.5 acres of which shall be donated to the Town as an amenity, and the remaining approximately 32.5 acres of which shall be purchased by the Town, for a purchase price of Six Hundred Fifty Thousand and 00/100 Dollars (\$650,000.00); and

WHEREAS, the Applicant is seeking certain other incentives to modify various Town of Brighton Code (the Code) requirements, in order to develop the Project on the the Site; and

WHEREAS, the Town of Brighton Comprehensive Plan notes that the Property has significant environmental constraints, including state (Class 1) and federal wetlands, a large area in the 100-year floodplain of Buckland Creek and several woodlots.

WHEREAS, the Town of Brighton Comprehensive Plan also notes that the Property is significant because it provides an open space connection between Elmwood Avenue and Westfall Road; and

WHEREAS, the Comprehensive Plan recommends that the Property be acquired by the Town for use as parkland and that pedestrian connection between Elmwood Avenue and Westfall Road be provided; and

WHEREAS, the location of the Property between the Town Hall and Buckland Park, along with the environmentally sensitive nature of much of the Property supports its acquisition by the Town; and

WHEREAS, the Applicant submitted its full Environmental Assessment Form, dated July 19, 2011 (EAF) and Supplemental SEQR Documentation addressing traffic, wetlands, wildlife, infrastructure, landscape, lighting and signage on August 10, 2011; and

WHEREAS, on August 24, 2011 the Town Board reviewed of the EAF, and determined that the development of the Project is a Type I Action; and initiated the coordinated review of the Application, along with other involved agencies, pursuant to the State Environmental Quality Review Act (SEORA); and

WHEREAS, on August 24, 2011 the Town Board received and filed correspondence dated August 17, 2011, from Ramsey A. Bohner, Executive Secretary to the Town of Brighton Planning Board, containing the Planning Board's advisory recommendations with respect to the Project and Application; and

WHEREAS, on September 14, 2001 the Town Board conducted a public hearing to consider the Project and the Application and the environmental review thereof under SEQRA; and

WHEREAS, the Monroe County Department of Planning forwarded the Development Review Referral with comments for the Application dated September 26, 2011; and

WHEREAS, on October 26, 2011 the Town Board, acting as Lead Agency for review of the Application, issued a Negative Declaration under SEQRA; and

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

RESOLVED, that the Town Board hereby makes the following findings with respect to the Application and the Project:

1. The Application and Project, together with the proposed Amenities, provides public benefits, in that they will assist the Town to implement the specific physical, cultural, and social policies of the Comprehensive Plan of the Town. The public benefits include the following:
 - a. the expansion of the Town's open space network;
 - b. the 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;
 - c. the provision of a pedestrian and bicycle connection between Elmwood Avenue and Westfall Road;
 - d. the provision of a park land;
 - e. the preservation of environmentally sensitive areas within the community;
 - f. the provision of funds for future park improvements; and
 - g. the provision of elder care facilities
2. The public benefits are sufficient to warrant the provision of the incentives described in Schedule D-1.
3. The Application is consistent with the Comprehensive Plan in that the Plan recommends the acquisition of the Property for use as parkland and pedestrian connection between Elmwood Avenue and Westfall Road, and if approved the Premises will be used for parkland with a pedestrian connection.
4. After carefully consideration of the potential impacts, as well as identifying beneficial impacts and public benefits of the Project, the Town Board determines that the Project is an appropriate use of the Site.

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 Chapter 209 of the Town Code of the Town of Brighton, that the Application, 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 Application would not be approved; and

IT IS FURTHER RESOLVED, that the Supervisor is hereby authorized to execute and deliver the documents and agreements set forth in Schedule C-1, together with a Purchase and Sale Agreement by and between the Town and the owner of the Premises, under which the owner will sell and donate the Premises to the Town, upon the terms and conditions set forth therein, which Purchase and Sale Agreement shall be on terms and conditions as may be approved by the Attorney to the Town; and be it further

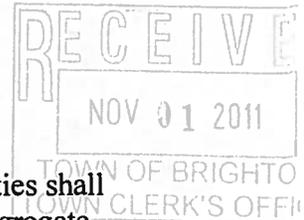
RESOLVED, that this Resolution shall take effect upon due publication and posting thereof as required by law.

UPON ROLL CALL VOTE, the vote was as follows

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Raymond J. Tierney III, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

The resolution was thereupon declared adopted

Dated: October 26, 2011



Schedule C-1

1. That, promptly after approval of the Incentive Zoning application, the parties shall execute a Purchase and Sale Agreement for the gift and sale to the Town of an aggregate of approximately 73 acres as shown on Attachment 1 hereto (the Premises). Pursuant to the terms of the Purchase, Sale and Donation Agreement, the applicant will convey to the Town, or will cause to be conveyed to the Town, by means of a warranty deed approved as to form by the Town Attorney, good and marketable title, free and clear of any and all liens and encumbrances (other than those permitted by the Town), to the Premises. Approximately 40.5 acres of the Premises shall be donated to the Town and the remaining approximately 32.5 acres shall be purchased by the Town for \$650,000. The portion of the Premises to be donated and purchased shall in each case be as shown on Attachment 1 and described by the metes and bounds descriptions annexed hereto as Attachment 2. Approximately 9.5 acres of property adjoining the Premises, and shown on Attachment 1, shall be retained by the applicant, and shall be referred to herein as the Site and described by the metes and bounds descriptions annexed hereto as Attachment 3. The lot width of the 73 acres along Westfall Road shall be a minimum of 30 feet wide. This minimum width shall be maintained along the eastern boundary of the Site.

2. That, prior to the issuance of any permit for the Site, the Applicant shall verify the conveyance of or will convey, or will cause to be conveyed, to the Town, an easement in perpetuity for the purpose of allowing public access to use five additional parking spaces to be located southwest of the building as generally shown on Attachment 4 and to allow public access via a trail from the additional parking spaces to the approximately 73 acres to be conveyed to the Town. The Planning Board shall designate the location of the additional parking spaces and the alignment, width and location of access to the five parking spaces and trail access to the approximately 73 acres during Site Plan approval process. When determined necessary by the Town, the additional five parking spaces and access trail shall be constructed on the Site meeting specific Town standards at the expense of the Applicant. The five parking spaces shall have a sign designating the spaces exclusively for park visitors.

3. That, prior to the issuance of any permits for the Site, the applicant shall make a contribution of \$50,000 to the Parkland Trust Fund of the Town, to be used by the Town for future park improvements to the Premises.

4. That, prior to the issuance of any permits for the Site, the Applicant shall execute and deliver a standby PILOT Agreement. Said Agreement shall provide for the continued payment by the applicant, and/or their successors and/or assigns of all Mortgage Tax, Sales Tax, and Town and School District and County property taxes and all other charges or taxes of any kind, levied on an ad valorem basis, in the event the project becomes exempt from real property taxation, in whole or in part, for any reason, including specifically, but not limited to, tax exemptions or abatements granted by or in connection with the County of Monroe Industrial Development Agency, or any successor or assign thereof. 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.

5. That, prior to the issuance of any permits for construction on the Site, the applicant shall enter into a contract and to continue to enter into a contract with a private ambulance supplier for the provision of ambulance services for residents of the Assisted Living/Skilled Nursing facility with dementia care. The applicant shall be responsible for non-emergency medical transportation for the residents of the facility.

6. That, prior to the issuance of any permits, the applicant shall execute and deliver a standby Parkland Trust agreement. Said agreement shall provide that in the event the project no longer operates as an Assisted Living/Skilled Nursing facility and is converted to residential development requiring a per unit fee under Section 277 of the Town Law, or any successor provision of law and/or the Town 's 1997 parkland trust resolution, or any successor provision, that the per unit fee in effect at the time the project no longer operates as an Assisted Living/Skilled Nursing facility and is converted to other residential development, be paid to the Town by the Applicant, and/or its 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.

7. That, prior to the issuance of any permits, the applicant shall execute and deliver an agreement under which the applicant, its successors and assigns, agree not to convert the Assisted Living/Skilled Nursing facility, or to permit it to be converted, into condominium form of ownership. 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. In the event the facility is converted to condominium ownership, the incentive zoning approval of the Town and this incentive zoning resolution shall immediately terminate and be of no further effect, except that the transfer and gift of the approximately 72.5 acres of the Premises to the Town shall not be affected and such Premises shall remain the property of the Town, and to the fullest extent permitted by law, the property taxes, and all other ad valorem charges or assessments on the facility shall continue to be assessed as if the facility were not held in condominium ownership.

Schedule C-2

1. That, the Site be only developed for a 96-unit Assisted Living/Skilled nursing facility with dementia care.

2. That, the Site shall only be developed in accord with this resolution, in general accord with the Wegman Assisted Living Residence Preliminary Site Plan dated October 2011 (Plan), prepared by BME Associates attached hereto as Attachment 4, and as the same may be modified and approved by the Planning Board during the site plan approval process.

3. That, any subdivision of the Site, and any site plan for development 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. Said site plan for the Site shall include a detailed landscaping plan and lighting plan. The landscape plan shall include a landscape buffer between the Assisted Living Facility and the western boundary of the Site. 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.

4. That, disturbance to the two small isolated wetland areas located on the Site shall be avoided to the maximum extent practicable. Prior to the issuance of any permits for the Site, the Applicant, its successors and assigns shall verify, to the satisfaction of the Town Engineer, compliance with any applicable requirements of the U.S. Army Corps of Engineers.

5. That, disturbance to the New York State Department of Environmental Conservation wetland and adjacent area on the Premise shall be avoided to the maximum extent practicable. Prior to the issuance of any permits for the Site, the Applicant, its successors and assigns shall verify, to the satisfaction of the Town Engineer, compliance with any applicable requirements of the New York State Department of Environmental Conservation.

6. That, the sanitary sewer service to support the project will include a connection to existing sewers in the proximity of the project site either along Westfall Road or by connection to the existing sanitary sewer that exists along the western portion of the approximately 82.5 acre parcel. Further investigations shall be performed by the applicant engineer to determine the most effective means of sanitary sewer connection for this project. The sanitary sewer connection shall be reviewed and approved by the Town Engineer and the Planning Board during the site plan approval process.

7. That, in addition to any other required approvals, all exterior sides of all structures to be constructed on the Site 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 Code of the Town of Brighton, New York, Comprehensive Development Regulations (CDR).

8. That, any disturbance of the woodlot environmental protection overlay district located on the Site shall be subject to the approval of the Planning Board.

9. That, the project should consider sustainable practices such as Green Infrastructure and Building standards.
10. 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.
11. 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.
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 **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, provided however that in no event shall the validity of the Purchase, Sale and Donation Agreement by and between the Town and the applicant for the purchase of the Premises, or the validity of the sale and donation of the Premises by the applicant to the Town be affected by the provisions of this Paragraph 12, in the event that one or more of the conditions, or requirements or any portion thereof are determined to be contrary to law

Schedule D Incentives

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

1. An incentive to allow a 96 unit Assisted Living/Skilled nursing facility with dementia is permitted under the existing Residential – Low Density District (RLL).
2. An incentive to allow the minimum livable floor area per unit to be 299 square feet.
3. An incentive to allow a minimum of 70 parking space to be constructed on site. Thirteen (13) of the 70 parking spaces may be land banked for future construction if required in the future.
4. An incentive to allow an 18 square foot single faced identification sign to be located near the front entrance to the project along Westfall Road. The sign may include similar copy as graphically represented in the supplemental SEQR information. The sign may be illuminated indirectly by a ground-mounted floodlight. The sign will be supported by two brick columns with stone caps with an overall height of the sign structure at 4 feet. The sign shall not be closer than 10 feet to any lot line and shall be anchored to the ground. The sign and its location and illumination shall be reviewed by

Architectural Review Board and approved by the Planning Board. A building permit shall be required.

5. An incentive for a maximum building height of 37 feet.
 6. An incentive to allow internal directional signage (stop signs, crosswalk signs, delivery location signs, handicapped parking, guest parking and visitor parking signs) for the direction and convenience of the public. The total area of each sign shall not exceed two square feet.
 7. An incentive to allow a 16 square foot temporary construction sign (graphic representation presented in the supplemental SEQR information) to be at the project site. The sign may include similar copy as graphically represented in the supplemental SEQR information. The sign may also include the names of project engineer and architect, general contractor, funding source and phone number. The sign shall not be closer than 10 feet to any lot line, shall not project more than 10 feet in height above grade, shall be anchored to the ground and shall not be illuminated. Such sign shall be subject to the approval of the Building and Planning Department. A building permit shall be required. This sign shall be removed within 30 days of the issuance of a certificate of occupancy or upon installation of the permanent identification sign, which ever comes first.
 8. An incentive to allow a temporary marketing building on-site during construction. The building shall be utilized for marketing the proposed Assisted Living residences to prospective residents of the facility. The location of the temporary marketing building shall be reviewed and approved by the Planning Board as part of the site plan approval process for the project. The location of the temporary marketing building shall meet all Residential – Low Density District (RLL) setback regulations. The temporary marketing building shall not disturb the wetlands or woodlots. The temporary marketing building shall be removed within 30 days of the issuance of a certificate of occupancy. Pursuant to Section 207-5.A. of the CDR a temporary construction building is also permitted on the Site.
-

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 26th day of October, 2011.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated October 11, 2011 from Jerry LaVigne, Director of Parks and Recreation, concerning a contract with the Skycoasters, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and the Skycoasters for a performance at the 2012 July 4th celebration at a cost of \$3,500, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: October 26, 2011

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 26th day of October, 2011.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that a memorandum dated October 6, 2011 from Susan A. Wentworth, Coordinator of Data Processing, concerning an amendment to the Agreement with Rel Comm, Inc. for maintenance of the Town's telecommunication system, be received and filed, together with the proposed amended Support Agreement, attached thereto; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute and deliver the amended Support Agreement by and between the Town and Rel Comm, Inc., for maintenance to the Town's telecommunication system, which amended Agreement shall be in form and substance as may be approved by the Attorney to the Town.

Dated: October 26, 2011

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 26th day of October, 2011.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that a memorandum dated August 24, 2011 from William W. Moehle, Attorney to the Town, concerning amendments to the Town's Personnel Policies concerning non-discrimination and harassment as they relate to gender expression, be received and filed: and be it further

RESOLVED, that the Town Board hereby approves the proposed amendments to the Town's Personnel Policies related to harassment of Town Employees and equal employment opportunity guidelines to prohibit harassment and discrimination against Town employees, based on their gender expression, which amendments shall be in form as set forth in the above-referenced memorandum.

Dated: October 26, 2011

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

Memorandum

**To: Supervisor Frankel
Honorable Town Board
Gary Brandt, Director of Personnel**

From: William W. Moehle, Esq., Attorney to the Town

Re: Amendments to Personnel Policies re Gender Identity

Date: August 24, 2011

In reviewing our Personnel Policies, I have become aware that we do not address equal employment opportunity or harassment based on gender identity. As you may know, the New York legislature has considered GENDA, the Gender Identity Non-Discrimination Act, during the past several sessions, but to date has not approved the legislation, although it has been passed by the Assembly.

Accordingly, to ensure that our Town employees continue to feel that they work in a safe and discrimination-free workplace, I suggest that the Board consider amendments to our Personnel Policies to prohibit discrimination against or harassment of Town employees, based on that employee's gender identity.

To that end, in the Employment Policies, Harassment of Town Employees, I would suggest that we revise the second paragraph, Prohibited Activity, to read:

Employees shall not make offensive or derogatory comments based on race, color, sex, sexual orientation, gender identity, religion or national origin either directly or indirectly to another person. Such harassment may be a prohibited form of discrimination under state and federal employment law and is also considered misconduct subject to disciplinary action by the Town.

I would also suggest amending the Equal Employment Opportunity Guidelines to read:

All other personnel policies and practices of the organization, including compensation, benefits, discipline, and safety and health programs, will be administered and conducted without regard to an individual's age, race, color, sex, religion, marital status, national origin, sexual orientation, gender identity, handicap or veteran status.

I would also encourage the Town Board to advocate for the passage of GENDA by the New York Legislature during the next legislative session. We have taken steps to prevent discrimination based on many categories, such as race, religion and sexual orientation, but transgender individuals do not yet have the same protections under the laws of New York, and as a result, they do not have a remedy when they face employment, housing or other forms of discrimination

Bill Moehle, Attorney to the 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 26th day of October, 2011.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated October 13, 2011 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning the closeout of the 2011 Westfall Road Sidewalk Project, be received and filed, together with an attachment thereto; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver a change order to the agreement by and between the Town and Campobello Construction Co. for the 2011 Westfall Road Sidewalk Project, to reflect actual work done in excess of estimated amounts, at an increased cost of \$1,263.80.

Dated: October 26, 2011

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 26th day of October, 2011.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that a memorandum dated October 17, 2011 from Suzanne Zaso, Director of Finance, concerning the renewal of the Agreement with Penflex, Inc., for administration of the West Brighton Fire Protection District Service Award Program, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Penflex, Inc., for administration of the West Brighton Fire Protection District Service Award Program, for a term commencing November 1, 2011 through October 31, 2012, with the fees as set forth in the above-referenced memorandum, which agreement shall be in form and substance as may be approved by the Attorney to the Town.

Dated: October 26, 2011

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, 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 *yz*
Date: October 17, 2011
Subject: West Brighton Fire Protection District Service Award Program –
Renewal of Agreement with Penflex, Inc.
November 1, 2011 – October 31, 2012

I recommend that Your Honorable Body authorize the Supervisor to execute a renewal agreement for with Penflex, Inc. for November 1, 2011 through October 31, 2012 through which Penflex would continue to serve as the third-party administrator for the West Brighton Fire Protection District's Service Award Program.

The base fee for 2011/2012 will be \$2,900 (increase of \$200), the per participant fee \$15 (\$1 increase), IRS form preparation \$25/form (\$5 increase), certification and trustee directive letters \$125 (no change). The total fees to be paid for services in 2011/2012 are estimated at \$4,000. (This amount can be impacted by the number of participants and certification/recertification letters completed plus an additional audit assistance fee, if necessary.)

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

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

Copy to: S. Frankel, C. Roth, and W. Moehle

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 26th day of October, 2011.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated October 13, 2011 from Amy Banker, Accountant, Highway Department, concerning the recognition of fuel expenditures and appropriation of fuel revenues in the 2011 Budget, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the Budget Amendments to the 2011 Highway Department Budget, all reflecting increased fuel costs and associated revenue from fuel sales, all as more fully set forth in the above-referenced memorandum.

Dated: October 26, 2011

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____



Town of Brighton
Department of Public Works Operations Center

1941 Elmwood Ave.
Rochester, NY 14620
Phone: (585) 784-5280
Fax: (585) 784-5385

October 13, 2011

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

Re: Recognition and Appropriation of Fuel Revenues

Honorable Members:

As you know the Highway Department is responsible for the purchase of all fuel for use by the Town of Brighton vehicles. Price increases have put projected fuel expenditures over budgeted expectations.

Regular Fuel D.HWY.5130 4.61

<u>Booked expense through 8/31/11</u>	\$117,916.37
<u>Projected Expense</u>	\$ 62,750.15
<u>Total Expense</u>	\$180,666.52
<u>Total Appropriation</u>	\$139,850.00
<u>Balance</u>	\$(40,816.52)

Price on 8/31/11 . \$2.98

Diesel Fuel D.HWY.5130 4.62

<u>Booked expense through 8/31/11</u>	\$166,508.26
<u>Projected Expense</u>	\$106,976.31
<u>Total Expense</u>	\$273,484.57
<u>Total Appropriation</u>	\$222,950.00
<u>Balance</u>	\$(50,534.57)

Price on 8/31/11 \$3.61

Price increases have also increased the revenue projection for the Highway Department as each department 'pays' the Highway for its individual fuel use.

Interfund Fuel use Charge D.HWY.5140 2810 (police, sewer, etc...)

<u>Current through 8/31/11</u>	\$ 97,002.32
<u>Projected Revenue</u>	\$ 57,697.68
<u>Total Revenue</u>	\$154,700.00
<u>Budgeted Revenue</u>	\$124,200.00
<u>Surplus</u>	\$ 30,500.00
<u>Allowance (5%)</u>	\$ 28,975.00

Minor Sales D.HWY.5140 2655 (BVA, BFD, WBF)

<u>Current through 8/31/11</u>	\$ 61,320.00
<u>Projected Revenue</u>	\$ 29,970.00
<u>Total Revenue</u>	\$ 91,290.00
<u>Budgeted Revenue</u>	\$ 70,300.00
<u>Surplus</u>	\$ 20,990.00
<u>Allowance (5%)</u>	\$ 19,940.00

I request that the revenue estimates for D.HWY.5140 2810 and D.HWY.5140 2655 be increased by \$28,975.00 and \$19,940.00 respectively. I also request that the appropriations for D.HWY.5130 4.61 and 4.62 be increased by \$31,700.00 and \$17,215.00 respectively, supported by the revenue increase.

I will be monitoring fuel prices/usage along with other expenditures in the Highway Fund and will return to the finance committee with additional transfer requests if needed before year end.

Sincerely,



Amy Banker
Accountant

cc: S. Zaso
T. Keef
T. Anderson
M. Hussar (original)

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 26th day of October, 2011.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that a memorandum dated October 6, 2011 from Gary Brandt, Director of Personnel, concerning the Strong EAP Contract for 2012, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and the Strong EAP of the University of Rochester Medical Center for the Town's 2012 Employee Assistance Program, which agreement shall be in form and substance as may be approved by the Attorney to the Town.

Dated: October 26, 2011

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 26th day of October, 2011.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that a memorandum dated October 18, 2011 from Suzanne Zaso, Finance Director, concerning a 2011 budget transfer for the purchase of a Police vehicle, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the transfer of \$25,600 from account A.POLCE.3120.130 (Police - Overtime) to account A.POLCE.3120.221 (Police - Autos) to fund the purchase of a new Police vehicle.

Dated: October 26, 2011

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, 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 
Date: October 18, 2011
Subject: 2011 Budget Transfer – Police Vehicle

I am recommending that the Town Board approve a budget transfer totaling \$25,600 to enable the Police Department to purchase a new Police car. Chief Henderson requested three police vehicles in his 2012 budget request, but due to cutbacks only one vehicle is proposed to be funded in 2012.

In order to keep on track with the Police Department's fleet rotation, I have reviewed the department's 2011 budget and anticipated remaining expenditures for 2011 and find that sufficient funds will be remaining at year-end to support a budget transfer now from the Police overtime account to the auto account for this purchase.

My formal recommendation of the Town Board is to authorize a budget transfer as follows:

From Account: A.POLCE.3120 1.30 (overtime) \$25,600
To Account: A.POLCE.3120 2.21 (autos) \$25,600

Chief Henderson and 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.

Copy to: S. Frankel, B. Moehle, M. 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 26th day of October, 2011.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that a memorandum dated October 17, 2011 from Suzanne Zaso, Director of Finance, concerning the purchase of a pick-up truck for the Department of Parks and Recreation, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves a 2011 budget transfer in the aggregate amount of \$25,000, \$13,000 of which shall be transferred from account A.REC.7020.810, and \$12,000 of which shall be transferred from account A.REC.7020.840, all of which shall be transferred to account A.REC.7120.222.

Dated: October 26, 2011

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, 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
Date: October 17, 2011
Subject: 2011 Budget Transfer - Recreation Pick-up Truck

I am recommending that the Town Board approve a budget transfer totaling \$25,000 to enable the Recreation Department to purchase a replacement truck for the Parks staff. The existing 2004 truck is in need of major repairs due to it burning oil and the engine knocking, the instrument panel does not work (including the speedometer and odometer), the exhaust system needs to be replaced, and a new front seat is needed. This replacement was requested for 2012 in the CIP over the past couple of years, but it is currently proposed to be eliminated from the 2012 operating budget request of the department due to funding cuts.

After a review of the Recreation Administration's 2011 budget for NYS Retirement System employer contributions and for medical and dental premiums, along with anticipated expenditures in these areas for the remainder of 2011, I have identified funds that will be remaining from the 2011 adopted budget in these areas that could be transferred to the Brighton Town Park department to purchase this pick-up truck in 2011.

My formal recommendation of the Town Board is to authorize a budget transfer as follows:

From Account: A.REC.7020 8.10 (NYSRS contributions) \$13,000
From Account: A.REC.7020 8.40 (med/den premiums) \$12,000
To Account: A.REC.7120 2.22 (trucks) \$25,000

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.

Copy to: S. Frankel, B. Moehle, J. LaVigne



Department of Planning and Development

Monroe County, New York

Maggie Brooks
County Executive

Judy A. Seil
Director



To: Town of Brighton Town Board

From: Renee Casler, Planner II

Date: September 26, 2011

Subject: Incentive Zoning Approval - Assisted Living Facility
Westfall Road, adjacent to and west of 1400 Westfall Road
MCDP&D Response to Development Review Referral (BH11-23Z)

Review Authority and Response:

General Municipal Law: [X] Section 239-m (Zoning)
[] Approval [] Modification [] Disapproval [X] Comment [] No Comment

[] Section 239-n (Subdivision)
[] Approval [] Modification [] Disapproval [] Comment [] No Comment

County Charter: [] Section C5-4.A (Airport)
[] Approval [] Approval with Conditions [] Disapproval

[] Section C5-4.C (Advisory Review)
[] Approval [] Modification [] Disapproval [] Comment [] No Comment

Referred to the Development Review Committee (DRC) (If yes, DRC Project Review Report attached):

[X] Yes [] No

MCDP&D Comments:

- 1. According to the Flood Boundary and Floodway Map published by the Federal Emergency Management Agency this site may be located within the federal flood insurance program's 100-year floodplain boundary. The municipality's permit administrator should be satisfied that the proposed development will meet the requirements of the National Flood Insurance Program in order for the municipality to maintain eligibility in the program and for the applicant to obtain flood insurance.
2. This project occurs in the Irondequoit Creek Watershed. Municipalities in the watershed participate in the Irondequoit Watershed Collaborative (IWC). The mission of the Collaborative is to identify and advance common goals related to water resource management to their mutual benefit; most of the municipalities in the watershed entered an intermunicipal agreement to codify their commitment to that end. Collaborative participants have developed a report entitled "Recommendations for Comprehensive Stormwater Management" which includes a Packet for Developers. This packet includes a Storm Water Pollution Prevention Plan template, forms, guidelines and tables. A copy of the Developers' Packet can be found at www.monroecounty.gov under Planning and Development, Planning Division, Development Review.

The applicant should contact the municipality's Department of Public Works to discuss developing a sediment and erosion control plan or a Storm Water Pollution Prevention Plan.

3. According to the New York State Department of Environmental Conservation (NYS DEC) Freshwater Wetland Map this site may contain a portion of Wetland BR-9 or its adjacent area. The official wetland boundary must be determined by the NYS DEC due to the fact that the Freshwater Wetland Map indicates the approximate location of the freshwater wetland boundary. The applicant may need to obtain an Article 24 Permit from the NYS DEC. For further information regarding the need for a permit, the applicant should contact:

Permit Administrator
NYS DEC
6274 East Avon-Lima Road
Avon, NY 14414
Telephone: (585) 226-5400
Website: <http://www.dec.ny.gov/about/617.html>

4. According to the New York State Department of Environmental Conservation (NYS DEC) classification of fresh surface waters the segment of A9P846-59 located on this site is a protected waterway. The Protection of Waters Program regulates the following activities: disturbance of the bed or banks of a protected stream or other watercourse, construction and maintenance of dams, excavation and/or filling in navigable waters, and construction of docks and other moorings. Any disturbance of the streambed or banks may require an Article 15 Permit from the DEC. For additional information regarding the need for a permit, the applicant should contact:

Permit Administrator
NYS DEC
6274 East Avon-Lima Road
Avon, NY 14414
Telephone: (585) 226-5400
Website: <http://www.dec.ny.gov/about/617.html>

5. According to the National Wetland Inventory (NWI) maps prepared by the United States Department of Interior, this site appears to contain a portion of a federal wetland that is classified as PSS1Ed, PEM1E, PFO1E, PUBHx. Although a buffer area is not required, it is beneficial to the wetland if a natural buffer of 100 feet is left around it. The applicant may need to obtain a permit from the Army Corps of Engineers. For further information regarding the need for a permit, the applicant should contact:

Mel Schroeder
Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207
Telephone: (716) 879-4307
Website: <http://www.lrb.usace.army.mil>

If you have any questions regarding this review, please contact me at (585) 753-2026 or rcasler@monroecounty.gov.

Attachment

xc: Development Review Committee
 Mel Schroeder, Army Corps of Engineers
 Scott Sheeley, NYS DEC
 Andrew R. Spencer, RLA, BME Associates
 Wegman Companies, Inc.

PROJECT REVIEW REPORT
Monroe County Development Review Committee

September 26, 2011

Subject: Attachment to File BH11-23Z

The Monroe County Development Review Committee (DRC) has reviewed the subject application and has identified the following points that require appropriate action **PRIOR TO SUBMISSION OF FINAL PLANS FOR APPROVAL**.

(NOTE: The letter in parentheses following each comment identifies the DRC member listed at the bottom of the page making the comment. Questions should be addressed to the appropriate DRC agency.)

1. The following comments must be addressed by the applicant: (A)
 - The applicant or developer must inform the Supplier of Water of the intended use of their public water supply. Information about the intended use will enable the Supplier to make a determination as to whether the Supplier must require the user of water to protect the Supplier's water distribution system against backflow contamination. If the Supplier of Water requires backflow protection, then plans must be submitted to and approved by the Supplier who will forward the plans to the Monroe County Department of Health for their approval. The approval process must be completed prior to installation. The determination and plan approval process should be started early to avoid unnecessary delays or conflict with other plan approvals such as water main extensions. If other Department of Health approvals are needed for the project, these approvals may not be granted until the backflow prevention plans have been approved.
 - Plans for any extension or relocation of a water main or sanitary sewer must be submitted to and approved by the Monroe County Department of Health pursuant to Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Part 5 and Article 17 of the New York State Environmental Conservation Law respectively.
2. Monumentation must be checked by the M.C.D.E.S. Survey Office. If there are any survey monuments in the work area, a \$1,500 security deposit and a survey report may be required to protect it. Contact M.C.D.E.S. Survey Office, phone 753-7530. (B)
3. Label Westfall Road (CR 239). Show the right-of-way width. (B)
4. More details are needed; site, drainage and utility plans. (B)
5. What are plans for future development of the land to the north? (B)
6. A tie distance to the nearest county highway is required for location purposes. (B)
7. Label adjacent property addresses. (B)
8. Plans must have a minimum scale of 1" = 50'. (B)
9. Will there be any adverse impact on down-stream culverts or locations from the increased runoff, provide drainage calculations. Provide pre and post development drainage runoff summary. (B)

(A) - Monroe County Department of Health, Jeff Kosmala, 753-5470

(B) - Monroe County Department of Transportation, Thomas Cesario, 753-7711

(C) - New York State Department of Environmental Conservation, Scott E. Sheeley, 226-5382

(D) - New York State Department of Transportation, David Goehring, 272-3300

10. A standard County drainage note is required. "Highway drainage along the County highway must be maintained. The applicant will be responsible for all required grading in the County right-of-way. The owner will place a culvert and/or storm sewer of a type and size determined by the Monroe County Director of Transportation." (B)
11. Maintain positive drainage away from the highway. (B)
12. Show the posted speed limit and intersection sight distances to the left and right. (B)
13. Locate driveway and/or show driveway width. There is an existing curb cut for a residential driveway that will need to be removed or modified. (B)
14. The driveway and access road must be at a right angle where it intersects the County highway. (B)
15. Show a profile of the intersection of the proposed road. The profile should extend to the centerline of Westfall Road and include all underground utility crossings. (B)
16. A sag vertical curve is required in the driveway or access road. (B)
17. All utilities must be bored across the County highway. (B)
18. Show where all utilities will be accessed. (B)
19. Show development frontage plus 200'/500' in each direction on both sides of the County highway showing driveways, intersecting roads, utilities and cross culverts. (B)
20. A standard County highway permit note is required. "After MCDOT approves this project, a 136 Highway Permit and a 239F Permit will be required. Inspection of all construction in the right-of-way will be a condition of these permits." (B)
21. A standard County materials note is required. "All materials installed in the County right-of-way shall be in accordance with the MCDOT Standards and Details in effect when installed." (B)
22. The maximum allowable plans sheet size for MCDOT Permits is 22" x 34". (B)
23. A review fee of \$100.00 is due to continue our review/approval of this project. Please make checks payable to Director of Finance, County of Monroe. (B)
24. The following agencies reviewed this project and have no comments. (D)
25. This project was sent to the following agencies; however, their response has not been received by our office in time for inclusion in this report. When our office receives these agencies' comments they will be sent out as an addendum. (C)

(A) - Monroe County Department of Health, Jeff Kosmala, 753-5470

(B) - Monroe County Department of Transportation, Thomas Cesario, 753-7711

(C) - New York State Department of Environmental Conservation, Scott E. Sheeley, 226-5382

(D) - New York State Department of Transportation, David Goehring, 272-3300

Attachment 2

Proposed Description of
Lands to be Conveyed

ALL THAT TRACT OR PARCEL OF LAND containing 73.080 acres more or less, situate in the Phelps and Gorham Purchase, Township 13, Range 7, Town Lot 30 & 38, Town of Brighton, County of Monroe, and State of New York, as shown on the drawing entitled "Wegman Assisted Living, Conveyance Plan," prepared by BME Associates, having drawing number 2318-12, last revised October 12, 2011, being more particularly bounded and described as follows:

Beginning at the intersection of the southerly right-of-way line of Elmwood Avenue (49.5' Right-of-Way) with the westerly boundary line of lands now or formerly of Rashid & Monica M. Muhammad (T.A. No. 137.09-04-80); thence

The following eleven (11) courses along the westerly boundary line of Section 1 of the Roby Subdivision, as filed at the Monroe County Clerk's Office in Liber 148 of Maps, Page 25:

1. S 02°53'13" E, a distance of 166.34 feet to a ½" rebar; thence
2. S 26°56'53" E, a distance of 188.29 feet to a point; thence
3. N 63°03'07" E, a distance of 26.08 feet to a point; thence
4. S 26°56'53" E, a distance of 157.66 feet to a ¾" rebar; thence
5. S 68°49'33" E, a distance of 113.16 feet to a point; thence
6. S 47°55'43" E, a distance of 6.86 feet to a point; thence
7. S 08°45'03" E, a distance of 193.00 feet to a point; thence
8. S 21°10'30" W, a distance of 679.34 feet to a point; thence
9. S 03°07'17" E, a distance of 159.51 feet to a point; thence
10. S 88°22'35" W, a distance of 60.99 feet to a point; thence
11. S 01°37'03" E, a distance of 210.00 feet to a point; thence

Attachment 2

The following five (5) courses along the northerly and westerly boundary line of Section 1, Avalon Park Subdivision, as filed at the Monroe County Clerk's Office in Liber 167 of Maps, Page 69:

12. S 87°51'47" W, a distance of 295.49 feet to a point; thence
13. S 84°52'51" W, a distance of 260.99 feet to a point; thence
14. S 20°56'02" W, a distance of 941.65 feet to a point; thence
15. N 87°22'27" E, a distance of 261.92 feet to a point; thence
16. S 21°22'27" W, a distance of 407.52 feet to a point; thence
17. S 87°16'33" W, along the northerly boundary line of lands now or formerly of the Corporation of the Presiding Bishop of the Church of Latter Day Saints (T.A. No. 136.20- 02-21.1), as filed at the Monroe County Clerk's Office in Liber 266 of Maps, Page 32, a distance of 360.00 feet to a point; thence
18. S 21°22'27" W, along the westerly boundary line of said lands of the church, a distance of 800.61 feet to a point on the northerly right-of-way line of Westfall Road (66' Right-of-way); thence
19. S 87°16'40" W, along said northerly right-of-way line, a distance of 32.86 feet to a point; thence
20. N 21°22'27" E, a distance of 636.30 feet to a point; thence
21. N 68°09'38" W, a distance of 540.88 feet to a point on the easterly boundary line of the Barclay Square Subdivision, Section 1, as filed at the Monroe County Clerk's Office in Liber 282 of Maps, Page 55; thence
22. N 21°49'23" E, along said easterly boundary line, a distance of 324.59 feet to a 5/8" rebar; thence
23. S 87°25'06" W, along the northerly boundary line of aforementioned Barclay Square Subdivision, a distance of 409.89 feet to a square pin; thence
24. N 20°56'07" E, along the easterly boundary line of the Meadow View Subdivision, Section 4, as filed at the Monroe County Clerk's Office in Liber 158 of Maps, Page 75 and along the easterly boundary line of the Meadow View Subdivision, Section 2, as filed at the Monroe County Clerk's Office in Liber 140 of Maps, Page 87, a distance of 1,643.65 feet to a pin in concrete; thence

Attachment Z

The following four (4) courses along the southerly and easterly boundary line of lands now or formerly of Brith Kodesh Congregation (T.A. No. 136.12-03-45):

25. S 69°09'00" E, a distance of 551.76 feet to a point; thence
26. N 20°56'07" E, a distance of 380.42 feet to a point; thence
27. N 21°31'51" E, a distance of 650.20 feet to a point; thence
28. N 12°00'58" E, a distance of 359.20 feet to a point on the aforementioned southerly right-of-way line of Elmwood Avenue; thence
29. N 87°05'33" E, along said southerly right-of-way line, a distance of 433.40 feet to the Point of Beginning.

2318
AJS
Revised
10/12/11

Attachment 3

Proposed Description of Lot 1

ALL THAT TRACT OR PARCEL OF LAND containing 9.500 acres more or less, situate in the Phelps and Gorham Purchase, Township 13, Range 7, Town Lot 38, Town of Brighton, County of Monroe, and State of New York, as shown on the drawing entitled "Wegman Assisted Living, Conveyance Plan," prepared by BME Associates, having drawing number 2318-12, last revised October 12, 2011, being more particularly bounded and described as follows:

Beginning at the intersection of the northerly right-of-way line of Westfall Road (County Road 239) (66' Right-of-Way) with the easterly boundary line of the Barclay Square Subdivision, Section 1, as filed at the Monroe County Clerk's Office in Liber 282 of Maps, Page 55; thence

1. N 21°49'23" E, along said easterly boundary line, a distance of 885.72 feet to a point; thence
2. S 68°09'38" E, a distance of 540.88 feet to a point; thence
3. S 21°22'27" W, a distance of 636.30 feet to a point on the aforementioned northerly right-of-way line of Westfall Road; thence
4. S 87°16'40" W, along said northerly right-of-way line, a distance of 600.10 feet to the Point of Beginning.