

MINUTES OF TOWN BOARD MEETING
OF THE TOWN OF BRIGHTON, COUNTY OF
MONROE, NEW YORK HELD AT THE
BRIGHTON TOWN HALL, 2300 ELMWOOD
AVENUE, ROCHESTER, NEW YORK
MARCH 13, 2013

PRESENT:

Supervisor William Moehle	
Councilmember James Vogel	
Councilmember Christopher Werner	Kenneth Gordon, Attorney for the Town
Councilmember Louise Novros	Daniel Aman, Town Clerk
Councilmember Jason DiPonzio	Rebecca Cotter, Acting Director of Recreation
Mark Henderson, Police Chief	Suzanne Zaso, Director of Finance
Tim Keef, Commissioner of Public Works	Maryann Hussar, Assistant to the Supervisor

EXECUTIVE SESSION:

Motion by Councilmember Christopher Werner seconded by Councilmember Louise Novros to go into executive session at 6:08 PM to discuss employment of a particular person, litigation relating to the West Brighton Fire Department, litigation relating to Clover Blossom, and other real estate matters

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel to come out of executive session at 7:00 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING CALLED TO ORDER at 7:05 PM:

RECOGNITIONS/PRESENTATIONS:

EARTH HOUR – March 23, 2013 8:30 PM – 9:30 PM
Paul Tankel Chairperson, Brighton Sustainability Oversight Committee.

OPEN FORUM:

Katie Lambert
Andrew Barness
Ian Schaffer
Kathy Smith (telephone)

APPROVAL OF AGENDA:

Motion by Councilmember Jason DiPonzio seconded by Councilmember Louise Novros to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

January 23, 2013 Town Board Meeting
February 13, 2013 Town Board Meeting

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel that the aforementioned minutes be approved and filed

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Proposed removal of trees at 35 Monteroy Road, 60 Greenaway Road, 68 Greenaway Road and 76 Cheswell Way (see Resolution #1, associated tree health and safety report/study and related e-mail communications).

(Complete transcript under separate cover)

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

UPON ROLL CALL VOTE

Supervisor Moehle	Yes
Councilmember Vogel	Yes
Councilmember Novros	No
Councilmember DiPonzio	Yes
Councilmember Werner	Yes

MOTION CARRIED

COMMUNICATIONS:

FROM Senator Joseph E. Robach to Supervisor dated February 26, 2013 stating his support of Assembly Bills A.88 and A.824 making it mandatory for lending institutions to provide contact information of vacant structures.

FROM NY State Assembly Majority Leader Joseph D. Morelle dated February 20, 2013 to Supervisor announcing award of \$25,000 in funding from the NY State Div. of Veteran's Affairs for the Town of Brighton Veteran's Memorial.

FROM Mary Jo Lanphear, Town Historian, submission of Historian Activity Report for 2012 to Supervisor.

FROM Katie Heintz Lambert dated March 12, 2013 to the Supervisor expressing support for the Town purchasing the land that Faith Temple has decided not to develop.

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel that the aforementioned communications be received and filed

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Finance and Administrative Services – Next meeting 3/19/13 at 3:30 PM in the State Conference Room

Public Safety Services – Next meeting 4/9/13 at 8:00 AM in the Downstairs Conference Room

Public Works Services – Next meeting on 4/1/2013 at 9:00 AM in the Downstairs Conference Room

NEW BUSINESS:

MATTER RE: Reading and approval of claims

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Supervisor read and approve for payment the claims as set forth in Exhibit No. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to accept donations totaling \$4,050 as additional monies received for the Town of Brighton Veterans Memorial Fund (see Resolution #8 and letter dated March 7, 2013 from Suzanne Zaso, Director of Finance).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to accept grant award in the amount of \$21,044.82 from the Justice Court Assistance Program for purchase of equipment to enhance Town Court Security. (see Resolution #2 and letter dated February 21, 2013 from Dianne Burdett, Administrative Court Clerk).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to amend applicable contracts of certain contractors who provide instructional services for the Parks and Recreation Department (see Resolution #3, letter dated March 4, 2013 from Rebecca Cotter Assistant Director Recreation & Parks Dept. and proposed amendment).

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Accept with regret letter of resignation from School Traffic Guard Jill Coppeta, effective March 8, 2013 after 7 years of service with the Town (see Resolution #4 and letter dated February 27, 2013 from Police Chief Mark Henderson).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approve appointment of Thomas Lyons to the position of School Traffic Guard currently vacated by retiring guard Jill Coppeta (see Resolution #5 and letter dated February 27, 2013 from Police Chief Mark Henderson).

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to renew agreement with Bero Architecture, PLLC to provide updates and preparation of Cultural Resources Surveys services for 2013 (see Resolution #6 and letter dated February 27, 2013 from Ramsey A. Boehner, Town Planner).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to solicit for proposals to provide Video-on-demand and Live Web Streaming professional services for the period April 25, 2013 – April 24, 2014 (see Resolution #7 and memorandum dated March 6, 2013 from MaryAnn Hussar, Assistant to the Supervisor)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Expenses and revenue for month ending February 28, 2013

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio that the Expense and Revenue report for February 2013 be received and filed

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE TOWN CLERK:

Dan Aman made an announcement relating to the 3rd Installment of 2013 Town and County Property Tax. This year the due date, March 31, falls on Sunday. The Clerk's office will not be open on Sunday but payments made on Monday, April 1, will be considered as received on time. In addition, Town Hall (including the Clerk's office) will be closed on Good Friday, March 29.

EXECUTIVE SESSION:

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to go into executive session at 9:32 PM to discuss employment of particular persons

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to come out of executive session at 10:04 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember Jason DiPonzio seconded by Councilmember Louise Novros to adjourn at 10:05 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Daniel Aman, 131 Elmore Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceedings of the Town of Brighton, County of Monroe, State of New York meeting held on the 13th day of March, 2013 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 13th day of March, 2013.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

WHEREAS, correspondence dated February 7, 2013 from Commissioner of Public Works, Timothy E. Keef, P.E., regarding setting a public hearing pursuant to Section 8 of Chapter 175 of the Town Code relative to the removal of significant town trees found by the Commissioner to be appropriate for removal identified as a 38" Black Locust at 35 Monteroy Road, a 37" Silver Maple at 60 Greenaway Road, a 45" Silver Maple at 68 Greenaway Road and a 30" Norway Maple at 76 Cheswell Way was received and filed on February 13, 2013; and

WHEREAS, the Town Board held a public hearing at Brighton Town Hall, 2300 Elmwood Avenue in the Town of Brighton, New York on March 13, 2013 at 7:30 pm pursuant to Section 8 of Chapter 175 of the Town Code relative to the removal of significant town trees which have been identified by the Commissioner to be appropriate for removal consisting of the following trees: a 38" Black Locust at 35 Monteroy Road, a 37" Silver Maple at 60 Greenaway Road, a 45" Silver Maple at 68 Greenaway Road and a 30" Norway Maple at 76 Cheswell Way ; and

WHEREAS, notice of such public hearing was sent by first class mail at least 20 days prior to said hearing addressed to the owners of each of the properties adjoining each of the above trees proposed for removal and the owners directly across the Town highway from and the properties contiguous to the adjoining properties that front on the same Town highway, now it is hereby

RESOLVED, that the arborist reports on each subject tree and any and all related internal and external communications are hereby received and filed as part of the record of the public hearing on this matter; and be it further

RESOLVED, that the Town Board pursuant to Section 8 of Chapter 175 of the Town Code of the Town of Brighton authorizes the Commissioner of Public Works to remove the following trees as it has been determined after the above referenced public hearing that removal of said trees is appropriate under the section above cited, based on the findings of the Town Board that each such tree constitutes a hazard to life or property: a 38" Black Locust at 35 Monteroy Road, a 37" Silver Maple at 60 Greenaway Road, a 45" Silver Maple at 68 Greenaway Road and a 30" Norway Maple at 76 Cheswell Way and be it further

RESOLVED, that the Commissioner of Public Works is directed to replace each of those trees within the immediate area as soon as reasonably possible, given weather and other conditions in a manner consistent with 175-d of the Town Tree Law and, with respect to trees that have been removed by the town during the past year.

Dated: March 13, 2013

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

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

March 13, 2013

THAT THE CLAIMS AS SUMMARIZED BELOW HAVING BEEN APPROVED BY THE RESPECTIVE DEPARTMENT HEADS AND AUDITED BY THE TOWN BOARD AUDIT COMMITTEE ARE HEREBY APPROVED FOR PAYMENT.

A - GENERAL	\$ <u>119,836.83</u>
D - HIGHWAY	<u>78,680.03</u>
L - LIBRARY	<u>11,020.52</u>
SN-NEIGHBORHOOD DIST.	<u>11,429.00</u>
SS - SEWER DIST	<u>3,067.33</u>
TA - AGENCY TRUST	<u>3,792.73</u>
TOTAL	\$ <u>227,826.44</u>

UPON ROLL CALL

MOTION CARRIED _____

APPROVED BY:

SUPERVISOR

COUNCIL MEMBER

COUNCIL MEMBER

TO THE SUPERVISOR:

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

DATE

TOWN CLERK

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 13th day of March, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated March 7, 2013 from Director of Finance Suzanne Zaso regarding a request to accept additional donations totaling \$4,050.00 to the Veterans Memorial Fund, be received and filed, and be it further

RESOLVED, that the Town Board hereby accepts with sincere gratitude and great appreciation the additional donations totaling \$4,050.00 to the Veterans Memorial Fund (Account Number TE 92.VETS).

Dated: March 13, 2013

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

EXHIBIT NO. 4

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 13th day of March, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 21, 2013 from Administrative Court Clerk Dianne Burdett regarding a request to authorize the acceptance of a grant in the amount of \$21,044.82 from the Justice Court Assistance Program to be used to acquire an electronic scanner to enhance court security, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the acceptance of a grant in the amount of \$21,044.82 from the Justice Court Assistance Program to be used to acquire an electronic scanner to enhance court security.

Dated: March 13, 2013

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, 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 13th day of March, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated March 4, 2013 from Assistant Director of Parks and Recreation Rebecca J. Cotter regarding a request to authorize the Supervisor to execute amended agreements with each of the vendors providing services to the Town through Recreation programming for which consideration is paid on a percentage basis, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute applicable amended agreements with each of the vendors providing services to the Town through Recreation programming for which consideration is paid on a percentage basis.

Dated: March 13, 2013

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, 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 13th day of March, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 27, 2013 from Chief of Police Mark T. Henderson regarding the resignation of Jill Coppeta as a School Traffic Guard effective March 8, 2013 after seven years of service to the Town, be received and filed, and be it further

RESOLVED, that the Town Board hereby accepts with regret but with gratitude for her years of service the resignation of Jill Coppeta as a School Traffic Guard effective March 8, 2013 after seven years of service to the Town.

Dated: March 13, 2013

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, 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 13th day of March, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 27, 2013 from Chief of Police Mark T. Henderson regarding the appointment of Thomas Lyons as a School Traffic Guard (Part-time) effective March 11, 2013 to fill the position vacated by Jill Coppeta, be received and filed, and be it further

RESOLVED, that the Town Board hereby appoints Thomas Lyons as a School Traffic Guard (part-time) effective March 11, 2013 at an actual annual rate of pay of \$10,467.00 to fill the position vacated by Jill Coppeta.

Dated: March 13, 2013

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, 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 13th day of March, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 27, 2013 from Town Planner Ramsey A. Bohner regarding authorizing the Supervisor to renew the Town's contract with Bero Associates for calendar year 2013 for professional services needed to update and prepare Cultural Resources surveys for use by the Historic Preservation Commission on the same terms and for the same rates as were in effect for 2012, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to renew the Town's contract with Bero Associates for calendar year 2013 for professional services needed to update and prepare Cultural Resources surveys for use by the Historic Preservation Commission on the same terms and for the same rates as were in effect for 2012.

Dated: March 13, 2013

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, 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 13th day of March, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated March 6, 2013 from Assistant to the Supervisor MaryAnn Hussar regarding authorizing the solicitation of proposals for Web Media Hosting, Video On Demand, Live Video Streaming and Archived Video Web Storage services for the period April 25, 2013 through April 24, 2014, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Assistant to the Supervisor to solicit proposals for Web Media Hosting, Video On Demand, Live Video Streaming and Archived Video Web Storage services for the period April 25, 2013 through April 24, 2014.

Dated: March 13, 2013

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