

38  
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  
April 10, 2013

**PRESENT:**

Supervisor William Moehle  
Councilmember James Vogel  
Councilmember Christopher Werner  
Councilmember Louise Novros  
Councilmember Jason DiPonzio  
Mark Henderson, Chief of Police  
Timothy Keef, Commissioner of Public Works

Kenneth Gordon, Attorney for the Town  
Daniel Aman, Town Clerk  
Rebecca Cotter, Assistant Director of Recreation  
Andrew Robinson, Budget Director  
Mary Ann Hussar, Assistant to the Supervisor

**EXECUTIVE SESSION:**

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to go into executive session at 6:46 PM to discuss a matter of tax certiorari litigation

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to come out of executive session at 6:57 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING CALLED TO ORDER AT 7:03 PM:**

**RECOGNITIONS/PRESENTATIONS:**

2013 National Library Week April 14<sup>th</sup> – 20<sup>th</sup> Proclamation Presentation - Jennifer Reis-Taggart, Director- Brighton Memorial Library accepting

April 7-14, 2013 National Days of Remembrance – Proclamation Presentation - Daphne Futerman, Chairperson- Center for Holocaust Awareness and Information Committee accepting

**OPEN FORUM:**

Judy Schwartz  
Paul Holahan  
Marge Alaimo

**APPROVAL OF AGENDA:**

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to approve the agenda with the addition of two additional items of New Business

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**PUBLIC HEARINGS:**

**MATTER RE:** Proposed Elector Initiated Dissolution Plan for the West Brighton Fire Protection District (see Resolution #1 and communications received from David Harding dated March 18 2013; Robert Haefner dated March 28, 2013;

Brighton Volunteer Ambulance response to the Monroe County EMS Study;  
and Tim Czpranski dated April 9, 2013)

(Complete transcript under separate cover)

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. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**PETITIONS:**

**MATTER RE:** Receive and file petition of newly formed group, Our Land Committee, whose purpose is to support the Town's efforts to purchase the land on Winton and Westfall Roads currently owned by Faith Temple.

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to receive and file petition

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**BIDS:**

**MATTER RE:** Authorize approval to solicit for proposals to provide fiscal advisor professional services (see Resolution #2 and memorandum dated March 29, 2013 from Suzanne Zaso, Director of Finance).

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Chris Mueller, Dir. of Gov't Relations, Time Warner Cable dated April 1, 2013 to Supervisor regarding soon to expire channels that may or may not be renewed.

**FROM** David Mancuso, Marketing & Communications Mgr. YWCA to Supervisor dated April 8, 2013 regarding the upcoming Stand Against Racism event taking place April 26, 2013.

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel to receive and file the aforementioned communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

Parks and Recreation Community Services—Next meeting 4/29 at 4:40 PM at Brookside  
Finance and Administrative Services-Next meeting 4/23 at 3:30 PM in Stage Conference Room

Public Safety Services-Next meeting 5/13 at 8:00 AM in Downstairs Meeting Room

Public Works Services-Next meeting 5/3 at 9:00 AM in Downstairs Meeting Room

**NEW BUSINESS:**

**MATTER RE:** Reading and approval of claims

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel that the Supervisor read and approve for payment the claims as set forth in Exhibit No. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approval for Supervisor to execute agreement with Pogel, Schubmehl & Ferrara, LLC to provide Appraisal Consultation services related to a certiorari litigation matter (see Resolution #3, letter dated March 26, 2013 from Elaine Ainsworth, Assessor).

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 for Supervisor to execute renewal agreement with Leightronix to provide Video-on-demand and live Video-streaming professional services for the period April 25, 2013 – April 24, 2014 (see Resolution #4 and memorandum dated March 26, 2013 from MaryAnn Hussar, Assistant to the Supervisor).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Approval to extend existing agreement with Sensenigs Landscape Supply Co. for one-year to provide Landfill Contracting Services for 2013 (see Resolution #5, and letter dated March 28, 2013 from Timothy Keef, P.E. Commissioner of Public Works)

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.6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement with Jerry Peterson Landscaping to provide Arborist Consulting Services for 2013 (see Resolution #6, letter dated March 28, 2013 from Timothy Keef, P.E. Commissioner of Public Works and bid results summary information).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute agreement with Pro Construction Co., to provide Sidewalk Replacement/Repair Services for 2013 (see Resolution #7, letter dated April 1, 2013 and bid results summary information).

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. 8 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval for Supervisor to execute Memorandum of Agreement between the Town, CSEA and/or Teamsters to implement ten (10) hour working days during the 2013 Summer Season (see Resolution #8 and letter dated April 1, 2013 from Timothy Keef, P.E. Commissioner of Public Works).

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. 9 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize required plans and documents associated with the proposed Incentive Zoning Application for property at 1285 E. Henrietta Road, be submitted to the Planning Board and the Public Safety Committee for their examination and recommendations (see Resolution #9 and letter dated April 3, 2013 from Ramsey Boehner, Town Planner).

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. 10 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval of proposed Sewer Overflow Response Plan and implementation of same (see Resolution #10 and letter dated April 3, 2013 from Timothy Keef, P.E. Commissioner of Public Works).

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. 11 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set May 8, 2013 for Public Hearing to consider proposed speed limit reductions on Hibiscus Drive, Coral Way, and Crandon Way (see Resolution #11 and letter dated April 3, 2013 from Timothy Keef, P.E. Commissioner of Public Works).

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. 12 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize supervisor to execute Settlement Agreement with Kilsyth, LLC regarding certiorari litigation for property located at 3161 East Avenue and 3165 East Avenue

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 13 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize supervisor to execute Settlement Agreement with Brookdale Living Communities of New York regarding certiorari litigation for property located at 2001 South Clinton Avenue

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. 14 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**EXECUTIVE SESSION:**

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to go into executive session at 10:06 PM to discuss matters of litigation relating to the West Brighton Fire Protection District

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Louise Novros seconded by Councilmember Christopher Werner to come out of executive session at 10:30 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED:**

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to adjourn at 10:31 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 10<sup>th</sup> day of April, 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 10<sup>th</sup> day of April, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**WHEREAS**, a proposed dissolution of the West Brighton Fire Protection District was properly initiated by petition of electors pursuant to Section 779 of the General Municipal Law of the State of New York, and

**WHEREAS**, a majority of the electors voting at a referendum held on August 8, 2012 voted in favor of dissolution of the West Brighton Fire Protection District, and

**WHEREAS**, the Town Board of the Town of Brighton as the Commissioners of the West Brighton Fire Protection District met within thirty days after certification of the favorable vote, and

**WHEREAS**, pursuant to Section 782 of the General Municipal Law, the Town Board approved on February 27, 2013 the Proposed Elector Initiated Dissolution Plan for the West Brighton Fire Protection District and set a public hearing on said proposed plan for April 10, 2013 at 7:30 pm at the Brighton Town Hall, 2300 Elmwood Avenue in the Town of Brighton, County of Monroe, State of New York; and

**WHEREAS**, within five business days after the approval of the Proposed Elector Initiated Dissolution Plan, the Town Clerk

1. caused a copy of the proposed Elector Initiated Dissolution Plan, along with a descriptive summary thereof, to be displayed and

readily accessible to the public for inspection at the West Brighton Firehouse, 2695 West Henrietta Road, and at Monroe Community College, 1000 East Henrietta Road both of which locations are in the West Brighton Fire Protection District;

2. caused the proposed Elector Initiated Dissolution Plan, along with a descriptive summary thereof and a reference to the public places within the West Brighton Fire Protection District where a copy thereof may be examined, to be displayed on the Town's website; and
3. arranged to be published a descriptive summary of the proposed Elector Initiated Dissolution Plan and a reference to the public places within the West Brighton Fire Protection District where a copy thereof may be examined, at least once each week for four successive weeks in the Democrat and Chronicle, a newspaper of general circulation within the District; and

**WHEREAS**, the Town Clerk published on March 21, 2013 in the Henrietta Post, which newspaper has a general circulation within the West Brighton Fire Protection District, and the Brighton Pittsford Post, and displayed on the Town website notice of the public hearing to be held on April 10, 2013 as referenced above along with a descriptive summary of the proposed Elector Initiated Dissolution Plan, and a reference to the public places within the West Brighton Fire Protection District where a copy of such plan may be examined, and

**WHEREAS**, said public hearing was conducted at Brighton Town Hall, 2300 Elmwood Avenue on April 10, 2013 commencing at 7:30 pm or as soon thereafter as it was practicable to begin and all persons wishing to be heard had an opportunity to speak on the proposed Elector Initiated Dissolution Plan for the West Brighton Fire Protection District, and said hearing having now been completed, it is hereby

**RESOLVED**, that the Town Board hereby amends the proposed Elector Initiated Dissolution Plan by deleting the word "vested" from the last sentence of paragraph 1 of Section "G" and by deleting and replacing

Section "J" of said plan in its entirety and substituting the following Section "J" in its place to read as follows:

J.                   **TERMS FOR DISPOSITION OF THE WEST BRIGHTON FIRE PROTECTION DISTRICT'S ASSETS AND DISPOSITION OF ITS LIABILITIES AND INDEBTEDNESS INCLUDING THE LEVY AND COLLECTION OF NECESSARY TAXES AND ASSESSMENTS**

All of the assets of the West Brighton Fire Protection District including those assets acquired from and through the West Brighton Fire Department, Inc. will be transferred to the Henrietta Fire District for the purpose of providing fire protection services. All of the liabilities and indebtedness of the West Brighton Fire Protection District will be paid out of the accounts and funds of the West Brighton Fire Protection District before the transfer of said funds and assets to the Henrietta Fire District. All of the funds held by the West Brighton Fire Protection District in its LOSAP account will be distributed to the beneficiaries of the West Brighton Fire Protection District LOSAP in amounts sufficient to fully satisfy all benefits of the members of the plan. The Henrietta Fire District and Town of Brighton will establish a Special Taxing Zone pursuant to Section 176(27) of the Town Law of the State of New York with the same geographic boundaries as the former West Brighton Fire Protection District. Said Special Taxing Zone will be utilized by the Henrietta Fire Commissioners to allocate the start up and transitional costs of establishing and maintaining a Henrietta fire protection response in the West Brighton Area to all those taxpayers and only those taxpayers who will be benefitted and will enjoy the benefits such fire protection. Such costs shall not include charges and costs which primarily benefit the Henrietta Fire District in general nor property in other portions of the Henrietta Fire District not included in the Zone. Within the Special Taxing Zone, the funds and proceeds of other assets, acquired by the Henrietta Fire District from the West Brighton Fire Department and the West Brighton Fire Protection District will be used to offset the tax rate imposed on the owners of property within the Special Taxing Zone dollar for dollar and no funds shall be collected by the Henrietta Fire District from the owners of property in the Special Taxing Zone until all of the transferred funds have been consumed to offset said fire operation expenses that primarily benefit only such property and property owners that are within the Special Taxing Zone. However, nothing herein shall preclude the imposition of District taxes on property owners within the zone for charges and costs which benefit the entire Henrietta Fire District including the Special Taxing Zone, on a pro rata basis over the entire District, nor will it preclude the Henrietta Fire District from appropriating funds for the acquisition, repair and/or maintenance of real property, fixtures, vehicles or equipment, located within or primarily serving the Special Taxing Zone, if such appropriation is made from funds then available within the assets of the Zone. Once the funds acquired from the West Brighton Fire Department and

West Brighton Fire Protection District are exhausted, the Henrietta Fire Commissioners will take action to abolish the Special Taxing Zone and the taxpayers of said Special Taxing Zone will be taxed at the same rate as the other portions of the Henrietta Fire District not included in the zone.

and it is further

**RESOLVED**, that the Town Board hereby approves the proposed Elector Initiated Dissolution Plan as amended above as the final Elector Initiated Dissolution Plan for the West Brighton Fire Protection District, and it is further

**RESOLVED**, that the Town Board hereby directs the Town Clerk no later than five business days from today to:

a). cause a copy of the amended version of the proposed Elector Initiated Dissolution Plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the West Brighton Fire Protection District; and

b). cause the amended version of the proposed Elector Initiated Dissolution Plan, along with a descriptive summary thereof and a reference to the public place or places within the entity where a copy thereof may be examined, to be displayed on the Town's website

and it is further

**RESOLVED**, that the effective date of dissolution will be as set forth in the amended version of the proposed Elector Initiated Dissolution Plan and will be contingent upon a final non-appealable Court Order directing the transfer of assets held by the West Brighton Fire Department to the Henrietta Fire District, and it is further

**RESOLVED**, that the West Brighton Fire Protection District shall continue to operate and be governed until the effective date of

dissolution in the same manner as it is presently operating including the continuation of fire protection services provided under contract by the City of Rochester Fire Department.

Dated: April 10, 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 10<sup>th</sup> day of April, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated March 29, 2013 from Director of Finance Suzanne Zaso regarding a request to solicit proposals to provide fiscal advisor services to the Town, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Director of Finance to solicit proposals to provide fiscal advisor services to the Town.

Dated: April 10, 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

April 10, 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>130,940.56</u>
D - HIGHWAY	<u>82,817.71</u>
L - LIBRARY	<u>417.84</u>
SA - AMBULANCE DIST	<u>482.61</u>
SF - FIRE DIST	<u>2,015.00</u>
SS - SEWER DIST	<u>14,156.75</u>
TA - AGENCY TRUST	<u>5,251.47</u>
TOTAL	\$ <u>236,081.94</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 10<sup>th</sup> day of April, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated March 26, 2013 from Town Assessor Elaine Ainsworth regarding a request to authorize the Supervisor to execute an addendum to the Professional Services Agreement with Pogel, Schubmehl & Ferrara, LLC to provide additional appraisal consultation services in connection with a certiorari litigation matter, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an addendum to the Professional Services Agreement with Pogel, Schubmehl & Ferrara, LLC to provide additional appraisal consultation services in connection with a certiorari litigation matter.

Dated: April 10, 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 10<sup>th</sup> day of April, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

**RESOLVED**, that a memorandum dated March 26, 2013 from Assistant to the Supervisor Mary Ann Hussar regarding a request to authorize the Supervisor to execute an extension to the Town's existing contract with Leightronix to provide Video-on-demand and live Video-streaming professional services for the period April 25, 2013 to April 24, 2014 at a cost of \$4,788.00, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an extension to the Town's existing contract with Leightronix to provide Video-on-demand and live Video-streaming professional services for the period April 25, 2013 to April 24, 2014 at a cost of \$4,788.00, subject to the review and approval of the extension agreement by the Attorney to the Town.

Dated: April 10, 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 10<sup>th</sup> day of April, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated March 28, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the extension for one year of the Town's existing agreement with Sensenigs Landscape Supply Company, Inc. to provide Landfill Contracting Services for 2013, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the extension for one year of the Town's existing agreement with Sensenigs Landscape Supply Company, Inc. to provide Landfill Contracting Services for 2013 as provided for in the existing agreement with Sensenigs Landscape Supply.

Dated: April 10, 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 10<sup>th</sup> day of April, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated March 28, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the Supervisor to execute a professional services agreement with Jerry Peterson Landscaping to provide arborist consulting services for 2013 at an hourly rate of \$78.00 for a cost not to exceed \$5,000.00, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a professional services agreement with Jerry Peterson Landscaping to provide arborist consulting services for 2013 at an hourly rate of \$78.00 for a cost not to exceed \$5,000.00, subject to the review and approval of the form of the professional services agreement by the Attorney to the Town.

Dated: April 10, 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 10<sup>th</sup> day of April, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 1, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the Supervisor to execute an agreement with Pro Construction of Bergen, New York as the lowest responsive and responsible bidder to provide sidewalk replacement and repair services for 20,500 square feet of sidewalks for 2013 for a cost not to exceed \$176,380 and to further authorize the Supervisor to execute change orders not exceeding 10% in total of the base contract amount, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an agreement with Pro Construction of Bergen, New York as the lowest responsive and responsible bidder to provide sidewalk replacement and repair services for 20,500 square feet of sidewalks for 2013 for a cost not to exceed \$176,380 and further authorizes the Supervisor to execute change orders not exceeding 10% in total of the base contract amount without further action by the Town Board, subject to the review and approval of the form of the agreement by the Attorney to the Town.

Dated: April 10, 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 10<sup>th</sup> day of April, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 1, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the Supervisor to execute a Memorandum of Agreement between the Town, CSEA and the Teamsters to allow for and implement a ten hour work day from May 20, 2013 up to and including August 30, 2013, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a Memorandum of Agreement between the Town, CSEA and the Teamsters to allow for and implement a ten hour work day from May 20, 2013 up to and including August 30, 2013, subject to the review and approval of the form of the MOA by the Attorney to the Town.

Dated: April 10, 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 10<sup>th</sup> day of April, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 3, 2013 from Town Planner Ramsey A. Boehner regarding a request to authorize the Town Planner to inform the applicant for a proposed incentive zoning application for property located at 1285 East Henrietta Road to submit the required plans and documents to the Planning Board for its review and report pursuant to Town Code Section 209-5.B and C and to also forward the application to the Public Safety Committee for its review and comment, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby finds the proposed incentive zoning application for property located at 1285 East Henrietta Road is worthy of further consideration pursuant to Town code Section 209-5B and directs the Town Planner to inform the applicant for a proposed incentive zoning application for a Dunkin Donuts at 1285 East Henrietta Road to submit the required plans and documents to the Planning Board for its review and report pursuant to Town Code 209-5.B and C and to also forward the proposal to the Public Safety Committee for its review and comment.

Dated: April 10, 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 10<sup>th</sup> day of April, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 3, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the approval and implementation of the Sewer Overflow Response Plan as required by state law, together with a copy of said Plan, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the approval and implementation of the Town of Brighton Sewer Overflow Response Plan.

Dated: April 10, 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 10<sup>th</sup> day of April, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 3, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to set a public hearing for the purpose of considering a reduction to 25 MPH for the speed limits on Hibiscus Drive, Crandon Way and Coral Way, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby sets May 8, 2013 at 7:30 pm or as soon thereafter as the matter may be heard at Brighton Town Hall, 2300 Elmwood Avenue, Town of Brighton, County of Monroe, State of New York as the place, date and time for a public hearing on considering a reduction to 25 MPH for the speed limits on Hibiscus Drive, Crandon Way and Coral Way, and directs the posting, mailing and publication of any and all notices of said hearing as are required by law.

Dated: April 10, 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 10<sup>th</sup> day of April, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated April 4, 2013 from Town Assessor Elaine Ainsworth to request the Board to authorize the execution by the Supervisor of a Settlement Agreement, together with correspondence dated April 1, 2013 from George H. Gray, Esq. as attorney for Kilsyth, LLC and correspondence dated April 2, 2013 from Thomas A. Fink, Esq, as certiorari litigation attorney for the Town regarding the settlement of certiorari litigation for property located at 3161 East Avenue (Tax Parcel ID 138.09-1-70.11) and 3165 East Avenue (Tax Parcel ID 138.09-1-52), be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a Settlement Agreement as reviewed and approved by the Town's certiorari litigation attorney regarding the settlement of certiorari litigation with Kilsyth, LLC on the terms set forth in the above referenced correspondence regarding the property located at 3161 East Avenue (Tax Parcel ID 138.09-1-70.11) and 3165 East Avenue (Tax Parcel ID 138.09-1-52).

Dated: April 10, 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 10<sup>th</sup> day of April, 2013.

**PRESENT:**

WILLIAM W. MOEHLE,  
Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated March 14, 2013 from Town Assessor Elaine Ainsworth regarding the settlement of certiorari litigation with the Brookdale Living Communities of New York for property located at 2001 South Clinton Avenue (Tax Parcel ID 262000 136.15-1-24) and to request the Board to authorize the execution by the Supervisor of a Settlement Agreement regarding this matter, be received and filed, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a Settlement Agreement as reviewed and approved by the Town's certiorari litigation attorney regarding the settlement of certiorari litigation with the Brookdale Living Communities of New York for property located at 2001 South Clinton Avenue (Tax Parcel ID 262000 136.15-1-24).

Dated: April 10, 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	_____