

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
May 14, 2014

PRESENT:

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

Daniel Aman, Town Clerk
Mark Henderson, Chief of Police
Tim Keef, Commissioner of Public Works
Kenneth Gordon, Attorney for the Town
Rebecca Cotter, Recreation Director
Suzanne Zaso, Finance Director
Maryann Hussar, Assistant to the Supervisor

MOTION TO GO INTO EXECUTIVE SESSION AT 6:47 PM:

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to go into executive session at 6:47 PM to discuss employment of a particular person and a collective bargaining matter

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to come out of executive session at 7:03 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING CALLED TO ORDER AT 7:08 PM:**RECOGNITIONS/PRESENTATIONS:**

National Emergency Medical Services Week May 18 – 24
Brighton Volunteer Ambulance – Daniel McCue, President
National Preservation Month
Western NY Landmark Society - Wayne Goodman, Executive Director
Historic Brighton – David Whitaker, President

OPEN FORUM:

Parrone Engineering Re: Pinnacle Hills Subdivision project for Woodstone Custom Homes, Inc.
Judy Schwartz
Kevin Gallagher
Monroe County Legislator Joshua Barouth

APPROVAL OF AGENDA:

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to approve the agenda with the addition of the item from Woodstone Custom Homes

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

April 9, 2014 Town Board Meeting
April 23, 2014 Town Board Meeting

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Christopher P. Noun, National Advisor – Hattie Harris Good Spirits Club to Town Board dated April 25, 2014 9 in recognition of National Thank You Day for Elected Officials

FROM American Red Cross thanking the Town for the Blood Drive we held on May 1, 2014

FROM MaryAnne Mariotti, Acting Dir. Local Programs, Bureau, NYSDOT dated April 9, 2014 to Tim Keef, Commissioner of Public Works requesting project specific information for consideration of funding award as a nominee in the Multi-Modal #4 program.

FROM Kevin Bush, Regional Dir. NYSDOT dated May 1, 2014 to Supervisor in response to his receipt of Town Supervisor's letter regarding concerns relating to the Monroe Avenue Safety Project.

FROM St. John's Brickstone, dated May 6, 2014, expressing appreciation for attending their formal ribbon cutting ceremony held on April 30th.

FROM Chris Mueller, Dir. Local Franchising, Time Warner Cable to Supervisor dated May 7, 2014 regarding channel changes/upgrades and or channels with soon to expire agreements that may or may not be renewed.

Motion by Councilmember Jason DiPonzio seconded by Councilmember Louise Novros to receive and file the aforementioned communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Parks and Recreation & Community Services – Next meeting 5/19/14 at 4:30 PM at Brookside
Finance and Administrative Services - Next meeting 5/20/14 at 3:30 PM in Stage Conference Room
Public Safety Services – Next meeting 6/10/14 at 8:00 AM in Downstairs Meeting Room
Public Works Services – Next meeting at 6/2/14 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 Jason DiPonzio that the Supervisor read and approve for payment the claims as set forth in Exhibit No. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to declare a 25" television as surplus with authorization for disposal through municipal auction (see Resolution #1 and letter dated April 17, 2014 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. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to amend 2014 budget to reflect increase in revenue funds of \$610.00, together with authorization to appropriate same, received as reimbursement from project contractor for relocating two particular streetlights (see Resolution #2 and letter dated April 16, 2014 from Timothy J. Anderson).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to amend agreement with Chatfield Engineers, P.C. to include construction observation services for Phase 2 of the Reserve subdivision project (see Resolution #3 and letter dated April 29, 2014 from Michael Guyon, P.E. Town Engineer).

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. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize bid award for Emerald Ash Borer treatment services to lowest responsible bidder Genesee Tree Service Inc. for a sum not to exceed \$31,971.90 with approval for Supervisor to execute any change orders up to 10% of the contract amount (see Resolution #4 and letter dated May 1, 2014 from Chad Roscoe, Junior Engineer).

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 purchase a trailer mounted Attenuator for the Highway/Sewer Department at a cost not to exceed \$27,245 from the lowest responsible bidder, Comet Flasher with authorization for Supervisor to execute purchase agreement with same (see Resolution #5 and letter dated May 1, 2014 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: Approval for various budget transfers and appropriations to the 2014 budget to reflect changes made since adoption of same (see Resolution #6 and memorandum dated May 5, 2014 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. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file proposed incentive zoning application dated May 8, 2014 from Woods Oviatt, Gilman for the proposed Jewish Senior Life project and authorize submission to Planning Board for review and report (see Resolution #7 and letter dated May 9, 2014 from Ramsey 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: Set public hearing date of June 11, 2014 for consideration of proposed Local Law entitled Buckland Park Parking Restrictions that will prohibit parking along both East and West sides of the Buckland Park entrance road (see Resolution #8, letter of Support from John Steinbrenner, Chairperson of the PARCS Advisory Board and letter dated May 9, 2014 from Timothy Keef, P.E. Commissioner of Public Works).

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. 9 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Expense and Revenues for the period ending April 30, 2014

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio that the aforementioned report be received and filed

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION:

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to go into executive session to discuss matters of litigation and matters of tax certiorari

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to come out of executive session at 10:02 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED AT 10:03 PM:

Motion by Councilmember Louise Novros seconded by Councilmember Christopher Werner to adjourn at 10:03 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Daniel Aman, 131 Elmore Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceeding of the Town of Brighton, County of Monroe, State of New York meeting held on the 14th day of May 2014 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

May 14, 2014

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>168,671.12</u>
D - HIGHWAY		<u>47,919.73</u>
H - CAPITAL		<u>34,924.00</u>
L - LIBRARY		<u>21,486.21</u>
SA - AMBULANCE DIST		<u>2,016.25</u>
SB - BUSINESS IMPROVM		<u>143.75</u>
SD - DRAINAGE DIST		<u>905.00</u>
SF - FIRE DIST		<u>1,917.50</u>
SK - SIDEWALK DIST		<u>2,982.50</u>
SL - LIGHTING DIST		<u>29,802.74</u>
SM - SNOW REMOVAL DST		<u>2,580.00</u>
SN-NEIGHBORHOOD DIST.		<u>25.00</u>
SP-PARKS DISTRICT		<u>955.00</u>
SR-REFUSE DISTRIICT		<u>74,834.49</u>
SS - SEWER DIST		<u>28,166.40</u>
SW - WATER DIST		<u>1,427.50</u>
TA - AGENCY TRUST		<u>6,534.18</u>
TE - EXPENDABLE TRUST		<u>235.36</u>
TOTAL	\$	<u>425,526.73</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 14th day of May, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated April 17, 2014 from Chief of Police Mark T. Henderson regarding a request to declare a certain 25 inch television (Town Inventory ID 01198) as surplus and to dispose of the same through public auction, be received and filed; and be it further

RESOLVED, that the Town Board hereby declares a certain 25 inch television (Town Inventory ID 01198) as surplus and directs that it be disposed of through public auction.

Dated: May 14, 2014

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 14th day of May, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated April 16, 2014 from Deputy Highway Superintendent Timothy J. Anderson regarding a request to amend the 2014 budget by increasing the "other revenue" line in the Town-wide Street Lighting Account (A.DPW.5182 1289) and the Contact Services Line (A.DPW.5182 4.49) each by \$610.00 as a result of unanticipated revenues for relocating two street lights on Monroe Avenue, be received and filed; and be it further

RESOLVED, that the Town Board hereby amends the 2014 budget by increasing the "other revenue" line in the Town-wide Street Lighting Account (A.DPW.5182 1289) and the Contact Services Line (A.DPW.5182 4.49) each by \$610.00, and authorizes the appropriation of the same.

Dated: May 14, 2014

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 14th day of May, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated April 29, 2014 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Supervisor to execute an amendment to the Town's agreement with Chatfield Engineering, P.C. for construction inspection services at the Reserve subdivision for Phase 2 of the project at hourly rates which were established in the July 25, 2012 proposal for 2013 services, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an amendment to the Town's agreement with Chatfield Engineering, P.C. for construction inspection services at the Reserve subdivision for Phase 2 of the project at hourly rates which were established in the July 25, 2012 proposal for 2013 services with the understanding that the developer will reimburse the Town for the full cost of said services prior to commencement of Phase 2 construction.

Dated: May 14, 2014

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 14th day of May, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated May 1, 2014 from Town Engineer Timothy E. Keef, P.E. regarding a request to authorize the Supervisor to execute an agreement with Comet Flasher, Inc. for the purchase of a new trailer mounted attenuator with arrow board at a price not to exceed \$27,245.00, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with Comet Flasher, Inc. as the lowest responsive and responsible bidder for the purchase of a new trailer mounted attenuator with arrow board at a price not to exceed \$27,245.00, and to allocate the purchase price thereof as follows: \$20,433.75 from D.HWY 5110 2.30 and \$6,811.25 from SS.SEWER 8120 2.35.

Dated: May 14, 2014

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 14th day of May, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated May 5, 2014 from Director of Finance Suzanne Zaso regarding a request to authorize the amendment of the 2014 budget pursuant to the schedule attached to her memorandum to reflect changes that have occurred since the adoption of the budget for 2014, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the amendment of the 2014 budget pursuant to the schedule attached to the memorandum referenced above to reflect changes that have occurred since the adoption of the budget for 2014.

Dated: May 14, 2014

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 14th day of May, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that the Jewish Senior Life Incentive Zoning and Rezoning Application dated May 8, 2014 and correspondence dated May 9, 2014 from Town Planner Ramsey A. Boehner regarding a request to receive and file the application and to ask the Town Board to consider whether the application is worthy of further consideration pursuant to the Town Code Section 209-5, be received and filed; and be it further

RESOLVED, that the Town Board hereby determines pursuant to Town Code Section 209-5(B) that said application is worthy of further consideration and hereby authorizes the applicant to submit the required plans and documents to the Planning Board for its review and report to the Town Board pursuant to Town Code Section 209-5(b) and (C).

Dated: May 14, 2014

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 14th day of May, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated May 9, 2014 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to set a public hearing for June 11, 2014 to consider a Local Law establishing parking restrictions for the entrance road to Buckland Park which would prohibit parking at all times along both the east and west sides of the entrance road to Buckland Park, be received and filed; and it is hereby

ORDERED, that pursuant to Article 3 of the Municipal Home Rule Law of the State of New York, a public hearing on a proposed Local Law of 2014 entitled "Buckland Park Parking Restrictions Local Law", in the form attached hereto, be held by the Town Board of the Town of Brighton on the 11th day of June, 2014, at 7:30 o'clock PM, prevailing time, at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town to consider the proposed Local Law and to hear all persons interested therein and to take such action as may be proper, and it is further

ORDERED, that Notice of the time and place of such hearing, describing the purpose of said Local Law be published and posted pursuant to Law.

Dated: May 14, 2014

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

Local Law #2 of 2014
Buckland Park Parking Restrictions Local Law

Section 1. Title

This Local Law shall be known as the Buckland Park Parking Restrictions Local Law of the Town of Brighton.

Section 2. Purpose.

It is the purpose and intent of this Local Law to amend the Town Code to restrict parking on the entrance road to Buckland Park for the protection of the health and safety of park users.

Section 3. Amendments to the Town Code.

Chapter 185, Section 185-46 "Schedule XII: Parking Prohibited at All Times" is amended to add the following: (Deletions are ~~crossed-out~~, additions are **bolded and underlined**)

Buckland Park Entrance Road – Both Sides – From Westfall Road to a point 650 feet south.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.