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B R I G H T O N
H I S T O R I C
P R E S E R V A T I O N
C O M M I S S I O N

February 24th, 2022

At approximately 7:15 p.m.
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JERRY LUDWIG, CHAIRPERSON
AMANDA L. DREHER)
JOHN PAGE)
DIANA ROBINSON)
DAVID WHITAKER) BOARD MEMBERS

MARY JO LANPHEAR
Town Historian

KEN GORDON, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

JEFF FRISCH
Planning Technician

NOT PRESENT:
JUSTIN DELVECCHIO
WAYNE GOODMAN

REPORTED BY: RHODA COLLINS, Court Reporter
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, New York 14020

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3 CHAIRPERSON LUDWIG: I'd like to call the
4 meeting to order. Mr. Secretary, will you call the roll?

5 MR. FRISCH: Ludwig?

6 CHAIRPERSON LUDWIG: Here.

7 MR. FRISCH: Robinson? Not here.

8 DelVecchio? Not here.

9 Gordon -- or Goodman? Goodman is also not
10 here.

11 MR. FRISCH: Whitaker?

12 MR. WHITAKER: Here.

13 MR. FRISCH: Page?

14 MR. PAGE: Here.

15 MR. FRISCH: Dreher?

16 MS. DREHER: Here.

17 CHAIRPERSON LUDWIG: Can I have a motion to
18 approve the agenda?

19 MR. WHITAKER: I move.

20 CHAIRPERSON LUDWIG: Second?

21 MR. PAGE: I will second, Page seconds.

22 CHAIRPERSON LUDWIG: Thank you, John.

23 All in favor?

24 ALL COUNCIL MEMBERS: Aye.

25 CHAIRPERSON LUDWIG: First item on the agenda

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is to approve the minutes from 1937, we have them here. Any additions for the October -- additions or corrections on the October minutes please?

MS. DREHER: I have some.

CHAIRPERSON LUDWIG: Amanda.

MS. DREHER: Page 13, Line 5, difficult to plow should be difficult to see out.

MR. BOEHNER: For the record, let the record reflect that Diana Robinson has joined the meeting, if you could note it. Thank you.

Sorry, Amanda, go back to the minutes. Thank you.

MS. DREHER: Page 15, Line 25, should be is a modern addition.

Page 17, Line 17, was a fountain.

Page 21, Line 7, set should be stuff.

CHAIRPERSON LUDWIG: I'm sorry, what was it, it should be what?

MS. DREHER: It should be stuff instead of the word set.

CHAIRPERSON LUDWIG: Okay, thank you.

MS. DREHER: Page 32, Line 11, 52 Varinna should be 42 Varinna.

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3 And Page 35, Line 24, should be Christopher
4 Brandt, B as in boy, R-A-N-D-T.

5 CHAIRPERSON LUDWIG: Not brat, okay.

6 MS. DREHER: And not Michael, it was Michael
7 Brat, so.

8 CHAIRPERSON LUDWIG: Also, I had on Page 43,
9 Line 24, Jeff, was that spelled correctly? And the same
10 thing on line -- F-R-I-S-C-H?

11 MR. FRISCH: Yes, that's Jeff with a J, that
12 is correct.

13 CHAIRPERSON LUDWIG: Thank you. Any other
14 corrections to --

15 MS. LANPHEAR: Page 33, Line 3, it's Peter
16 Tolliver not Dean Tolliver.

17 CHAIRPERSON LUDWIG: Okay. Any other
18 corrections?

19 Motion to approve as corrected?

20 MS. DREHER: I will move, Amanda Dreher.

21 CHAIRPERSON LUDWIG: Second?

22 MR. WHITAKER: I will second.

23 CHAIRPERSON LUDWIG: Thank you, David.

24 All in favor?

25 ALL COUNCIL MEMBERS: Aye.

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CHAIRPERSON LUDWIG: Okay. Minutes of October are approved. November 18th, corrections please?

MS. DREHER: I have a few. Page 3, Line 8, destination should be designation.

Page 6, Line 6, it says Scoot McKenzie's? It is across from 2369 East; is that correct? Does anyone know?

CHAIRPERSON LUDWIG: Probably Scott, that would be my guess.

MS. LANPHEAR: What page is that, Amanda?

MS. DREHER: Page 6, Line 6.

MS. LANPHEAR: That is the right -- yes, that is correct.

MS. DREHER: That's correct?

MS. LANPHEAR: Correct.

CHAIRPERSON LUDWIG: Scoot?

MS. LANPHEAR: The old McKenzie house, it's no longer the McKenzie house, but it was at one time.

MS. DREHER: Page 7, Line 10, 69 Latta should be 69 Glen.

And Page 12, Line 21, destination should be designation.

Page 18, Line 16, John Hershey should be Don Hershey, and that is the same correction on Page 21, Line 23.

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And Page 25, Line 4, Boyden should be Boynton,
B-O-Y-N-T-O-N.

CHAIRPERSON LUDWIG: Also on Page 24, Line 6,
333 should be 3333.

And Page 25, Line 4, ice damage should be ice
damming.

Any others?

MS. LANPHEAR: Yes. Page 23, Line 13, I
believe you meant to say the Nory house, N-O-R-Y and not
Norris.

And Line 14, the house number is 3345, not
345.

And Line 23, the same page, it's Lambert not
Lamburg house.

CHAIRPERSON LUDWIG: Thank you. Any other
additions or corrections? Motion to approve?

MR. PAGE: John Page, I will make the motion.

CHAIRPERSON LUDWIG: Thank you. Second?

MR. WHITAKER: I will second again.

MR. BOEHNER: Whitaker.

CHAIRPERSON LUDWIG: All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON LUDWIG: Minutes stand approved.

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Appreciate that.

Was this meeting duly advertised?

MR. FRISCH: The meeting was properly advertised in the Daily Record of February 10, 2022.

CHAIRPERSON LUDWIG: Thank you. That meeting as duly advertised will now be held.

We had no communications, no designation of landmarks, we do have a Certificate of Appropriateness, 2H-01-22.

APPLICATION 2H-01-22

2H-01-22 Application of David Lee, owner of property at 1140 Clover Street, tax number 137.08-1-34, for a certificate of appropriateness to install a generator. All as described on application and documents on file.

CHAIRPERSON LUDWIG: Is there anyone here to speak on that?

JEFF CARLUCCI: That would me, Jeff Carlucci.

CHAIRPERSON LUDWIG: Very good. Could you spell your name for the record and then --

JEFF CARLUCCI: Yes. My last name is C-A-R-L-U-C-C-I.

CHAIRPERSON LUDWIG: Very good.

JEFF CARLUCCI: First name Jeff, J-E-F-F.

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3 CHAIRPERSON LUDWIG: Thank you. And just tell
4 us what you want to do.

5 JEFF CARLUCCI: So, yes. There was a bit of a
6 communication blunder and we did install the generator
7 already. We found out afterwards this was considered a
8 historic property. We did place the generator within the
9 parameters of Brighton's town codes, as far as rear of the
10 house only. In fact, it was not only rear of the house, it
11 was rear of the garage, and there is still plenty of footage
12 between the property line, the side setback, and the right
13 side of the generator. There's much more than ten feet, so
14 we did place it within those parameters but we just failed to
15 get approval first somehow.

16 CHAIRPERSON LUDWIG: Okay. Anyone else? Any
17 other comments from you?

18 JEFF CARLUCCI: Nope, it's there. It passed
19 electrical inspection and I believe the electrical inspector
20 did send the Town of Brighton a copy of the electrical
21 inspection certificate as well.

22 CHAIRPERSON LUDWIG: Very good, thank you.

23 Ramsey or Jeff, any comments from you?

24 MR. FRISCH: Does it meet all of the code
25 requirements that are 5 feet from all doors, windows, and

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entries, and 18 inches from the structure?

JEFF CARLUCCI: Absolutely.

MR. FRISCH: Okay.

MR. BOEHNER: You will need to come in and get a building permit.

JEFF CARLUCCI: That is fine.

MR. BOEHNER: And if you would have come in and got the building permit we would have told you it was a historical preservation property, so keep that in mind.

JEFF CARLUCCI: Correct, yes. This was originally handled -- I'm not actually the one who pulls permits. We have a permit guy who is set to do that, but there was an issue with requests, like an application request going to the spam mail at the Town of Brighton. As well as him having COVID and him being out for a while at the same time, so apparently that's where the miscommunication happened.

MR. BOEHNER: Okay.

CHAIRPERSON LUDWIG: Is there anyone else here tonight to speak of this?

JEFF CARLUCCI: Nope, just me.

CHAIRPERSON LUDWIG: Okay.

MS. DREHER: Can I ask, do we have a picture

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of what it -- because it's already installed, what it looks like?

JEFF CARLUCCI: I don't have one handy. I don't get those pictures when they are done, but that's what it looked like beforehand. And right where you see those boards, those pieces of plywood up against the siding, that's where the generator is.

MS. DREHER: Okay, thank you.

JEFF CARLUCCI: You're welcome. I can always send a picture as well, like, tomorrow or something.

CHAIRPERSON LUDWIG: Did the installer, Generac, did they not apply for a permit?

JEFF CARLUCCI: It would not be Generac, it would be us, Home Power Systems.

CHAIRPERSON LUDWIG: Okay.

JEFF CARLUCCI: We did apply for it, and for some reason it was thought that we had permission and we found out afterwards we did not. We didn't obtain a permit and we didn't know about the historical property thing, and it is just because of the e-mail blunder and the miscommunication with Matt being out with COVID.

CHAIRPERSON LUDWIG: Okay. Very good, thank you.

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3 JEFF CARLUCCI: You're welcome.

4 MR. BOEHNER: They did call us and let us know
5 what happened.

6 CHAIRPERSON LUDWIG: Any other comments from
7 the Commission?

8 MR. GORDON: Jerry -- I'm sorry, go ahead,
9 John, you first.

10 MR. PAGE: So, the application, if it had been
11 turned in on time is what I would expect to see. It
12 certainly is in a location that I have no problem with. So,
13 even though it is late, thank you for aggregating all the
14 information.

15 JEFF CARLUCCI: That's no problem. And,
16 again, if you guys would like a picture of the finished
17 product, I can get that sent over to you as well.

18 MR. GORDON: Jerry, if I might, this is Ken
19 Gordon, I'm the town attorney.

20 Mr. Carlucci, if you could for the record,
21 please let us know the name of your company, it's address and
22 your position with the company.

23 JEFF CARLUCCI: Yes. The name of the company
24 is Home Power Systems, the address is 1127 Corporate Drive
25 East, Farmington, New York, 14425, and then I'm the project

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manager for the Rochester area.

MR. GORDON: And I know you said this, but just to be clear, it is your company that installed the generator at 1140 Clover Street?

JEFF CARLUCCI: Correct.

MR. GORDON: Thank you.

CHAIRPERSON LUDWIG: Any other comments? Then I will like to close the Public Hearings.

MR. BOEHNER: Jerry, you need to open it up to the public.

CHAIRPERSON LUDWIG: I already, yeah --

MR. BOEHNER: Did you?

CHAIRPERSON LUDWIG: I thought I already said that.

MR. GORDON: He asked if there was anyone else on the Zoom call who wanted to speak.

MR. BOEHNER: Okay, I stand corrected.

CHAIRPERSON LUDWIG: Like to close the hearings.

And, Ken, do you have a resolution?

MR. GORDON: I do have a proposed resolution, and it reads as follows:

Whereas, Application Number 2H-01-22 has been

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submitted for a Certificate of Appropriateness under the town's Historic Preservation Law for improvement to property located at 1140 Clover Street, owned by David Lee, L-E-E, to perform work described as the installation of a generator.

And whereas, the Historic Preservation Commission duly called a Public Hearing to consider the matter on February 24, 2022.

And whereas, the necessary legal notice has been published and the required sign posted pursuant to Town Code.

And whereas, the Public Hearing was held and all persons having an interest in such matters having had an opportunity to be heard therein.

And whereas, the Historic Preservation Commission hereby determines that pursuant to the factors set forth in Section 224-5 of the Town Code that the proposed above described work to the subject property is consistent with the purposes of the town's Historic Preservation Law and compatible with the property's historic character based upon its review of the application and documents on file and received at the Public Hearing, and the testimony presented at the Public Hearing, it is hereby resolved that the Historic Preservation Commission hereby receives and files

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the above described application and papers submitted therewith.

And, it is further resolved that the Historic Preservation Commission hereby approves Application Number 2H-01-22 for a Certificate of Appropriateness for the above described work to be performed at the property located at 1140 Clover Street in the Town of Brighton.

CHAIRPERSON LUDWIG: Thank you, sir. May I have someone to put forth the motion please?

MR. PAGE: I will put the motion forward, it's John Page.

CHAIRPERSON LUDWIG: Thank you, John.
May I have a second?

MS. ROBINSON: I will second, Diana.

CHAIRPERSON LUDWIG: Thank you, Diana.
Any discussion?

Mr. Secretary, will you call for a vote?

MR. FRISCH: Ludwig?

CHAIRPERSON LUDWIG: Yes.

MR. FRISCH: Robinson?

MS. ROBINSON: Yes.

MR. FRISCH: Whitaker?

MR. WHITAKER: Yes.

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3 MR. FRISCH: Page?

4 MR. PAGE: Yes.

5 MR. FRISCH: Dreher?

6 MS. DREHER: Yes.

7 CHAIRPERSON LUDWIG: Very good, motion passes.

8 I think that the art work behind the garage
9 should be donated to the Memorial Art Gallery.

10 That said, we have no hardship applications,
11 Public Hearings are closed.

12 New business, properties to be surveyed,
13 updated. I think Ramsey suggested earlier that maybe we
14 postpone this to the next meeting when we have a full house.
15 There is a list of properties, Mary Francis -- yeah, Mary
16 Francis. Mary Jo, on the Council Rock estates neighborhood
17 and we have quite a list.

18 I drove by it again yesterday and my heavens,
19 wonderful properties, fifth century branch houses and split
20 levels. I think what we probably should do is, Mary Jo, if
21 there's anyone very well known that has lived in any of these
22 houses, that might be a tie breaker. A little research there
23 on your part, but they are all wonderful houses.

24 And I think I noticed one had already
25 succumbed to replacement windows, but there are others that

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have done very little to the exterior since they were built,
other than being maintained.

So, I urge all of you to go by and take a look
and perhaps our next meeting we can designate at least one to
be surveyed.

MS. DREHER: Can I ask a question, Jerry?

CHAIRPERSON LUDWIG: Sure.

MS. DREHER: What is the significance of
Highland and Highland architects from Buffalo? I apologize,
I'm not familiar with them, but I saw them on the list.

CHAIRPERSON LUDWIG: I have to say, I don't
know either.

MS. LANPHEAR: I didn't know either. That was
what was on the permit for that house. But, it looks so much
like other Don Hershey houses, that's why we included it on
the list. Tracey Major pulled it from the public works
department.

MS. DREHER: Okay, thank you.

MS. LANPHEAR: You should note also that right
now there's a Thomas W. Boyde, Jr. project underway with
funds from the Rochester Area Community Foundation and the
Greece Historical Society, Christopher Brandt and Katie
Eggers Comeau at least has been working on identifying the

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Thomas W. Boyde houses in town. So, perhaps those on our list, 240 Thackery and 321 Council Rock could be among those surveyed first, perhaps.

MS. DREHER: Are they --

CHAIRPERSON LUDWIG: Because Cynthia Howk sent a thing around and maybe it originated with Chris Brandt, I'm not sure. But anyway, there's an interior of one of the two Boyde houses that is pretty much as it was built. And, it is incredible, just incredible.

So, if you have not seen that at length, please let me know or e-mail Cynthia, and there are wonderful photos of the house when it was built, and it just -- all of these are pretty spectacular on the outside, for sure. But, that is the one that was documented on the inside.

Of course, we don't have any control over what goes on on the inside, but it's a spectacular house. So --

MS. DREHER: Are they doing any work as part of this project? Are they doing any surveys or any work that may alleviate the need for us to spend money on surveying one?

MS. LANPHEAR: If so, Amanda, I've got an intern from Geneseo who's working with me this semester and part of her project is to work with the Thomas Boyde project.

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3 They needed to have a public historian on their list in order
4 to get the grant. And so, they reached out to me and I had
5 the Geneseo intern.

6 But, she's going to be doing a lot of data
7 entry and I think that's going to include things like
8 information about from the permits and so forth. So, we may
9 be a little bit further ahead on these houses from that. I
10 don't know, they are still waiting for additional funds and
11 to get this underway.

12 CHAIRPERSON LUDWIG: But Amanda, are you
13 talking about, are they working on the physical properties
14 right now, which may make them threatened? Is that what you
15 were --

16 MS. DREHER: No. I was asking if this
17 project, if they're doing research and they're putting their
18 files together or even surveys that we may be able to access
19 as opposed to us spending the money to have it surveyed. I
20 didn't know to what extent the project was.

21 MR. BOEHNER: Now, that would be if there was
22 enough information and we felt comfortable with it, we could
23 designate more, but if they haven't gotten that going yet,
24 it's not going to be very much help right now. But, let's
25 keep our eyes and ears open about it.

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MS. LANPHEAR: I will keep you up to date on their project.

CHAIRPERSON LUDWIG: Thank you. Now, I sent around, some of you are probably familiar with the matrix I sent around, oh, a half a dozen years ago, maybe longer, and I thought this is a handy tool to look at any house that we might be considering designating or even having a survey on. It sort of takes some of the emotional asides out of, well, this is a great house, I love it, type situation.

So basically, you look at each house, okay, historic value? Cultural? And tonight I think we're talking about Varinna Drive as well, so certainly as far as Varinna Drive goes, it would be somewhat definitely having a historic value there.

Historic personages, well, I think it goes between known, unknown, and known. We're not absolutely sure if it was the first black family owned house in Brighton.

Architectural style, well, we haven't had a whole lot of detail on that yet.

Architect designer, maybe, probably not in that particular house.

And then threatened, is it threatened?

So, these are -- and then, this is just

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something I came up with one day out of having nothing else to do, but it does kind of quantify how we look at places and I thought it might be handy to review it again.

Welcome to comments.

MR. PAGE: Thank you, Jerry. This has some similarities to national guidelines for how to consider things. I think it's good to have something like this just as a checklist, but it would be hard, I think, to come up with some sort of system where you said that building had to have a particular score in order to be considered.

Because some of these, in some ways, you know, they're not equivalent. Like number one and number five, I don't think, you know, are equivalent. Number five is sort of an add-on piece.

But anyway, it's -- what we typically look at are one, two, and three, and a little bit four, and we add on the number five there, so. But, if you were to come up with something that said you had to have a score of nine or something like that in order to be considered, I think, like, if you -- for the Varinna house, if you get a three on the number one, that in this instance with all of the particulars, that might qualify it, in and of itself, based on our criteria in the law and how we have been looking at

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things.

CHAIRPERSON LUDWIG: Well, this was not meant to be an end all, be all. But, if you had two properties -- having a limited budget as we do, if you had two properties, this might be able to make a decision between the two.

MR. PAGE: Yeah. It also would be useful in that way, in terms of managing the properties that we look at and what order they are looked at for sure.

CHAIRPERSON LUDWIG: Okay. Any other new business that we need to talk about? We've already, I believe, settled on the two or three, I guess we have one survey and two updates to be used under this year's budget -- or last year's budget, and then --

MR. BOEHNER: And we have those going, yes.

CHAIRPERSON LUDWIG: Yes. And then perhaps in our next meeting we will settle on at least one to be surveyed, and there is another one to be updated right away we can decide on that.

MS. DREHER: Are we going to talk about 42 Varinna tonight?

MR. PAGE: I'd like to.

CHAIRPERSON LUDWIG: Sure. We certainly can do that. There it is, thank you.

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3 MR. PAGE: Based on the preliminary
4 information that we had and then supplemented with this
5 information that has been provided, I think this is an
6 excellent property to consider and I would be in favor of
7 starting the process, frankly.

8 MS. LANPHEAR: I was impressed with
9 Christopher Brandt's survey.

10 MS. DREHER: Yes, I agree. I think the
11 history of Mr. Tolliver, he certainly in my mind comes to as
12 a historic personage, a significant person that I think would
13 warrant. Whether or not we know for sure this was the first
14 home owned by a black family, or we think the first home
15 owned by a black family in this -- in the 20th century, in
16 recent times, I think it still -- we will without that
17 certainty, I think it still merits designation.

18 CHAIRPERSON LUDWIG: Other comments?

19 MR. WHITAKER: I think it's right.

20 CHAIRPERSON LUDWIG: Mary Jo, have you spoken
21 to the owners?

22 MS. LANPHEAR: Not I, no, Mr. Brandt did.

23 CHAIRPERSON LUDWIG: Oh, do you know -- do you
24 have any information on how that went?

25 MS. LANPHEAR: It was included in here in the,

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I believe he talked to his son, he talked to Peter Tolliver's son, I believe.

CHAIRPERSON LUDWIG: Okay. Could we slide over to that portion of the survey?

Well, it's interesting, the last paragraph there, Peter and Yvonne Tolliver were more than just the, quote, unquote, first black homeowner. And I guess, quote, you know, I'm not quite sure. I think we have to be careful that, how this reads, were believed, perhaps, to be the first black homeowners, unless it's been definitively proved.

Mary Jo?

MS. LANPHEAR: No. As I told you, I think a couple months ago, we did have some black homeowners in the 19th century, but I'm not sure of the 20th century. But, people who were living in Brighton who were African-American were servants for the most part in the early part of the 20th century. They were not homeowners.

CHAIRPERSON LUDWIG: Any thoughts on a motion here to start the designation process?

MR. PAGE: I would like to do that.

CHAIRPERSON LUDWIG: Very good. Thank you, John.

MR. WHITAKER: I will second it.

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CHAIRPERSON LUDWIG: Ken, do you have a motion?

MR. GORDON: I think that we can have a simple motion to direct the secretary of the commission to send a letter to initiate the process of designation.

CHAIRPERSON LUDWIG: Very good. We have a motion, we have a second. Jeff, would you call the roll please?

MR. FRISCH: Ludwig?

CHAIRPERSON LUDWIG: Yes.

MR. FRISCH: Robinson?

MS. ROBINSON: Yes.

MR. FRISCH: Whitaker?

MR. WHITAKER: Yes.

MR. FRISCH: Page?

MR. PAGE: Yes.

MR. FRISCH: Dreher?

MS. DREHER: Yes.

CHAIRPERSON LUDWIG: Okay, motion passes. Jeff, you can send the letter or start the process. Thank you.

Any other new business?

MR. PAGE: Can I just follow-up on what you

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were discussing, Jerry and Mary Jo? Do you want to ask Christopher Brandt to clarify the last sentence or last paragraph?

CHAIRPERSON LUDWIG: I will leave that up to Mary Jo and our town attorney.

MR. PAGE: Okay.

MR. BOEHNER: Well, I think a clarification might not be a bad idea. What do you think, Mary Jo?

I mean, I think what Amanda said was that there are other reasons, but we want to try to be factual with what we know, would be the reason we want to maybe do that, is a thought.

MR. PAGE: Yeah, I think it would be good to just sort of take that, because it isn't the criteria that's tipping the scales for me. Because, partly because this whole -- it's one of those -- it's one of the conditions of the situation that we are trying to understand is that it's by its nature, murky.

MS. LANPHEAR: Yes.

MR. PAGE: And so, it's less important whether it's first, or whether it's 19th or 20th century, it's that it was unusual and difficult, and there was perseverance. And then, by people that were, you know, pulling -- doing

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great work also. So, that's what I find, you know, most interesting about it.

MS. LANPHEAR: I will bring you what I find next month about black ownership in Brighton, if I can find anything I will bring what I can find.

MR. PAGE: And, would you have a conversation with Chris about that also?

MS. LANPHEAR: Okay.

MR. PAGE: And maybe when you have the conversation, ask whether he thinks it's appropriate to fold that into the discussion in a sentence or two, or something like that, or more?

MS. LANPHEAR: Okay.

MR. GOODMAN: Should we hold off to next month until that's straightened out?

CHAIRPERSON LUDWIG: I think we can proceed, David. My only concern was in the verbiage of that last paragraph. I think putting the word reportedly, or thought to be, or something like that, rather than a definitive statement saying that they were. Because, who knows, in five years we may find out something else.

MR. BOEHNER: I got a process check a little bit, that report needs to go to the property owners. I need

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3 to send that to them as part of this process, and I need it
4 to be the report that you guys want sent to them. I think
5 accuracy in the report is important, but I think giving it
6 some consideration, what David said about pausing, getting
7 the report correct the way we want it, because it's a good
8 report, I think it tells a good story.

9 MS. LANPHEAR: Yes.

10 MR. BOEHNER: There's not a lot else we're
11 wanting to have changed, but I think it's an important part
12 of this discussion. And, if it's something we are
13 discussing, we should include it in there if it's going to be
14 discussed. And, I think the, you know, I don't want to get
15 into an argument with the property owner saying, hey, they
16 weren't. How do you know? If they read that report, they
17 come into town hall thinking, hey, this is what I read.

18 MR. PAGE: Good point.

19 MR. BOEHNER: I'm a stickler though, so, I
20 know what Ken's thinking.

21 CHAIRPERSON LUDWIG: Thank you, Ramsey, good
22 point.

23 MR. WHITAKER: That's why I brought it up.

24 MR. BOEHNER: Good point, David.

25 MR. GORDON: Can I see the paragraph again

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please?

MS. DREHER: There really isn't, the discussion, the information that Mary Jo presented to us about the 19th century and the 20th century is not in the report, it's -- there is not a lot of discussion about whether or not they were the first black homeowners.

MR. GORDON: And, is this paragraph that reads, or starts, Peter and Yvonne Tolliver were more than just, quote, the first, end quote, black homeowners in the Town of Brighton. Is there any other discussion in the report about Peter and Yvonne being the first black homeowners?

MS. ROBINSON: Mary Jo's report sentence was, at the time they were believed to be the first.

MS. LANPHEAR: Yes.

MS. ROBINSON: A different way of phrasing what we're trying to say.

CHAIRPERSON LUDWIG: Diana, I think that's probably a good way to rephrase that last paragraph, we're believed to be.

MR. GORDON: Ramsey, would you be sending Mary Jo's report as well as Mr. Brandt's report?

MR. BOEHNER: Good question. I'm obligated --

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I don't have my code book in front of me. But, I'm obligated, I believe, to send them. And generally, I send them everything we've got that's for the review, to answer your question, the more I think about it. Because it's the information that we would be using to determine if it is worthy of designation.

MR. PAGE: No, I see that Jeff probably sort of found the sort of qualifying statement here and that the subsequent statement is more saying that isn't the reason to celebrate. You know, that isn't the reason to celebrate them, that they were first. That these other things, and this is more in line with what Mary Jo's report said.

MS. DREHER: I think if there's concern asking our architectural historian to revise their survey, if there's concern that we would be exerting improper influence, I think perhaps it could be phrased to Mr. Brandt, would you address the issue-- would you address -- would you elaborate on the statement in the first line of that paragraph, where he says the first, in quotes, would you explain that? Would you elaborate on that? That would be a question would that, Ken, might that be proper?

MR. GORDON: Right. So, I think the Board is obligated to transmit to the homeowner what it would be

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relying on. And, I understand that it would rely upon this report and Mary Jo's report. So, I would think he would transmit both.

Going to your question, Amanda, I'm also concerned about exerting undo influence. We should not be telling our expert what they should put in their reports. They are experts to report to you, and then you draw your conclusions from the reports.

It is, I do think, permissible to ask the architectural historian if he would perhaps provide a citation for this fact that he states or otherwise qualify it, if he does not have a citation for it.

MR. PAGE: And I think that it is appropriate for us not to direct anything, other than -- but it is appropriate for us to have a dialog if there's something that we have a question about.

MR. GORDON: Yeah, if he says something in the report that he says here that does not have a footnote citation to it -- and there is none here -- then I think it is appropriate to ask for the source of that facility. He states it as a fact rather than as a supposition.

MS. LANPHEAR: But, Ken, he puts it in quotation marks. Which, to me, sounds like he's using the

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first meaning that's what everybody says about the Tollivers, that they were the first black homeowners, but --

MR. GORDON: Then that should be explained by him as to why he put it in quotation marks.

MS. LANPHEAR: Yeah.

MR. GORDON: We should not assume what he means by doing that.

MS. LANPHEAR: Right.

MR. GORDON: So, but, I don't think this requires a delay in our process, unless I'm mistaken. This sounds like something that can be corrected in a matter of days, not a matter of weeks or months.

MR. PAGE: I agree.

MR. GORDON: Who would be making that request? Would it be Jeff or Ramsey? Who would be making it?

MR. BOEHNER: I can make that request.

MR. WHITAKER: It should be Ramsey.

CHAIRPERSON LUDWIG: Well, if it is Ramsey, then what does that leave us in our process of notifying, sending this to the homeowners? Should we wait, as David suggested, until we get this clarified before we proceed?

MR. PAGE: I'm prepared to proceed partly because we have so few opportunities to get things done and

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we'd like to keep moving them out so that we can get three or four in a year to better represent the fine architectural history that we have in our town.

CHAIRPERSON LUDWIG: Well, I agree, John, but on the other hand I would sort of like to get everything in a row before we -- I guess I would rather resolve this before we send it to the homeowner rather than, oh, yes, I'm sorry, it wasn't this way, it was supposed to be that way, at some later date. That's all.

MS. DREHER: I agree with Jerry that we should -- that when we send it to the homeowner it should be the final version, if there's been any additions. But, I don't know if we need to meet before that is sent, like if we need to see it again before it's sent. We're not approving it, it's not a document we're approving, it's -- we're relying on it.

CHAIRPERSON LUDWIG: Well, the house isn't going anywhere, as far as we know. So, I'll open that up to --

MR. GORDON: If I could just interject here. I cannot set forth all of the possible responses that Mr. Brandt might have to the request by Ramsey for citation or qualification of the statement. But, some possible

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responses might be: I will simply delete the sentence; or, an appropriate qualification; or, I did some research and the statement is not true; or, no, I'm leaving it just like it is.

So, I do think it's important for the Board to know what that response is before it is sent to the homeowner. Because, your decision is going to be based on that, and I empathize with what, John, you are saying to move the process along, but prudence might dictate emotion to reconsider to hold off on this.

MR. WHITAKER: Well, it does state earlier in the statement it says, is believed to be the first instance of an African-American. It certainly is the same terminology.

CHAIRPERSON LUDWIG: Okay. Let's stop. I suggest we don't beat this together tonight, and follow along with the town attorney's suggestions and --

MR. BOEHNER: Jeff, where did you see that reference? I'm sorry, you were saying something? I'm sorry, Jerry. Before we --

MR. FRISCH: Well, it says, his candidacy for town supervisor, though unsuccessful, is believed to be the first instance of an African-American denizen in the suburbs

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of Rochester running for town supervisor.

CHAIRPERSON LUDWIG: Which says nothing about being the first black homeowner.

MR. FRISCH: Correct.

MR. BOEHNER: Okay. Just wanted to make sure I wasn't missing anything. Thank you.

I'm sorry, Jerry, didn't mean to just before we ended this conversation, I just wanted to be clear of what I was going to do.

CHAIRPERSON LUDWIG: Thank you. Any other new business -- or old business, excuse me?

MR. GORDON: I'm sorry, I have to interpose here. We have had a motion and a second, and a vote directing the secretary to send the letter. We now seem to, or at least some of the members seemed to have changed their minds. It is right now the direction of this Board that the secretary send a letter.

If you wish to give some different direction, you need to have a motion to reconsider, to reconsider that direction that you've given to the secretary of the commission.

MR. WHITAKER: Make it subject to verification.

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CHAIRPERSON LUDWIG: Well, I'd say a little further. Make it, rescind the motion and we wait until the issue is clarified, and then we can make a motion at our next meeting. That would be my suggestion.

MR. WHITAKER: You're the chair.

MR. BOEHNER: What motion?

CHAIRPERSON LUDWIG: To rescind the motion.
Okay.

Could I have a motion to rescind the motion to send -- to start the process.

MS. DREHER: I'll move to rescind the motion directing the secretary to send the letter.

CHAIRPERSON LUDWIG: Thank you. May I have a second?

MS. ROBINSON: Do we have to name a reason?

CHAIRPERSON LUDWIG: No.

MR. GORDON: No.

MS. ROBINSON: I will second.

CHAIRPERSON LUDWIG: Thank you.

All in favor?

ALL COUNCIL MEMBERS: Aye.

MR. GORDON: Could we please have a roll call on this?

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CHAIRPERSON LUDWIG: Okay, very good.

MR. FRISCH: Dreher?

MS. DREHER: Yes.

MR. FRISCH: Page?

MR. PAGE: Yes.

MR. FRISCH: Whitaker?

MR. WHITAKER: Yes.

MR. FRISCH: Robinson?

MS. ROBINSON: Yes.

MR. FRISCH: Ludwig?

CHAIRPERSON LUDWIG: Yes.

Okay. Motion is rescinded until we get the clarification on the last paragraph.

Any other old business?

We have no presentations, no announcements.

May I have the motion to adjourn?

MR. WHITAKER: If nobody does it, I will.

CHAIRPERSON LUDWIG: Thank you, David. Can I have a second?

MS. DREHER: I will second.

CHAIRPERSON LUDWIG: Thank you, Amanda.

All in favor?

ALL COUNCIL MEMBERS: Aye.

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CHAIRPERSON LUDWIG: Thank you very much,
folks.

* * *

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REPORTER CERTIFICATE

I, Rhoda Collins, do hereby certify that I did
report in stenotype machine shorthand the proceedings held in
the above-entitled matter;

Further, that the foregoing transcript is a true and
accurate transcription of my said stenographic notes taken at
the time and place hereinbefore set forth.

Dated this 19th day of March, 2022.

At Rochester, New York

Rhoda Collins
Rhoda Collins