

**TOWN OF BRIGHTON TOWN BOARD
FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE
MEETING AGENDA**

**Meeting Date: Tuesday, July 2, 2012 (3:30 pm)
Location: Stage Conference Room, Brighton Town Hall**

1. Contract for Muncity Integrated Parcel Management Software (Public Works) – Request from Mike Guyon for Town Board authorization of the Supervisor to enter into an agreement with General Code to provide Muncity software for the Public Works and Building and Planning departments to issue permits, tract and manage resident complaints, monitor violations, administer building, planning and zoning applications, and maintain records of Public Works projects. This software is being purchased under New York State contract pricing and funds were provided through a bond anticipation notes issued in October 2011 (see letter from M. Guyon).
2. Bid Award for Chemical Grouting of Sanitary Sewers (Sewer Dept.) – Request from Mike Guyon for Town Board award of a bid to New England Cleaning Company Div. Heitkamp Inc., the low responsible and responsive bidder, to perform chemical grouting services in 2012 at a cost not to exceed \$90,616.64. Authorization is also requested of the Supervisor to execute any change orders that do not collectively exceed 10% of the contract award. Funds are available in the 2012 Sewer District for these services (see letter from M. Guyon).
3. Contract with GAR Associates (Assessor's Dept.) – Request from Elaine Ainsworth for Town Board action to authorize the Supervisor to execute an agreement with GAR Associates, Inc. for certiorari appraisals at 3161 and 3165 East Avenue for a total of \$1500 (see letter from E. Ainsworth).
4. Contract with Pittsford Central School District to Share Certiorari Costs (Assessor's Dept.) – Request from Elaine Ainsworth for Town Board action to authorize the Supervisor to execute an agreement with the Pittsford Central School District for a 50/50 cost share of certiorari appraisal costs of 70 and 80 Linden Oaks (see letter from E. Ainsworth).
5. Adoption of Standard Work Day and Reporting Resolution – Request from Suzanne Zaso to Town Board adoption of a Standard Workday and Reporting Resolution for the purpose of reporting service time to the New York State Retirement System for Elected and Appointed Officials of the Town.

The next regularly scheduled meeting of the FASC will be held **Tuesday July 17, 2012, at 3:30 pm**, in the Stage Conference room of the Brighton Town Hall. All members of the public are invited to attend FASC meetings.



Town of Brighton

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE * ROCHESTER, NEW YORK 14618 * PHONE (585)784-5250 * FAX (585)784-5368

1.

June 25, 2012

The Honorable Finance and Administrative Services Committee
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

Re: Muncicity Software

Dear Councilperson Werner and Committee Members:

I am requesting authorization to purchase Muncicity Integrated Parcel Management Software to replace the existing Fox Pro database software. The Fox Pro database is currently used to; issue permits, track and manage resident complaints, monitor violations, administer all building, planning and zoning applications, and maintain a record of all Public Works projects.

The current Fox Pro database, developed by Richard Cortina, is nearing its intended life cycle and will not operate effectively on the current Window 7 operating system. The Public Works and Building and Planning departments completed an investigation of replacement software which considered BAS, Business Automation Software, Muncicity, and GBA Master Series. This investigation concluded that the Muncicity Integrated Parcel Management Software best mimics the functionality of the Fox Pro database. Additionally, the Muncicity software program is compatible with the Laserfiche program and ESRI geographic information system currently being used by the Public Works and Building and Planning departments to manage and organize existing and archived projects.

Procurement of this software will utilize Dell Marketing, LP's New York State Contract # PT65191. General Code is an approved vendor with Dell and the Muncicity software is included in this contract. We have obtained a price quote, of \$69,528.00 to purchase, install and provide training for the Muncicity software. In addition, an estimated annual maintenance fee of \$7,532 will be assessed to the Town one year after the acceptance of the software installation. I am requesting that the FASC recommend that the Town Board authorize the Supervisor to sign an agreement with General Code regarding the purchase, installation, training for and maintenance of the Muncicity software for the price quote previously referenced. Funds have been budgeted for the software purchase in account H.TECH.2011 4.15 (computer software).

As always, thank you for your consideration. Tim Keef be in attendance at your regularly scheduled July 2, 2012 meeting to address any questions regarding this matter.

Sincerely,

Michael E. Guyon

Cc Tim Keef
Suzanne Zaso



Town of Brighton

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE * ROCHESTER, NEW YORK 14618 * PHONE (585)784-5250 * FAX (585)784-5368

2a.

June 28, 2012

The Honorable Finance and Administrative Services Committee
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

Re: Rehabilitation of Sanitary Sewers
Chemical Grouting of Sanitary Sewers Bid Results

Dear Councilperson Werner and Committee Members:

The bids for the above referenced project were publicly advertised and publicly opened on June 26, 2012 at 10:00 AM, all as required by law. A copy of the bid advertisement and bid tabulation are attached for your reference. Bid documents were obtained by five firms however; only two bids were received and are shown in Table - 1.

Table - 1 Bid Results Summary

Contractor	Base Bid, Willow Bend Road	Alternate Bid Penarrow Road	Total Bid Amount
Sewer Specialty Service Company Inc.	\$ 77,430.00	\$ 71,316.00	\$ 148,746.00
New England Pipe Cleaning Company Div. Heitkamp Inc.	\$ 48,534.29	\$ 42,082.35	\$ 90,616.64

The Sewer Department reserved approximately \$115,000 to perform chemical grouting of the sewers in 2012. The New England Cleaning Company Div. Heitkamp Inc. base plus alternate bid amount is within the anticipated project budget. Town staff contacted the low bidder to confirm their bid estimate, reviewed the bids for completeness and accuracy and concluded that the low bid submitted by The New England Cleaning Company Div. Heitkamp Inc. is a true representation of the costs necessary to complete the project and the contractor is qualified to complete the work.

Therefore, I am requesting that FASC recommend that the Town Board award the base and alternate bid to perform the chemical grouting services to the low, responsible and responsive bidder, New England Cleaning Company Div. Heitkamp Inc. in the unit prices shown within the contract documents and for a cost not to exceed \$90,616.64. I further recommend that the Supervisor be authorized to execute any necessary change orders that do not collectively exceed ten percent of the awarded contract price.

As always, thank you for your consideration. Tim Keef will be in attendance at your regularly scheduled July 2, 2012 meeting in the event that you have any questions regarding this matter.

Respectfully,

Michael E. Guyon, P.E.
Town Engineer

cc: S. Zaso
T. Keef
Mary Ann Hussar

be served and a copy of any process may be mailed to 572 Black Walnut Drive, Rochester, New York 14615. The propose of the company is any lawful purpose.
Jn 07
02532720
Jn 14 21 28
Jy 05 12
02532721

LEGAL NOTICE
Notice of Formation of JGL-WM LLC
JGL-WM LLC (the "LLC") filed Articles of Organization with the NY Dept. of State on 5/18/12. Office location: Monroe County. The NY Secretary of State is designated as agent of the LLC upon whom process against it may be

LEGAL NOTICE
NEW YORK STATE CANAL CORPORATION
NOTICE OF PROPOSED ABANDONMENT (SALE OF REAL PROPERTY) OF

A portion of Erie Barge Canal land situated in the Village of Fairport, County of Monroe, State of New York TO WHOM IT MAY CONCERN: PLEASE TAKE NOTICE, that pursuant to the provisions of Section 51 of the Canal Law; the New York State Canal Corporation; a subsidiary of the New York State Thruway Authority; invites interested parties to file written statements either supporting or opposing the proposed abandonment. Any interested party may file their statement with the New York State Canal Corporation; 200 Southern Boulevard; Albany, New York 12209; to the attention of Gerald Farrell. Statements will be accepted until close of business day on July 2, 2012. The proposed abandonment is a portion of Erie Barge Canal land situated in the Village of Fairport, County of Monroe, bounded and generally described as follows:

The requested property consists of 2 non-contiguous parcels (Parcels A and B). Parcel A is rectangular, approximately 30 feet in length and 40 feet in width, totaling 1307 square feet (0.03 acres) in size, located east of Parker Street. Parcel B is linear, approximately 920 feet in length and 30 feet in width totaling 32,284 square feet (0.81 acres) in size, extending from the eastern end of the old Fairport DPW site to East Church Street. Both parcels are improved with, asphalt pavement. The property is bounded on the north by Canal lands, on the west by Parker Street, on the east by East Church Street and on the south by the Village of Fairport and adjoining residential owners. All as shown on Parcel Maps 2717, 2718, 3214, 3215 and 3226, Contract 63, filed in the Office of Superintendent Public Works, October 31, 1910, May 3, 1911 and June 16, 1911 on file at the New York State Canal Corporation, 200 Southern Boulevard, Albany, New York 12201.
Jn 07
02532678
Jn 14 21
02532679

on Park, LLC.
2. Articles of Organization were filed by Department of State of New York on May 10, 2012.
3. County of office: Monroe
4. The Company does not have a specific date of dissolution.
5. The Secretary of State has been designated as agent upon whom process against the Company may be served. The address to which process shall be mailed: 105 Troup Street, Rochester, NY 14608.
6. Purpose: Any lawful activity.
Jn 07
02532712
Jn 14 21 28
Jy 05 12
02532713

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Jn 07
02532678
Jn 14 21
02532679

Limited Liability Company is Michele Enterprises, LLC.
2. Articles of Organization were filed by Department of State of New York on May 11, 2012.
3. A Certificate of Amendment changing the name to Town & Country GGC, LLC was filed on May 15, 2012.
4. County of office: Monroe
5. The Company does not have a specific date of dissolution.
6. The Secretary of State has been designated as agent upon whom process against the Company may be served. The address to which process shall be mailed: 2308 Monroe Avenue, Rochester, NY 14608.
Jn 07
02532712
Jn 14 21 28
Jy 05 12
02532715

LEGAL NOTICE
00030 - 1
SECTION 00030
ADVERTISEMENT FOR BIDS

The Town of Brighton, Monroe County, New York will receive sealed bids for the improvements to the
TOWN OF BRIGHTON
2012 SANITARY SEWER REHABILITATION PROGRAM
CHEMICAL GROUTING CONTRACT

Sealed Bids will be received and bids publicly opened and read at the following place and time:
Place: Town of Brighton
Dept. of Public Works
2300 Elmwood Avenue
Rochester, New York 14618
Date: JUNE 26, 2012
Time: 10:00 A.M. Local Time

The work consists principally of repairing defective pipe joints and other sources of infiltration through the use of chemical grouting. The Town has identified approximately 3,200 linear feet of 8" sanitary sewer along Willowbend Road and Penarrow Road that require chemical grouting. The base contract includes chemical grouting of the sanitary sewer collection system serving Willowbend Road with an alternate sewer along Penarrow Road. The foregoing is a general outline of work only and shall not be construed as a complete description of the work to be performed under each contract. Plans and Specifications are available for inspection at the above location. Bids must be made in writing on the forms furnished and shall be accompanied by a bid guarantee for an amount not less than five percent (5%) of the amount bid in accordance with the INSTRUCTIONS TO BIDDERS. The Town of Brighton is exempt under New York State Tax law, and therefore, no sales tax on the cost of materials incorporated into the project shall be included in the bid. All prices bid shall be good for a period of sixty (60) days after opening. The Town of Brighton reserves the right to consider bids for sixty (60) days after their receipt before awarding any contract. The Town of Brighton further reserves the right to reject any and all bids, and to accept any Proposal or Individual Item or Items, which it may deem to be the most favorable to its best interests. A nonconclusive bidding certificate shall be included with each bid. The attention of the Bidder is call to the requirements as to the conditions of employment and the minimum wage rates to be paid under this contract. It is the policy of the State of New York to encourage the greatest possible participation of minority and women-owned business enterprises in State funded projects. The Contractor, by bidding on the contract, acknowledges his or her understanding and support of this policy and pledges to fully cooperate within the Town of Brighton in meeting State requirements as set forth in the Bidding and Contract Documents.
Dated: June 7, 2012
Town of Brighton
Jn 07
02532735

against it may be served; and the post office address to which the Secretary of State shall mail a copy of any process against, CENTER LIGHT FILMS, LLC served upon him or her is c/o the Company, 8 Green Ridge Road, Pittsford, New York 14534. CENTER LIGHT FILMS, LLC is formed for the purpose of engaging in any and all business activities permitted under the laws of the State of New York.
Jn 07
02532714
Jn 14 21 28
Jy 05 12
02532715

LEGAL NOTICE
00030 - 1
SECTION 00030
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Dated: June 7, 2012
Town of Brighton
Jn 07
02532735

mental review process and the pending determination of environmental significance under the New York State Environmental Quality Review Act (SEQRA) with respect to the application of Pittsford Canalside Properties LLC, for a multi-family residential development at 75 Monroe Avenue, which property is located in the village's R-5 zoning district. One week before the meeting, Parts II and III of the Environmental Assessment Form will be available for review at the Village Office, 21 North Main Street, Pittsford, New York between the hours of 7:30 AM and 3:30 PM, M-F. Please Note: This is not a hearing on, or consideration of, the applications for Special Permits, Site Plan Approval, or Certificate of Appropriateness which are re-

LEGAL NOTICE
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The requested property is a level, rectangular parcel measuring approximately 368 feet by 370 feet by 183 feet totaling 29,795 square feet (0.68 acres) in size. The parcel is bounded on the north by Interstate Route 390, on the west and south by lands owned by the University of Rochester. The parcel does not have access from a public road. All as shown on Abandonment Map No. 933 on file at the New York State Canal Corporation, 200 Southern Boulevard, Albany, New York 12201.
Jn 07
02532680
Jn 14 21
02532681

BP Post 6/17/12 26

3ca

TOWN OF BRIGHTON
ASSESSOR'S OFFICE
2300 Elmwood Avenue
Rochester, NY 14618
(585) 784-5216

June 20, 2012

To: Town of Brighton Finance Committee
Town Board Members
Supervisor Moehle

From: Elaine Ainsworth, Town Assessor 

Re: Approval to contract with GAR Associates, Inc. for certiorari appraisals:
2011 Assessment Roll:

.85 acre approved building lot at 3165 East Avenue
2.49 acre parcel with mansion at 3161 East Avenue

Supervisor Moehle has approved my taking the above referenced request to you for the approval of the supervisor to enter into a contract with GAR Associates, Inc. for the certiorari appraisal project as identified above.

I requested quotes from five appraisal firms. One declined to submit a quote; GAR was the lowest quote of the four responding firms. The GAR quote, inclusive of both parcels, is \$1,500 for the preliminary appraisal. We will use this as a settlement tool; I do not anticipate this case going to court. We have contracted with GAR on many recent appraisal projects and find their work very satisfactory.

The Assessor's Office 2012 budget appraisal line is over budget; however the 400 accounts do currently have funds available to cover this cost and no budget transfer would be necessary, at this time. Additionally, our certiorari attorney Tom Fink and Supervisor Moehle both support contracting for this work.

3b.

THOMAS S. WILLS, III
92 BRUSH CREEK DRIVE, SUITE 101
ROCHESTER, NEW YORK 14612
585-723-3500

June 11, 2012

Elaine K. Ainsworth, IAO
Town of Brighton Assessor's Office
2300 Elmwood Avenue
Rochester, NY 14618

re: Appraisal quotation for 3161 & 3165 East Avenue

Dear Elaine,

Thank you for the opportunity to submit a proposal for preparation of the appraisals necessary for potential certiorari proceedings involving the above captioned properties. Unfortunately, my current case load does not provide the available time necessary to permit the satisfactory preparation of the work documents which you have requested. Therefore, I will not be submitting a quotation.

Again, I thank you for the opportunity to be of service, and look forward to the possibility of serving your future needs.

Sincerely yours,



Thomas S. Wills, III
NYS Certified Residential Appraiser
License # 45000004314

3c.



RYNNE, MURPHY & ASSOCIATES, INC.
Real Estate Appraisals and Consultations

June 12, 2012

Ms. Elaine K. Ainsworth, IAO
Assessor
Town of Brighton
Assessor's Office
2300 Elmwood Avenue
Rochester, New York 14618

RE: Town of Brighton Certiorari Request for Quote for:
2011 Assessment Roll Value
Appraisals for 3161 East Avenue and 3165 East Avenue
Brighton, New York

Dear Elaine,

At your request, I am outlining a fee proposal for preliminary (reduced scope) summary appraisal reports and self-contained (trial ready) appraisal reports on the properties located at 3161 East Avenue (mansion on 2.49 acres) and 3165 East Avenue (0.85 acre residential building lot), Town of Brighton, New York.

The report(s) will outline one value as of one date of valuation, being July 1, 2010 for the taxable year of 2011.

	3161 East Ave.	3165 East Ave.
Fee for Preliminary Reduced Scope Appraisal	\$2,900	\$1,500
Additional Fee for Court Ready Self-Contained	\$2,900	\$1,500
Total	\$5,800	\$3,000
Time Frame:		
Preliminary Reduced Scope Report	4-5 Weeks	4-5 Weeks
Additional Time for Court Ready Report	5-7 Weeks	5-7 Weeks

3d.

Ms. Elaine K. Ainsworth, IAO

June 12, 2012

Page -2-

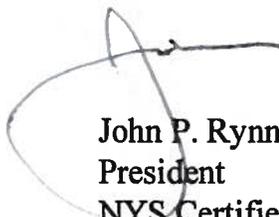
The hourly rate for trial preparation and testimony is \$200 per hour.

The fee includes 4 copies of the report. Additional copies will be an additional charge.

If you are interested in obtaining our services, our standard assignment agreement will be forwarded for your review and signature. Please note that a retainer equal to $\frac{1}{2}$ of the fee would be due upon receipt of the signed agreement.

We appreciate the opportunity to submit this proposal for your review and consideration. If you should have any questions, please do not hesitate to contact me.

Sincerely,



John P. Rynne, MAI, SRA
President

NYS Certified General Real Estate
Appraiser #46000004052

JPR:amh

3e.



BRUCKNER, TILLET, ROSSI, CAHILL & ASSOCIATES

A full-service real estate appraisal, analysis and consulting group

*Christopher S. Tillett, MAI, SRA
Kevin L. Bruckner, MAI, CCIM
Alfred T. Rossi, SRA
Patrick W. Cahill, SRA*

June 11, 2012

Town of Brighton
Assessor's Office
2300 Elmwood Avenue
Rochester, NY 14618

Re: Appraisals: 3161 East Avenue – mansion on 2.49 acres
.85 acre residential building lot at 3165 East Avenue

1 year – 2011 assessment roll/July, 2010 valuation date

Dear Elaine,

The quote for preliminary on 3161 East Avenue is \$2,500. For court ready it would be \$3,500.

The preliminary for 3165 East Avenue is \$1,000. For court ready it would be \$1,500.

The turnaround time would be 8 weeks.

My hourly rate for certiorari consultation is \$200 an hour.

Sincerely,

Kevin Bruckner

(3f.)

MIDLAND APPRAISAL ASSOCIATES, INC. REAL ESTATE COUNSELING & APPRAISAL SERVICES



David C. Schwaner, MAI
Jay J. Loson, MAI
David H. Rogachefsky, MAI, SRA
James A. LeGrett

June 7, 2012

Ms. Elaine K. Ainsworth, IAO
Assessor, Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Re: 3162 East Avenue (House) & 3165 East Avenue (.85 Acre Site)

Dear Elaine:

Pursuant to your request, Midland Appraisal Associates, Inc. agrees to provide to you with appraisal services for the above referenced properties to be used to in a tax certiorari proceeding.

Restricted Appraisal Reports:

3162 East Avenue - Fee of \$2,500 URAR Form with Narrative Sections
3165 East Avenue - Fee of \$1,500 Land Form with Narrative Sections

Conversion from Restricted to Court Ready Appraisal Reports:

3162 East Avenue – additional fee of \$2,500
3155 East Avenue – additional fee of \$1,500

If needed, hourly consultation rate of \$200.00 per hour.

If you have any questions, please do not hesitate to call me at (585) 381-5425, ext. 129.

Very Truly Yours,

James A. LeGrett
Managing Partner, Residential Division
Midland Appraisal Associates, Inc.

AGREED TO AND ACCEPTED BY:

DATE: _____

39.



GAR ASSOCIATES, INC.
Real Estate Appraisers and Consultants

June 12, 2012

Ms. Elaine K. Ainsworth, IAO
Assessor
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618
elaine.ainsworth@townofbrighton.org

Re: Request for Appraisals of:
1) 3161 East Avenue, Brighton, New York
2) 3165 East Avenue, Brighton, New York
B-9347

Dear Ms. Ainsworth:

Pursuant to your request we can prepare **Real Estate Appraisals** of the above-referenced properties in both **"Preliminary/Summary" Reports** and **"Court-Ready/Self-Contained" Reports** for fees outlined below, depending upon the scenario.

The intended use of the appraisals is to estimate market value for tax certiorari purposes for both preliminary and court-ready purposes. The intended users of the appraisals depend upon the scope of work with the "Preliminary/Summary Report" prepared primarily for the client with the intention to be used for negotiation purposes. However, the Preliminary Report is not intended to be exchanged in court. The "court-ready" report would also be prepared for use by the court.

The 3161 East Avenue property entails a large single-family residence while the 3165 East Avenue property is a vacant residential lot.

	<u>"Preliminary/Summary" Reports</u>	<u>"Court-Ready/Self-Contained" Reports</u>
Combined Fee:	\$1,500	Additional \$2,000
Timing:	1 month	Additional 1 month

Attached is our standard engagement contract, which you are to sign and return in order to formally engage us.

Please do not hesitate to contact me if you have any questions pertaining to this proposal and thank you for considering GAR Associates for your real estate appraisal and consulting needs.

Sincerely,

GAR Associates, Inc.

Ronald J. Rubino, MAI
Vice President

rjr:nw
Attachments

CORPORATE OFFICE:
2399 SWEET HOME ROAD AMHERST, NEW YORK 14228 TEL.716-691-7100 FAX.716-691-7770 TOLL FREE: 1.800.836.0382

ALBANY OFFICE:
915 BROADWAY ALBANY, NEW YORK 12207 TEL.518.694.3770 FAX.518.694.3773 TOLL FREE: 1.800.836.0382

3h.



GAR ASSOCIATES, INC.
Real Estate Appraisers and Consultants

June 12, 2012

Ms. Elaine K. Ainsworth, IAO
Assessor
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618
elaine.ainsworth@townofbrighton.org

Re: Request for Appraisals of:
1) 3161 East Avenue, Brighton, New York
2) 3165 East Avenue, Brighton, New York
B-9347

	<u>"Preliminary/Summary" Reports</u>	<u>"Court-Ready/Self-Contained" Reports</u>
Combined Fee:	\$1,500	Additional \$2,000
Timing:	1 month	Additional 1 month

ACKNOWLEDGMENT

The undersigned is the duly authorized representative for the property to be subjected to the real estate analysis discussed herein, for the purposes identified. Further, the undersigned agrees to engage GAR Associates, Inc. to undertake the analysis of the real estate captioned above in accordance with the scope of services in the above listed proposal and subject to the attached limiting conditions.

Payment is due within 20 days of completion of the appraisal report, unless other prearrangements have been made.

Date: _____ Signature: _____

Name (print): _____

Title: _____

NOTE: Please retain one copy for your files and return one signed copy to GAR ASSOCIATES, Inc. Thank you.

CORPORATE OFFICE:

2399 SWEET HOME ROAD AMHERST, NEW YORK 14228 TEL. 716-691-7100 FAX. 716-691-7770 TOLL FREE: 1.800.836.0382

ALBANY OFFICE:

915 BROADWAY ALBANY, NEW YORK 12207 TEL. 518.694.3770 FAX. 518.694.3773 TOLL FREE: 1.800.836.0382

31



**STATEMENT OF BASIC
ASSUMPTIONS AND LIMITING CONDITIONS**

FOR THE PURPOSE OF THIS APPRAISAL IT IS ASSUMED:

1. That the title to the property is marketable.
2. That the property is free and clear of all liens.
3. That there are no encumbrances or defects of title.
4. That there is and will continue to be responsible ownership and competent management.

THE APPRAISAL IS MADE SUBJECT TO THE FOLLOWING LIMITING CONDITIONS:

1. No responsibility is assumed for matters of a legal nature.
2. Unless otherwise stated in this report, no responsibility is assumed for subsurface soil conditions; soil conditions are presumed stable and free of any natural or man-made contaminants.
3. If improved, the building is assumed free of any hazardous building materials (e.g., asbestos, urea formaldehyde) unless otherwise stated in this report.
4. Information, estimates, and opinions furnished to the appraiser and contained in the report were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished the appraiser can be assumed by the appraiser.
5. No engineering survey of the property was made, and the appraiser assumes no responsibility in this connection. The sketches in this report are approximate only, included to assist the reader in visualizing the property.
6. This appraisal was made for the purpose stated and should not be used for any other purpose.
7. The values assigned to the land and improvements are their value in relation to each other and should not be used separately.
8. The appraiser is not required to give testimony or attendance in Court or any hearing unless arrangements have been made in advance of the acceptance of the appraisal assignment and the fees are based upon this knowledge by the Appraiser. If this knowledge is not known at the time of employment, then negotiations must be made with Appraiser at the time the knowledge becomes known or the Appraiser may decline to testify and permission to use the appraisal for any purpose may be withdrawn.

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**STATEMENT OF BASIC
ASSUMPTIONS AND LIMITING CONDITIONS
(continued)**

9. In instances of new construction, additions, rehabilitations and remodeling of improvements, we assume compliance with State and local building codes with respect to design and construction materials.
10. The analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of Uniform Standards of Professional Appraisal Practice and the code of Professional Ethics set forth by the Appraisal Institute.
11. The use of this report is subject to the requirements of the Appraisal Institute, relating to review of its duly authorized representatives.
12. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraisers or the firm with which they are connected, or any reference to the Appraisal Institute, or to the MAI, RM, SRPA, SRA designations), shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication without the prior written consent and approval of the Appraiser. We are aware that the report may be submitted to individuals requesting a copy under the Freedom of Information Act.
13. **MARKET VALUE** is the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:
 - (1) Buyer and seller are typically motivated;
 - (2) both parties are well informed or well advised, and each acting in what he considers his own best interest;
 - (3) a reasonable time is allowed for exposure in the open market;
 - (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
 - (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

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GAR ASSOCIATES, INC.
APPRAISAL QUALIFICATIONS OF RONALD J. RUBINO, MAI

PRESENT OCCUPATION:

Mr. Rubino is a Vice President and partner, and a full-time real estate appraiser and consultant with GAR Associates, Inc. at 2399 Sweet Home Road, Amherst, New York. He specializes in a wide variety of valuation and consulting assignments throughout mainly New York State. Mr. Rubino is qualified as an expert with extensive experience in tax certiorari and other valuation proceedings.

EDUCATION:

State University of New York at Buffalo
Bachelor of Science - Business Administration
Concentrations in Accounting and Finance

Williamsville South High School

PROFESSIONAL EXAMS COMPLETED:

Appraisal Institute's Comprehensive Exam - February 1991, Toronto, Ontario

New York State's Department of Transportation General Real Estate Appraisers Examination -1989, Buffalo, New York.

New York State General Certification Exam - 1991, Buffalo, New York

PROFESSIONAL DESIGNATION:

MAI Awarded by the Appraisal Institute

CERTIFICATIONS:

New York State Certified General Real Estate Appraiser - Certificate No. 46-4421

EXPERT WITNESS

Mr. Rubino testified as an expert witness in the New York State Supreme Court, and Erie County Surrogates Court. Mr. Rubino has also prepared litigation appraisals for the United States Department of Justice and New York State Court of Claims and has also appeared before the City of Buffalo's Assessment Review Board.

APPRAISAL INSTITUTE PAST PRESIDENT

Mr. Rubino served as president of the Appraisal Institute's Western New York - Ontario Chapter in 1995, 2000 and 2002.

APPROVED INSTRUCTOR

Mr. Rubino is an approved seminar instructor with both the Appraisal Institute and the New York State Department of States Appraisal Division. Mr. Rubino has conducted seminars for the Appraisal Institute, Erie County Bar Association, the University of Buffalo Law School and the International Association of Assessing Officers (IAAO).

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GAR ASSOCIATES, INC.
APPRAISAL QUALIFICATIONS OF RONALD J. RUBINO, MAI
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APPRAISAL COURSES AND SEMINARS ATTENDED:

Mr. Rubino has attended numerous courses and seminars, most of which were provided through the Appraisal Institute, pertaining to many aspects of real estate and business valuation, and consulting between 1986 and the present. The courses included the required curriculum of both the Appraisal Institute and New York State required for the MAI designation and New York State general certification.

Continuing education courses have included standards of professional appraisal practice and business practice & ethics on a routine basis. Some of the seminar topics included business practice, valuation of detrimental conditions, timber valuation, easements/ encroachments, discounted cash flow analysis, income property valuation, comprehensive appraisal examination workshop, Marshall & Swift Cost Valuation and numerous others.

CLIENTS:

Clients include a variety of banks, credit unions, other lending institutions, mortgage brokers, municipalities, assessors, government agencies, U.S. Department of Justice, the U.S. General Services Administration, the New York State Department of Transportation (Buffalo & Rochester regions), developers, attorneys and private users.

Some municipal clients include the cities of Buffalo, Rochester, Niagara Falls, North Tonawanda, Lockport, Dunkirk, Jamestown, Olean and Batavia. Some of the towns serviced include Amherst, Cheektowaga, Tonawanda, Clarence, Hamburg and Lockport.

Other regional and state clients include the New York State Department of Transportation, New York State Office of Parks Recreation and Historic Preservation, Niagara Frontier Transportation Authority (NFTA), Erie County, Monroe County and Chautauqua County.

Utility companies serviced include National Fuel, National Grid, Niagara Mohawk, Erie County Water Authority and Verizon.

TYPES OF VALUE APPRAISED:

Market, going-concern, business, insurable, liquidation, use, assessment and go-dark.

INTENDED USES OF APPRAISAL AND CONSULTING SERVICES:

Financing, acquisition, disposition, liquidation, tax assessment, estate, divorce, partnership, mass valuation, condemnation, market rent and impact studies from adverse conditions. Condemnation appraisals have been prepared in a number of communities and major highways including Transit Road, Niagara Falls Boulevard, Millersport Highway, Route 219 and Route 60.

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GAR ASSOCIATES, INC.
APPRAISAL QUALIFICATIONS OF RONALD J. RUBINO, MAI
Page 3

PROPERTY TYPES APPRAISED:

Retail:

Regional malls, power centers, "big box" retail stores, supermarkets, "net lease" and national chain pharmacies

Restaurant:

Fast food, family, national chain, drive-in

Office/Banks:

Downtown high-rise, suburban Class A (Geico Headquarters – Amherst, Bank of America Facility – Amherst, Ingram Micro– Amherst), post offices, branch banks and bank headquarters

Medical Office:

Suburban Class A, single-user, multi-tenant

Vehicle-Related:

Auto Dealerships, auto service, car washes

Industrial:

Industrial and light industrial, food processing, research and development and heavy manufacturing including Bethlehem Steel, Republic Steel, Dunkirk Steel and American Axle

Warehouses:

Single-user and multi-tenant including mega warehouses, cold storage and truck terminals.

Air Cargo:

Including Buffalo-Niagara International Airport and Rochester International Airport

Hotel:

Downtown, suburban, airport, new construction

Apartments:

Conventional, low-income

Condominiums:

Residential, office, industrial and retail

Other:

Mobile home parks, campgrounds, nursing homes, senior housing, athletic fields, churches, convents, cinemas, schools, libraries, veterinary clinics, day care centers, gas stations, tennis centers, ice rinks (including Pepsi Center), bowling alleys, golf courses, country clubs, ski resorts, race tracks, parking garages, parking lots, lumber yards, marinas, airports, amusement parks, vacant residential, vacant multi-family, vacant commercial, vacant agricultural, vacant industrial, residential subdivisions, commercial subdivisions, industrial subdivisions, grain elevators, farms, horse farms, orchards, muckland and vineyards

Waterfront:

Improved and vacant land on lakes Erie, Ontario, Chautauqua, Canandaigua, Keuka, Niagara River, Genesee River, Oswego River and St. Lawrence River

Contaminated Properties:

Including Bethlehem Steel, LTV Steel, Hanna Furnace, Chenengo Steel, Tift Nature Preserve and Cherry Farm sites

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GAR ASSOCIATES, INC.
APPRAISAL QUALIFICATIONS OF RONALD J. RUBINO, MAI
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IMPACT STUDIES:

Impact studies and analyses have been prepared analyzing potential diminution in value and stigma associated with an adverse environmental condition or non-conforming property use. Some of the studies included the following:

- Proposed "big box" retail on a residential neighborhood
- Landfill on a residential neighborhood
- Railroad on a residential neighborhood
- Wind farm on a residential and rural neighborhood
- Gas station on a residential neighborhood
- Industrial on a waterfront residential neighborhood
- Great Lakes coal conveyor for power plant on residential neighborhood

TERRITORIES APPRAISED IN:

Mr. Rubino has prepared appraisal and consulting services across all of New York State including the Western New York, Finger Lakes, Central, Southern-Tier, Northern, Mohawk Valley, Capital District, Hudson Valley and Downstate Regions of New York State along with western Pennsylvania and northeastern Ohio. These regions include the cities of Buffalo, Niagara Falls, Lockport, Albion, Medina, Lackawanna, Rochester, Syracuse, Utica, Gloversville, Johnstown, Little Falls, Cobleskill, Herkimer, Mohawk, Albany, Schenectady, Glens Falls, Queensbury, Lake George, Saratoga, Ticonderoga, Watertown, Messina, Malone, Ogdensburg, Plattsburgh, Dunkirk, Jamestown, Lockport, Warsaw, Batavia, Cortland, Ithaca, Elmira, Binghamton, Poughkeepsie, Newburgh, Erie Pennsylvania, Pittsburgh Pennsylvania, Cleveland Ohio and Akron Ohio.

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TOWN OF BRIGHTON
ASSESSOR'S OFFICE
2300 Elmwood Avenue
Rochester, NY 14618
(585) 784-5216

June 20, 2012

To: Town of Brighton Finance Committee
Town Board Members
Supervisor Moehle

From: Elaine Ainsworth, Town Assessor

Elaine Ainsworth

Re: Cost Sharing Agreement with
Pittsford Central School District

GAR Associates, Inc. for certiorari appraisal of
70 and 80 Linden Oaks

The Pittsford Central School District has filed a motion to be a party to the certiorari proceedings for the properties located at 70 and 80 Linden Oaks.

Please authorize me to prepare and the Town Supervisor to enter into a 50/50 Cost Sharing Agreement between the Town of Brighton and Pittsford Central School District for the expenses related to the appraisal services now under contract with GAR Associates, Inc. for the above referenced appraisal.

Agreement
Between Town of Brighton
And
Pittsford Central School District

This Agreement is made as of the _____ day of _____, 2012 by and between the Town of Brighton, with offices at 2300 Elmwood Avenue, Rochester, NY 14618 (the "Town") and Pittsford Central School District, with offices at 42 West Jefferson Road, Pittsford, NY 14534 ("PCSD").

Whereas, the Town has entered into an agreement with GAR Associates, Inc. (GAR) for appraisal services in connection with the tax certiorari litigation involving properties located at 70 and 80 Linden Oaks, which are located within the corporate boundaries of the PCSD; and

Whereas, PCSD desires to join in the Town in obtaining such appraisal services, to ensure the properties in question are properly valued for the purposes of property tax collection, and to that end agrees to reimburse the Town for 50% of the cost of such appraisal services, subject to the terms and conditions hereof; and

Now, Therefore, in consideration of the mutual covenants and agreements of the parties hereto as set forth herein, it is agreed as follows:

1. Appraisal Services. The PCSD and the Town agree that the Town as retained GAR Associates, Inc. to provide property appraisal services to value two parcels of real property, 70 Linden Oaks (262000 138.10-1-51.1 owned by Lp li Llc) and 80 Linden Oaks (262000 138.10-1-52.1 owned by Gianniny Associates) that are the subject of property tax certiorari litigation brought by Lp li Llc and Gianniny Associates against the Town, under the terms of an Agreement attached hereto as Exhibit A. Under the terms of the Agreement, the Town has initially sought a Summary Appraisal Report from GAR, and may further contract for a Self Contained Appraisal, in the event that litigation makes a Self Contained Appraisal necessary.

2. Reimbursement. The PCSD agrees to reimburse fifty percent (50%) of the costs of the services obtained by the Town from GAR under the terms of the Agreements with GAR, including the cost of appraisals and any cost of court preparation and/or appearances. The Town agrees to pay invoices it receives from GAR on a timely basis, and to thereafter provide PCSD with a copy of such invoice and proof of the payment, together with

such other documentation as the PCSD may reasonably require under its standard purchasing policies. Following the receipt of such documentation from the Town, the PCSD agrees to reimburse the Town its full fifty percent share of each Town invoice promptly

- 3. Mutual Consultation. The Town and the PCSD agree to consult each other concerning the Linden Oaks tax certiorari; however the Town shall have the final authority to make decisions concerning the litigation and the procurement of services under the GAR Agreement. The parties agree that to the extent permitted by law, any discussions concerning the litigation shall be conducted in Executive Sessions of the Brighton Town Board and PCSD Board of Education, respectively.
- 4. Entire Agreement. This Agreement represents the full and complete agreement between the parties. No changes may be made in any of the terms of this Agreement, nor any provision modified or waived, except in writing signed by the parties.
- 5. Authorization. The undersigned represent that they are authorized to execute this Agreement on behalf of the Town or the PCSD, and that the Town and the PCSD are both authorized to enter into this Agreement and perform their respective obligations described herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and date first set forth above

PITTSFORD CENTRAL SCHOOL DISTRICT

TOWN OF BRIGHTON

By _____

By _____

Its _____

William W. Moehle,
Supervisor