

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
FEBRUARY 27, 2013

PRESENT:

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

MEETING CALLED TO ORDER AT 7:03 PM

OPEN FORUM:

Janice Toland
Paul Beiter

APPROVAL OF AGENDA:

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

January 9, 2013 Town Board Meeting

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to approve and file the aforementioned minutes

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Jody Siegle and Reuben Epstein dated February 16, 2013 to Supervisor regarding their support in preserving open space in Brighton

FROM Town Court Judges Karen Morris and John Falk dated February 11, 2013 to Supervisor and members of the Town Board; submission of the 2012 Brighton Town Court Annual Report.

FROM Sarah Lentini, President and CEO Greater Rochester Arts & Cultural Council dated February 15, 2013 to Supervisor regarding award to the Brighton Symphony of a Decentralization Council Grant in the amount of \$2,845.

FROM Jennifer Ries-Taggart, Director Brighton Library to Supervisor copy of the 2013-2017 Long Range Plan for the Brighton Memorial Library.

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to receive and file the aforementioned communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services – Announcements re: Prescription Recycling 4/27/13 from 1-4 PM; Clean Sweep 5/4/13 from 9:00 AM – 2:00 PM; Electronics Recycling and Paper Shredding 5/18/13 from 9:00 AM – 12:00 PM

Finance and Administrative Services – Next meeting 3/5/13 at 3:30PM in Downstairs Meeting Room

Public Safety Services – Next meeting 3/12/13 at 8:00 AM in Downstairs Meeting Room

Public Works Services – Next Meeting 3/4/13 at 9:00 AM in Downstairs Meeting Room

NEW BUSINESS:

MATTER RE: Reading and approval of claims

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel that the Supervisor read and approve for payment the claims as set forth in Exhibit No. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive, file and approve proposed Elector Initiated Dissolution Plan for the West Brighton Fire Protection District and set April 10, 2013 as public hearing for same (see Resolution #1 and proposed plan).

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel that the Town 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 of the 2012 Service Awards Program (SAP) points earned for the West Brighton Fire Department Volunteers with authorization for Supervisor to execute all related documents for same (see Resolution #2, letter dated February 15, 2013 from Suzanne Zaso, Director of Finance and related information).

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. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Ewing Letter and Graphics to provide police vehicle striping services for 2013 with option to extend agreement for three additional one-year terms pending future budget allocation and Town Board approval (see Resolution #3 and letter dated February 14, 2013 from Police Chief Mark Henderson).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize bid award to Woodgate Landscaping to provide mowing and landscaping services for 2013 with option to extend agreement for two additional one-year terms pending future budget allocations and Town Board approval (see Resolution #4, letter dated February 15, 2013 from Jerry LaVigne, Director of Parks and Recreation and bid summary information).

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: Authorize bid award and approval for Supervisor to execute agreement with Bruckner, Tillett, Rossi, Cahill Associates to provide Court Ready Appraisal services for 2729 and 2833 Monroe Ave. (see Resolution #5, letter dated February 15, 2013 from Elaine Ainsworth, Assessor and bid summary information).

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. 6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to declare two (2) Town of Brighton Police vehicles as surplus and authorize their disposal through the annual Municipal Equipment Auction (see Resolution #6 and letter dated February 11, 2013 from Police Chief Mark Henderson).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize bid award and approval for Supervisor to execute agreement with Waste Management to provide refuse/recycling/dumpster services to various town locations for 2013 with option to renew for three additional one-year terms, pending future budget allocations and Town Board approval (see resolution #7, letter dated February 17, 2013 from Timothy Keef, P.E. Commissioner of Public Works and bid summary information).

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: Authorize bid award and approval for Supervisor to execute agreement with M.L. Caccamise Electric Corp. to provide street light maintenance services for 2013 with option to renew for three additional one-year terms pending future budget allocations and Town Board approval (see Resolution #8, letter dated February 17, 2013 and bid summary information).

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. 9 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize bid award and approval for Supervisor to execute agreement with Milton Caterpillar Inc. to purchase one (1) Backhoe Loader for Highway Dept. along with approval to declare current Backhoe Loader as surplus to be used for trade-in (see Resolution #9, letter dated February 17, 2013 from Timothy Keef, P.E. Commissioner of Public Works and bid summary information).

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 10 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize bid award and approval for Supervisor to execute agreement with Milton Caterpillar Inc. to purchase one (1) Backhoe Loader for Sewer Dept. along with approval to declare current Backhoe Loader as surplus to be used for trade-in (see Resolution #10, letter dated February 17, 2013 from Timothy Keef, P.E. Commissioner of Public Works and bid summary information).

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. 11 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file proposed Incentive Zoning Application for Dunkin Donuts to be located at 1285 E. Henrietta Road, Brighton (see Resolution #11, letter dated February 26, 2013 from Ramsey Boehner, Town Planner and proposed application dated February 2013).

Motion by Councilmember Jason DiPonzio seconded by Councilmember Christopher Werner that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 12 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to amend Town Procurement Policy to allow purchases and/or contracts for services to include any governmental contract pricing available within any county, political subdivisions or districts in New York State (see Resolution #12 and letter dated February 20, 2013 from Suzanne Zaso, Director of Finance).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize a 2012 budget transfer in the amount of \$41,886.70 for the Parkland Purchase and Development Capital Project to reflect actual versus estimated expenditures (see Resolution #13 and letter dated February 21, 2013 from Suzanne Zaso, Director of Finance).

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. 14 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Accept with regret, letter from Jerry L. LaVigne, Director of Parks and Recreation dated February 14, 2013 to Supervisor announcing his retirement effective March 9, 2013 (see Resolution #14).

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. 15 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Expense and Revenues for month ending January 2013

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel that the January 2013 Expense and Revenue report be received and filed

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to compose and send written communication on behalf of the Town Board to the NY State Assembly, NY State Senate and the Governor's office to express support of the passage of Assembly Bills A.88 and A.824 making it mandatory for lending institutions to provide contact information of vacant structures (see Resolution # 01-23-13.07)

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. 16 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

EXECUTIVE SESSION:

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to go into executive session at 8:15 PM to discuss matters of litigation relating to the West Brighton Fire Department and to discuss the employment of a particular person

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to come out of executive session at 9:39 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

ADJOURN:

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to adjourn at 9:40 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Daniel Aman, 131 Elmore Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceedings of the Town of Brighton, County of Monroe, State of New York meeting held on the 27th day of February, 2013 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

February 27, 2013

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

A - GENERAL	\$ <u>492,044.87</u>
D - HIGHWAY	<u>117,089.48</u>
H - CAPITAL	<u>18,039.35</u>
L - LIBRARY	<u>135,293.53</u>
SF - FIRE DIST	<u>188,196.40</u>
SS - SEWER DIST	<u>44,715.49</u>
TA - AGENCY TRUST	<u>32,306.59</u>
TOTAL	\$ <u>1,027,685.71</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 27th day of February, 2013.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

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

WHEREAS, in response to such petition, the Town Board scheduled a referendum to be held on August 8, 2012 and at such referendum, a majority of electors voting, voted in favor of dissolution of the West Brighton Fire Protection District, and

WHEREAS, the Town Board of the Town of Brighton as the Commissioners of the West Brighton Fire Protection District met within thirty days after certification of the favorable vote and has developed a Proposed Elector Initiated Dissolution Plan within six months after the results of the referendum were certified, pursuant to the provisions of General Municipal Law Section 783, it is hereby

RESOLVED, that the Proposed Elector Initiated Dissolution Plan for the West Brighton Fire Protection District annexed to this resolution, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the annexed Proposed Elector Initiated Dissolution Plan for the West Brighton Fire Protection District pursuant to Section 783 of the New York General Municipal Law and sets a public hearing on said proposed Plan for April 10, 2013 at 7:30 pm or as soon thereafter as said hearing may be held at the Brighton Town Hall, 2300 Elmwood Avenue in the Town of

Brighton, County of Monroe, State of New York at which time any interested person shall have a reasonable opportunity to be heard on any aspect of the proposed dissolution; and be it further

RESOLVED, the Town Board hereby directs the Town Clerk no later than five business days after the approval of the Proposed Elector Initiated Dissolution Plan for the West Brighton Fire Protection District to

1. cause a copy of the proposed Elector Initiated Dissolution Plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the West Brighton Fire Protection District;
2. cause the proposed Elector Initiated Dissolution Plan, along with a descriptive summary thereof and a reference to the public place or places within the West Brighton Fire Protection District where a copy thereof may be examined, to be displayed on the Town's website; and
3. arrange to be published a descriptive summary of the proposed Elector Initiated Dissolution Plan and a reference to the public place or places within the West Brighton Fire Protection District where a copy thereof may be examined, at least once each week for four successive weeks in a newspaper having a general circulation within the entity; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to publish no earlier than March 21, 2013 and no later than March 31, 2013 in a newspaper or newspapers having general circulation within the West Brighton Fire Protection District and display on the Town website notice of the public hearing to be held on April 10, 2013 as referenced above along with a descriptive summary of the proposed Elector Initiated Dissolution Plan, and a reference to the public place or places within the West Brighton Fire Protection District where a copy of such plan may be examined.

Dated: February 27, 2013

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

**PROPOSED ELECTOR INITIATED DISSOLUTION PLAN FOR THE WEST
BRIGHTON FIRE PROTECTION DISTRICT**

PURSUANT TO GENERAL MUNICIPAL LAW SECTION 782

A. ENTITY TO BE DISSOLVED

The entity to be dissolved is the West Brighton Fire Protection District.

B. TERRITORIAL BOUNDARIES

The territorial boundaries of the West Brighton Fire Protection District are that part of the Town of Brighton, County of Monroe, State of New York that is North of the Henrietta Town Line, South & West of the Erie Canal, South & East of the Genesee River, specifically including, but not limited to, the properties located on the following streets or portions thereof located in the above described territory: Alexander Hall, Bastian Rd, Brighton-Henrietta Town Line Rd, Brightwoods Ln, Bronx Dr, Canal Hall, Centre Dr, Conant Rd, Crittenden Rd, Delaware Ave, Doncaster Rd, East Henrietta Rd, East River Rd, East Squire Dr, Furlong Rd, Helen Rd, Idle Ln, Jefferson Rd, Lantern Ln, Norman Rd, Park Cir, Pioneer Hall, Quinby Rd, Remington Pkwy, Richardson Rd, Riverside Dr, Southern Dr, South Clinton Ave, Southland Dr, Sunnyside Dr, Sylvia St, West Henrietta Rd, West Squire Dr and Woodsmeadow Ln.

C. TYPE AND OR CLASS OF ENTITY

The West Brighton Fire Protection District is a Fire Protection District organized and existing under Article 11 of the Town Law of the State of New York.

D. FISCAL ESTIMATE OF COST OF DISSOLUTION

The fiscal estimate of the cost of dissolution, including but not limited to publication, professional services and disbursements from the process of dissolution, plus start up costs by the Henrietta Fire District currently estimated at approximately \$200,000.00, primarily consisting of equipment costs and expense to remodel the bunk room at the West Henrietta Road fire station. Those transition costs may be reduced to the extent that equipment now owned by the West Brighton Fire Department can be used by the Henrietta Fire District, or to the extent that such equipment is not usable, that it can be sold and the proceeds applied to replacement equipment. Dissolution will also result in the termination of the West Brighton Fire Protection District's contract with the City of Rochester for fire protection services in the district, which has annual cost of \$750,000.00 for the 12-month period ending July 31, 2013, and an annual cost of \$772,500.00 for the 12-month period ending July 31, 2014. The pro-rated annual fee for this service will be eliminated for the district upon dissolution. To effectuate the transfer of assets

contemplated by this plan of dissolution it may be necessary to incur additional professional costs and disbursements in the course of continuing litigation regarding said assets, as noted in Paragraph F below. At this time, it is impossible to estimate the cost of such litigation. The Town of Brighton and Brighton Fire Department jointly received a grant from the New York Department of State Municipal Services Incentive Grant Program, to conduct the study that led to the reorganization of fire service in West Brighton. That program also makes grant funds available to qualifying municipalities on a follow up basis to assist with transition expenses for qualifying local government consolidations, and the Town of Brighton intends to apply for such funding in relation to this proposed Dissolution Plan.

E. PLAN FOR TRANSFER OR ELIMINATION OF PUBLIC EMPLOYEES

The West Brighton Fire Protection District is currently managed by a District Administrator on a part time basis, at an annual salary of \$4,458. The position of District Administrator would be eliminated upon dissolution. The individual who serves in this District Administrator position also serves as Fire Marshal to the Town of Brighton and receives separate compensation for said position. It is anticipated that the individual would continue in his position as Fire Marshal and would continue to be paid his current Fire Marshal salary and benefits in retaining that position.

F. ASSETS OF THE WEST BRIGHTON FIRE PROTECTION DISTRICT

The assets of the West Brighton Fire Protection District are:

1. Fire Protection District funds deposited at Bank of America and JPMorgan Chase Bank in the approximate amount of \$1,641,134, which includes \$740,175 in real property tax receipts and payments in lieu of taxes for 2013, which have yet to be expended for fire service under the existing contract with the City of Rochester Fire Department.
2. Fire Engine 503 – a 2003 pumper with an estimated value of \$100,000 ;
3. Length Of Service Award Program (“LOSAP”) account balance held at Bank of America in the approximate amount of \$831,986 as of 1/1/12.
4. Under the terms of a contract by and between the West Brighton Fire Protection District and the West Brighton Fire Department, Inc., dated as of January 1, 2011, under which the West Brighton Fire Department, Inc. formerly provided fire protection services to the Fire Protection District, all real property, including but not limited to real property located at 2695 West Henrietta Road and at 41 Riverside Drive, all fixtures and equipment of any kind and all other assets, including but not limited to all funds of any kind, and any and all other assets of the West Brighton Fire Department, Inc., tangible or intangible, real or personal, wherever located owned by the West Brighton Fire Department, Inc. as of August 1, 2012, the date that contract was terminated, were to be transferred to the Town or its designee, for the provision

of fire service within the area of the Fire Protection District. The West Brighton Fire Department has breached that contract by refusing to turn those assets over to the Town, despite demand having been made, and accordingly the Town of Brighton has, on behalf of the Fire Protection District, commenced litigation against the West Brighton Fire Department demanding the turn over of those assets to the Fire Protection District, together with any replacements for any of those assets or other assets of the West Brighton Fire Department, Inc. acquired by the Department since that time. The assets to be transferred to the Fire Protection District by the West Brighton Fire Department pursuant to that contract include but are not limited to all items on the attached Schedule A, which is an asset list of the Department as of June 30, 2011, and an estimate of the fair market value of such assets is included therein. In many cases the list of assets does not describe a given asset sufficiently to accurately value that asset; as a result, the true fair market value of the assets is subject to significant uncertainty. Upon implementation of the Plan, the Town anticipates that certain of these assets, specifically including the West Henrietta Road fire station, will be transferred to the Henrietta Fire District, for use in providing fire service. Other assets will likely be sold or otherwise disposed of by the Town or the Henrietta Fire District and the proceeds applied to the separate taxing zone within the Henrietta Fire District that consists of the area of the West Brighton Fire Protection District.

G. LIABILITIES AND INDEBTEDNESS OF THE WEST BRIGHTON FIRE PROTECTION DISTRICT

The liabilities and indebtedness of the West Brighton Fire Protection District are:

1. The West Brighton Fire Protection District maintains a LOSAP for volunteer members of the West Brighton Fire Department, Inc. The net present value of such benefits is \$838,244 and the net present value of the assets of the LOSAP is \$831,986, in each case as of December 31, 2011, for a current net LOSAP liability of \$6,258, as of December 31, 2011. The West Brighton Fire Protection District is responsible for the net amount of such benefits. The West Brighton Fire Protection District anticipates that the LOSAP program will be cashed out as part of the dissolution, with vested members of the program receiving the actuarial adjusted amount of their benefit as of the time of dissolution.
2. Other liabilities incurred in the ordinary course of business, including specifically but not limited to any prorated amount due under the City of Rochester fire service contract upon termination.

H. AGREEMENTS ENTERED INTO WITH TOWN OF BRIGHTON OR OTHER MUNICIPALITIES IN ORDER TO CARRY OUT DISSOLUTION

The West Brighton Fire Protection District is currently under contract with the City of Rochester to provide fire protection and EMS first response in the District. This contract will terminate upon the effective date of dissolution and the absorption of the West Brighton Fire Protection District into the Henrietta Fire District. The Town of Brighton has retained counsel to advise it during the carrying out of the dissolution, under the terms of an engagement letter with counsel. The Town anticipates that certain expenses will be due to Penflex, the administrator of the LOSAP program for the West Brighton Fire Protection District, in connection with the planned termination of the LOSAP program. The amount of those expenses is currently anticipated to be approximately \$9,000.

I. MANNER AND MEANS BY WHICH RESIDENTS OF THE WEST BRIGHTON FIRE PROTECTION DISTRICT WILL CONTINUE TO BE FURNISHED MUNICIPAL SERVICES FOLLOWING DISSOLUTION

Fire Protection

The Henrietta Fire District proposes to absorb the current area located in the Town of Brighton and known as the West Brighton Fire Protection District into the Henrietta Fire District. Upon the effective date of the dissolution of the West Brighton Fire Protection District, the boundaries of the Henrietta Fire District would be simultaneously expanded to include those areas formerly included within the West Brighton Fire Protection District. Thereafter and as more fully described herein, fire service would be provided within such area by the Henrietta Fire District. The Henrietta Fire District, working with other public safety service providers serving the area, will develop an operational plan for fire and emergency medical service within the West Brighton area, following final approval of this Plan and during the transition period.

The Henrietta Fire District is governed by the Board of Fire Commissioners of the Henrietta Fire District, who are elected by the residents of the Henrietta Fire District, would continue to provide oversight of fire operations in the District and would be responsible for fiscal control of the District. The Henrietta Fire District will incorporate the area of the former West Brighton Fire Protection District into its current operational structure. The Henrietta Fire District Secretary/Treasurer will have day-to-day control of the business and human services operations. The fire suppression, emergency medical services, training, fire prevention activities, and all other operational functions will be under control of the Henrietta Fire District Fire Chief. Both of these positions are full time paid positions.

The Henrietta Fire District will provide fire protection to the former West Brighton Fire Protection District with a current force of thirty-six (36) career firefighters and five (5) officers, approximately eighty (80) volunteer officers and firefighters, and six (6) support

staff (dispatchers, mechanic, and secretary/treasurer). The combination of career and volunteer firefighters and officers will allow the Henrietta Fire District to provide a high level of service at a reasonable cost to the citizens. All firefighters and officers meet or exceed all OSHA and NYS training requirements. All career firefighters and officers are NYS EMT-D certified, as are many volunteers. The Henrietta Fire District plans to provide all services to the West Brighton Fire Protection District area that are currently provided within the Henrietta Fire District. These include fire suppression, first response Emergency Medical Service (EMS), fire prevention programs (including but not limited to: businesses, day care facilities, governmental agencies, youth groups etc.), special operations such as confined space rescue, trench rescue, and ice/water rescue, hazardous materials mitigation at the operations level, natural disaster assistance, and response to other emergencies as needed. Monroe County would continue to provide fire investigation and hazardous materials mitigation at the technician level.

The Henrietta Fire District plans to make significant efforts to increase the number of volunteer firefighters from within the area of the West Brighton Fire Protection District, and it will accept former West Brighton Fire Department volunteers that wish to seek membership as volunteers with the Henrietta Fire District, if those former volunteers meet standards established by the Henrietta Fire District. Also, the Henrietta Fire District plans to pursue a relationship with Monroe Community College and the fire protection program in regards to an intern program being established. Staffing will be reviewed and adjusted as needed by the Henrietta Fire District.

The West Henrietta Road fire station will be the primary location used to provide fire service within the former West Brighton Fire Protection District. The Station will be staffed by two paid Henrietta Fire District firefighters, a minimum of eight (8) hours per day Monday through Friday, along with additional paid and/or volunteer coverage as determined by the Henrietta Fire District. The West Henrietta Road fire station will be serviced by vehicles sufficient to accommodate the response to calls by both paid and volunteer firefighters from the West Henrietta Road firehouse, as determined from time to time by the Henrietta Fire District, including at a minimum, one pumper and one rescue truck at all times. Additional resources that will be available to provide fire protection to the former West Brighton Fire Protection District will include 6 additional fire stations, 9 engine companies, 1 100' aerial platform, 3 rescue companies, 1 special operations trailer (confined space, trench, and rope rescue), 1 fire prevention trailer/classroom, and numerous support vehicles, in addition to any equipment and other assets transferred from the West Brighton Fire Department by court order.

EMS Response

As part of the operational plan for transition to coverage for Emergency Medical Service first response by the Henrietta Fire District in West Brighton, the Town of Brighton, Brighton Volunteer Ambulance and the Henrietta Fire District will work jointly to ensure that emergency medical service first response and transport meets and exceeds regulatory standards. Brighton Volunteer Ambulance and Henrietta Volunteer Ambulance have successfully tested and intend to continue operating a program under which the two

agencies station rigs near Brighton Henrietta Town Line Road when the other agency is experiencing heavy call volume. As part of this program, Brighton Volunteer Ambulance is already periodically staging an ambulance and crew in the West Brighton Fire Protection District during these periods of time. It is anticipated that these inter-agency arrangements will remain in place and be strengthened to ensure timely and appropriate response to medical emergencies in West Brighton.

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

All of the assets of the West Brighton Fire Protection District including those assets acquired from and through the West Brighton Fire Department, Inc. will be transferred to the Henrietta Fire District for the purpose of providing fire protection services. All of the liabilities and indebtedness of the West Brighton Fire Protection District will be paid out of the accounts and funds of the West Brighton Fire Protection District before the transfer of said funds and assets to the Henrietta Fire District. All of the funds held by the West Brighton Fire Protection District in its LOSAP account will be distributed to the vested beneficiaries of the West Brighton Fire Protection District LOSAP in amounts sufficient to fully satisfy all vested benefits of the members of the plan. The Henrietta Fire District and Town of Brighton will establish a Special Taxing Zone pursuant to Section 176(27) of the Town Law of the State of New York with the same geographic boundaries as the former West Brighton Fire Protection District, to utilize the funds and other assets of the West Brighton Fire Department and the former Fire Protection District for the startup costs and ongoing fire protection and EMS response of the Henrietta Fire District in the Special Taxing Zone, to help both defray the expense to the taxpayers of the West Brighton Fire Protection District, and to insulate the other taxpayers of the Henrietta Fire District from the start-up costs and operational costs of the absorption of the West Brighton Fire Protection District into the Henrietta Fire District.

K. LOCAL LAWS, ORDINANCES, RULES OR REGULATIONS OF THE WEST BRIGHTON FIRE PROTECTION DISTRICT WHICH SHALL REMAIN IN EFFECT AFTER THE EFFECTIVE DATE OF DISSOLUTION

There are no existing Local Laws, Ordinances, Rules or Regulations of the West Brighton Fire Protection District.

L. EFFECTIVE DATE OF DISSOLUTION

The Effective Date of Dissolution will be approximately three months following the final adoption of this dissolution plan, contingent upon a final non-appealable Court Order

directing the transfer of assets to the Henrietta Fire District. Until the Effective Date of Dissolution, fire service will continue to be provided within the West Brighton Fire Protection District by the Rochester Fire Department, under contract with the Town.

M. TIME AND PLACE FOR PUBLIC HEARING ON PROPOSED DISSOLUTION PLAN

The Public Hearing on this Proposed Dissolution Plan will be held on April 10, 2013 at 7:30 pm or as soon thereafter as the hearing can be held at the Brighton Town Hall, 2300 Elmwood Avenue in the Town of Brighton, County of Monroe, State of New York.

N. OTHER MATTERS DESIREABLE OR NECESSARY TO CARRY OUT THE DISSOLUTION

Currently there is pending litigation through which the Town of Brighton is seeking to enforce the terms of its contract with the West Brighton Fire Department, Inc. under which the West Brighton Fire Department, Inc. is obligated to transfer the assets of the Department to the entity taking over fire protection in the West Brighton Fire Protection District. This dissolution plan is contingent upon the issuance of a final non-appealable Court Order enforcing the terms of the contract.

Quantity	Item Description	Value
1	Buildings & Grounds	
1	Firehouse - 2695 West Henrietta Road	1,440,000
	Truck Bay	
1	28' extension ladder fiberglass werner	300
1	12' step ladder - wood	200
1	Stereo system Sharp	200
2	Propane grills	200
1	Water/shop vac	200
1	Rolling metal cage	100
1	Flammable liquid cabinet	100
1	Power sprayer - mounted	500
2	Air (roller hose) for tires	1,000
2	80" Metal Cabinets (EMS Supplies)	200
1	Roller equipment rack for 15 SCBA bottles, back board, extra hose	400
1	Oxygen (12) slot rack	400
45	Wall mounted gear rack spots	100
2	Wooden picnic tables	2,000
1	Compressor	100
1	1994 Pierce Engine #504	200
1	2004 American LaFrance Engine #503	90,000
1	1998 Pierce Rescue Truck #508	100,000
1	1981 American LaFrance Ladder Truck #501	150,000
2	Hurst Tool	20,000
1	Snowblower	5,000
1	Fire Extinguisher simulator training	500
1	White board	500
	Utility Room - 1st Floor Rear	20
3	Storage Cabinets 80' X 24" X 28"	600
	Cleaning Supplies	
	Electrical Supplies	
	Radio Parts	
1	Step Ladder	20
2	Racks	50
1	Portable Battery Charger	50
6	MSA SCBAS	6,000
1 set	Washer, Dryer - Old Whirlpool	200
7	Extinguishers	200
3	Hose Jackets	200
1	Hose Clamp	150
3	PDF's	
4	Squeegies	
1	Wire stokes basket	25
1	Hand truck	25
2	Floor buffers	200
1	Vacuum	50
1	36" Sharp TV, VCR on rolling cart	300
1	Men's Room	
1	Women's Room	
	Stair Tower - Rear - Under Stairs - 1st Floor	
50	Stack Chairs (extra)	500

SCHEDULE A

WEST BRIGHTON INVENTORY

27

3	Folding Tables	60
	Radio Room	
3	Office Chairs	150
1	Dell Desktop Computer	500
1	HP Office Jet 6000 Printer	50
1	Six slot battery charging station for portable radios	50
1	Large glass covered bulletin board	100
1	Wall-mounted flat screen TB	100
2	Office Cabinets	100
2	Overhead bins	100
1	Tyco Alarm System/Simplex Panel Box	
1	Base FF Radio - MDT, Flat Screen, Doors, Lights, Control Panel	
	Kitchen	
1	"True" Refrigerator - 2 door	1,000
1	"True" Freezer	500
1	6 burners Vulcan 2-door oven	1,000
1	Island with 3 high back stools	100
1	Overhead exhaust with extinguisher system	200
1	32" Wall-mounted "Zenith" color TV	200
1	Washer "Samsung" Front Load	300
1	Dryer "Samsung" Front Load (gas)	300
1	Ice-O-Matic Ice Machine	1,000
1	Large Stainless Steel sink with Sprayer	200
1	Whirlpool Dishwasher	100
1	Panasonic Microwave Oven	50
1	Bunn (2) pot/plumbed to water Coffee Machine	50
2	Sinks	
1	Toaster Oven	
1	Toaster	
	Meeting Room 1st Floor	
1	40" LCD TV	300
1	VCR	50
1	Audio Receiver	50
1	Ceiling Projector	50
1	Drop-down screen	50
6	Office Chairs	120
20/25	Tables	400
60	Chairs	600
1	Copier	200
1	White Board/Inside Wall-Mounted Wood Cabinet	20
1	Large Wall-Mounted White Board	50
	Storage Closet 1st Floor - Across from Radio Room	
2	80" X 36" X24" Storage Cabinets	200
2	5 Shelf Metal Adjustable Racks	40
	Front Stair Tower 1st Floor	
2	(24) Small Locker Storage	100
1	Small Typewriter Table	10
	Hallway 1st Floor	
1	60 Slot+ 6 Locked Slots Mailbox - Wall mounted	100
2	Bulletin Boards	40
1	Glass/Locked Wall Mounted Bulletin Board	20
	Utility Room 2nd Floor	

	Rack System Holding Used Turn Out Gear:		
6	Chief Coats	}	2,000
5	FF Coats		
6	FF Bunker Pants		
	Various Sizes FF Boots	}	800
4	Storage Cabinets 80" X 36" X 24" containing FF Gloves; Shields; Goggles; Bump Helmets; Radio Equipment and parts; Fatigue Uniforms - pants & shirts; Dress Uniforms, hats and jackets		
	Computer Server/Tower	}	1,000
1	Hot Water Tank		
1	Bathrooms with showers (1 men & 1 women)		100
2	Large Bulletin Board		50
Hallway	Slop Room 2nd Floor		
	Mop Bucket/Strainer		
1	Bunk Room 2nd Floor		
	Single Twin Size Beds		50
2	Bunk Beds - Upper-Twin Size		100
2	Lower-Full Size/Combo into Sofa		100
1	Wall Mounted Wood Cabinet-White Board		50
1	9 Slot "cubby shelf		50
1	Chair		20
	Board Room 2nd Floor		
2	White board Bulletin Board Combo Cabinets/Wall Mounted		100
1	Wood, 4-shelf Bookcase		25
2	96" X 42" Tables		40
12	Chairs (roller)		120
4	42" X 18" X 28" Lateral File Cabinets		200
1	26" X 28" X 15" 2-drawer File Cabinet		25
1	26" X 28" X 15" 3-drawer File Cabinet		25
2	Dell desk-top Computers		1,000
1	HP Color LaserJet 2550N		50
1	HP Color LaserJet 3390 (Copier, Printer & Fax		75
4	2-door Cabinets 28" X 36" X 18"		100
2	Overhead Bins		50
1	HP LaserJet 4P Desktop Printer		50
1	RCA RS 1285 Audio System		20
1	Wall-mounted Key Box		50
	Chief's Office - 2nd Floor		
1	52" X 42" X 18" 7-Drawer Cabinet - Allsteel		75
1	19" TV/VCR Combo Set		50
2	Work Station Set Ups with:		
4	Small File Cabinets		80
1	Small Lateral File		25
4	Lateral 2-drawer File Cabinets		100
2	Desk Chairs		40
2	Desk Top Computers 'Dell'		500
4	Overhead Bin Files		50
1	Wall-mounted Key Box		50
1	HP LaserJet 1320N Printer		50
1	Visioneer "One Touch" 5800 USB Scanner		50
1	Laminator		20

1	Coat Tree Stand	
	Firefighters Lounge 2nd Floor	
1	Foosball Table	100
1	Pool Table	100
1	Computer Table	20
2	Old Lazy Boy Chairs	20
2	New Lazy Boy Chairs	200
1	36" Wide Round Table	40
2	42" Wide Round Table	50
3	Side Chairs	30
7	Bar Stools-wood w/Backs	70
1	Bar (wet)	
1	Paramount Exercise Machine	100
1	3-door "Beverage Air" Cooler (under bar shelf)	100
3	Stools	30
4	Trash Cans	
1	"Beverage Air: mobile beer/keg Cooler	200
1	"Schwinn" Airdryer Stationary Bike	25
1	LifeFitness 9000 Treadmill	500
1	LifeFitness 8500 Elliptical Machine	500
1	Sit-up Bench	50
1	Weight Bench	50
1	Bookcase	20
2	Couch/Futon Bed Combos	100
1	"Sony" Stereo System	50
1	Magnavox 60" (diagonal) TV	400
1	Sony DVD Player	50
1	Coffee Table	20
1	End Table	10
1	White Board in Wood cabinet on wall	20
1	Artificial Christmas Tree - Closet	
1	Small Entertainment Cabinet - Closet	10
1	Resus! Anne Torso - Closet	100
1	Pool ball rack	20
1	Power Block Free Weights	100
1	1997 Ford F350 Squad 507	7,000
1	Jaws Combination Tool	5,000
1	Jaws Rabbit Tool	1,500
1	Jaws Mini Cutter	3,000
1	Jaws Extention Rams	300

Buildings & Grounds			
1	147.16-3-6	Firehouse - Riverside Drive	200,000
1		Antique Firetruck - Engine 505	
1		1989 Pierce - Engine 502	40,000
18		MSA Breathing Apparatus Harnesses (old)	
31		Folding Chairs	100
		Training Props - Maze Lumber	
4		Hose Clamps	
8		5 gallon - Universal Foam	
2		4" stortz manifolds	
1		4" intake valve	
2		4" Stortz adapters	
1		Task Force Tip Nozzle	
3		100' 4" Supply Hose	
6		50' 4" Supply Hose	
4		25' 4" Supply Hose	
8		50' 3" Supply Hose	
2		100' 3" Supply Hose	
1		desk	50
1		Office Chair	20
1		mobile base radio	
1		flammable liquid storage cabinet	500
6		traffic cones	
10		50lb bags of ice melt	100
1	147.16-3-7	.15 acres	15,000

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 27th day of February, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated February 15, 2013 from Director of Finance Suzanne Zaso regarding approval of the Service Award Points for 2012 for members of the West Brighton Fire Department, Inc. including a listing of the members and award points earned and authorization for the Supervisor to execute all documents relating thereto, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the Service Award Points for 2012 for members of the West Brighton Fire Department, Inc. set forth in the listing of the members and award points earned referenced above and further authorizes the Supervisor to execute all documents relating thereto and directs the posting of said list of members and points earned at the West Brighton fire house, 2065 West Henrietta Road, Town of Brighton, County Of Monroe, State of New York for a period of 30 days following the approval of this resolution.

Dated: February 27, 2013

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



SUZANNE ZASO, DIRECTOR OF FINANCE
2300 ELMWOOD AVENUE
ROCHESTER, NEW YORK 14618
Phone (585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board
Attn.: Finance and Administrative Services Committee
From: Suzanne Zaso, Director of Finance
Date: February 15, 2013
Subject: West Brighton Fire Protection District Service Award Program –
Approval of Service Points for 2012

I request that Your Honorable Body review and approve the attached listing of Service Award Program (SAP) points earned during calendar year 2012 by participating Firefighters of the West Brighton Fire Department, Inc. Pursuant to Article 11-A of the State's General Municipal Law (that authorizes the SAP), the listing of service points earned by each of the participating volunteer Firefighters must be reviewed and approved by the Town Board, acting in its capacity as the Board of Commissioners of the West Brighton Fire Protection District.

Once approved, the 2012 SAP points listing must be posted for 30 days at the offices of the West Brighton Fire Department, Inc. for review and any objection by the participating members of the SAP. Subsequent to the posting period the listing, with any appropriate changes noted, must be returned to the Town for certification and submission to the SAP Third-Party Administrator (Penflex, Inc.) who will update the "master record" and calculate the trust fund contribution due for 2012 (to be paid in 2013).

I would be happy to respond to any questions that members of the Committee or other members of the Town Board may have regarding this matter.

Attachment

Copy to: C. Roth, K. Gordon

2012 SPONSOR APPROVAL FORM

SERVICE AWARD PROGRAM

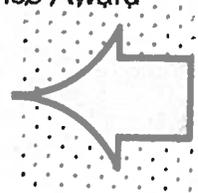
Town of Brighton
West Brighton Fire Protection District

Instructions

Article 11-A of the New York State General Municipal Law requires that a list of volunteers indicating those who earned a year of service credit during 2012 be certified under oath by the Fire Department and submitted to the program sponsor by March 31, 2013. The program sponsor must then review and approve the listing. To comply with Article 11-A, the Town Board must sign this form once the 2012 certified volunteer firefighter Service Award Program points listing has been reviewed and approved by the Board. Once signed, the entire 2012 Data Request Package should be returned to the Fire Department so that the approved certified list can be posted for at least 30 days as required by Article 11-A.

Approval

The Town Board has reviewed and approved the 2012 volunteer firefighter Service Award Program points listing.



**SIGN
HERE**

William W. Moehle
Town Board Member

Date Signed

James R. Vogel
Town Board Member

Date Signed

Louise Novros
Town Board Member

Date Signed

Christopher K. Werner
Town Board Member

Date Signed

Jason S. DiPonzio
Town Board Member

Date Signed

2012 FIRE DEPARTMENT SERVICE CERTIFICATION FORM

SERVICE AWARD PROGRAM

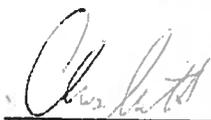
Town of Brighton
West Brighton Fire Protection District

Instructions

Article 11-A of the New York State General Municipal Law requires that a list of volunteers indicating those who earned a year of service credit during 2012 be certified under oath and submitted to the program sponsor for approval by March 31, 2013. To comply with Article 11-A, please have the person responsible for preparing the 2012 points listing sign this form and have a notary witness the signature. The 2012 Data Request Package should then be presented to the Town Board prior to March 31, 2013.

Certification

As required by Article 11-A, I certify under oath the attached is a list that includes all 2012 volunteers of the Fire Department and indicates the points earned by each volunteer in accordance with the Service Award Program Point System, which will be used to determine who will earn service credit for calendar 2012.



Signature

x President

Title

x 2/8/13

Date Signed

(STATE OF NEW YORK)
(COUNTY OF MOORCE) SS.:

Severally sworn to before me this 8 day of FEBRUARY, 2013.



Notary Public, State of New York

Qualified in Town of Brighton

Commission Expires 6/15/2015 CERTIFICATION (GREEN)

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 27th day of February, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 14, 2013 from Chief of Police Mark T. Henderson regarding a request to authorize the Supervisor to execute a contract with Ewing Letter and Graphics for design and striping services for police vehicles for 2013 at a cost per vehicle not to exceed \$533.75, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract with Ewing Letter and Graphics for design and striping services for police vehicles for 2013 at a cost per vehicle not to exceed \$533.75 with the option to extend the agreement for three additional one-year terms pending future budget allocations and Town Board approval and subject to the contract form being the same as that contract form previously reviewed and approved by the Attorney to the Town.

Dated: February 27, 2013

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



Town of Brighton

POLICE DEPARTMENT

2300 Elmwood Avenue
Rochester, New York 14618-2196



Mark T. Henderson
Chief of Police

Emergency 911
Administrative (585) 784-5150
Fax: (585) 784-5151

February 14, 2013

Honorable Town Board
Finance/Administrative Services Committee
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

RE: Vehicle Striping Agreement

Dear Board Members:

I recommend that the Supervisor be authorized to execute an agreement between Ewing Letter and Graphics and the Town of Brighton for the provision of vehicle striping services. This contract is for the period beginning January 1, 2013 through December 31, 2013 with the option to renew for up to three years.

In accordance with the Town's procurement policy, three written requests for pricing were sought. Ewing Lettering and Graphics submitted the lowest price per hour and price per unit at a cost of \$50 per hour at 3 hours of labor plus additional cost for material. Total cost to stripe a car under Ewing Lettering and Graphics is \$533.75.

Please do not hesitate to contact me should have any further clarification or have any questions.

Respectfully,

A handwritten signature in black ink that reads "Mark T. Henderson".

Mark T. Henderson
Chief of Police

MTH: jpo
Attachment

A G R E E M E N T

THIS AGREEMENT, made this 27th day of February, in the year 2013, by and between the Town of Brighton, a municipal corporation, with offices at 2300 Elmwood Avenue, Rochester, New York 14618, hereinafter referred to as the "Town", and Ewing Letter and Graphics, with offices at 100 Hook Road, Farmington, NY 14425, hereinafter referred to as the "Contractor".

W I T N E S S E T H

WHEREAS, the Town of Brighton is desirous of obtaining the services of the Contractor to perform the scope of services set forth in Paragraph 1 hereof for the Town of Brighton Police Department, hereinafter referred to as the "Project"; and

WHEREAS, the Contractor is willing, able and qualified to perform such services; and

WHEREAS, the Contractor has indicated to proceed with all installation and markings of Brighton Police Vehicles at a cost of \$533.75 per vehicle; and

WHEREAS, the term of this agreement shall be from January 1, 2013 through December 31, 2013, with the option to renew for up to three years at the mutual consent of both parties; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. The Contractor hereby agrees to prepare the vehicle surface and apply the department markings per the specifications.

2. All markings will be 3M IJ680 CR reflective, four colors provided by the Contractor and will have a seven year warranty along with a seven year warranty on installations.
3. Contractor will NOT charge for the design and will provide the artwork to the Town on three different formats if so needed.
4. Upon the completion of the work required hereunder by the Contractor, title to all work performed, including the design, shall vest in the Town of Brighton.
5. This contract shall be deemed executory only to the extent of funds available and the Town shall incur no liability beyond the funds budgeted therefor.
6. The Contractor agrees that it will not assign, transfer, convey, sublet or otherwise dispose of this contract or its right, title or interest therein, nor any part thereof, nor any money which are or will become due and payable thereunder without the prior written consent of the Town of Brighton.
7. The Contractor covenants and agrees that it will conduct itself consistent with its status, said status being that of an independent contractor, and that its employees or agents will neither hold themselves out nor claim to be an officer or employee of the Town of Brighton, not make claim to any rights accruing thereto, including, but not limited to, Workers' Compensation, unemployment benefits, Social Security or retirement membership or credit.
8. The Consultant agrees that in carrying out its activities under the terms of this agreement that it shall not discriminate against any person due to such person's race, color, creed, sex, national origin, sexual orientation, military status, age, disability, marital status, religion, predisposing genetic characteristics or domestic violence victim status and that at all times it will abide by the applicable provisions of the Human Rights Law of the State of New York as set forth in Section 290-301 of the Executive Law of the State of New York.

9. The Contractor agrees to indemnify, defend and hold the Town of Brighton harmless from and against any claims or causes of action including reasonable attorney's fees, which may be asserted against the Town or any of its officers, agents, and/or employees, arising out of this agreement or out of services which the contractor may perform for the Town pursuant to this agreement.

10. Workers' Compensation and Liability Insurance: Consultant agrees to procure and maintain, at its own expense, insurance of the kinds and in the amount hereinafter provided from insurance companies authorized to do business in New York State covering all operations under this Agreement, whether performed by Consultant or by sub consultants. General Liability policies shall designate the Town of Brighton as an additional named insured. Consultant shall furnish to the Town of Brighton a certificate or certificates showing that it has complied with this paragraph 10 prior to the commencement of the project, and renewal certificates provided should policies renew, or be cancelled during the project and for three years after the end of the project. The policies maintained hereunder shall provide that they will not expire, be changed or be cancelled until thirty (30) days written notice has been given to Town of Brighton. Furthermore, the Insurance Company writing the coverages shall be licensed in New York and have an A.M. Best "A" rating or better. The Consultant shall provide the following coverages:

1. Insurance covering the obligations of Consultant under the provisions of New York State Workers' Compensation Law.
2. Commercial General Liability:
 - a. General Aggregate Other than Products
\$2,000,000
 - b. Products - Completed Operations Aggregate: \$2,000,000
 - c. Personal and Advanced Injury : \$1,000,000
 - d. Each Occurrence Limit for Bodily Injury and Property Damage:
\$1,000,000
 - e. Fire Damage (Any One Fire): \$50,000

- f. Medical Expenses (Any One Person): \$5,000
- g. The Town of Brighton must be an Additional Insured on the General Liability policy and Consultants Coverage should be provided on a primary basis to the Town for claims arising from this project.
- h. A Per Project or Per Location Aggregate must be evidenced.
- i. Evidence of coverage shall be provided for at least three years after completion of the project to cover claims that may arise from the work performed for the Town.
- 3. Automobile Liability, ("Any Auto", "Hired Auto" and "Non-Owned Auto")):
 - a. Bodily Injury and Property Damage Limits:
 - i. Combined Single Limit each accident: \$1,000,000
- 4. Excess Liability, Umbrella Form (for Engineers, Architects, etc.):
 - a. Each Occurrence: \$3,000,000
- 5. Worker's Compensation and Employer's Liability
 - a. Each Accident: \$100,000
 - b. All Persons by Disease: \$500,000
 - c. Each Person by Disease: \$100,000
 - d. Professional Liability, (Errors and Omissions) \$1,000,000

New York State Disability Benefits coverage: Statutory Limits

- 6. Professional Liability Insurance shall be written on a claims-made basis; provided, however, that the obligation to maintain such professional liability insurance shall survive completion and termination of this Agreement through and including the expiration of any and all statutes of limitation applicable or potentially applicable to matters arising out of this Agreement. Such professional liability insurance shall provide coverage against at least the following liabilities:
 - a. Liability of Consultant and its employees and agents with respect to all work performed by them under this Agreement.

- b. Liability of Consultant's sub consultant and its employees and agents under this Agreement.
 - c. Liability of Consultant with respect to all work under this Agreement performed for Consultant by sub consultants and their employees and agents.
 - d. The insurance shall include contractual liability insurance applicable to Consultant's obligations set forth herein and in paragraph 9, regarding indemnification.
7. All insurance shall be written by insurance companies authorized to do business in New York and Certificates of Insurance in a form satisfactory to the Town showing compliance with these requirements shall be provided to the Town Attorney's office before any work is begun.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

TOWN OF BRIGHTON

By: _____
William W. Moehle, Supervisor

By: _____
Ewing Graphic and Design

[Print Name]

Fed. I.D.# or Social Security #

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 27th day of February, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 15, 2013 from Director of Parks and Recreation Jerry LaVigne regarding a request to authorize the award of a bid to Woodgate Landscaping to provide mowing and landscaping services for 2013 with the option to extend the agreement for two additional one year terms, pending future budget allocations and Town Board approval and to authorize the Supervisor to execute a contract with Woodgate Landscaping for such services, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the award of a bid to Woodgate Landscaping to provide mowing and landscaping services for the Town's parks, neighborhood parks and cul-de-sacs for calendar year 2013 with the option to extend the agreement for two additional one year terms, pending future budget allocations and Town Board approval and to authorize the Supervisor to execute a contract with Woodgate Landscaping for such services subject to the approval of the form of the contract by the Attorney to the Town.

Dated: February 27, 2013

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



TOWN OF BRIGHTON
RECREATION, PARKS & COMMUNITY SERVICE DEPARTMENT

220 Idlewood Road
Rochester, NY 14618
<http://www.townofbrighton.org>

(585) 784-5260
Fax: (585) 784-5365
TTY: (585) 784-5381

February 14, 2013

Brighton Town Board
Attn: Finance Committee
2300 Elmwood Avenue
Rochester, New York 14618

Dear Finance Committee Members:

In the Recreation and Highway Department's 2013 budgets, funding is available for mowing and landscape services. These services are utilized for the mowing and maintenance of park properties, as well as neighborhood parks and cul-de-sacs throughout the Town. The Town's procurement policy in regards to the bidding process was followed. Bid notices were mailed to several firms, along with publishing of a public notice in the Brighton-Pittsford Post.

Bids were opened on Thursday, February 14, with Woodgate Landscaping submitting the only proposal. Attached is an itemized price list. This company has worked for us the last two seasons, and their prices are equal to or lower than their 2011 rates. (see attached)

I respectfully recommend that you award the 2013 mowing and landscaping contract to Woodgate Landscaping. I would also note that the Town has the option to extend this agreement for two additional one-year terms.

I will be happy to answer any questions you may have regarding this matter.

Sincerely,

Jerry LaVigne
Director of Parks and Recreation

Cc: T. Keef

Mowing Award 2011

Company	Group A	Group B	Group C	Group D	Group E	Group F
	Meridian Centre	Brighton TP	Buckland Pk	Blossom Road	11 Parcels	20 Parcels
Highland Lawn Care	\$ 300.00	\$ 195.00	\$ 895.00	\$ 100.00	\$ 925.00	\$ 280.00
Woodgate Landscaping	\$ 273.00	\$ 173.00	\$ 733.00	\$ 78.00	\$ 743.00	\$ 280.00
Rochester Plow	\$ 329.00	\$ 190.00	\$ 925.00	\$ 100.00	\$ 1,223.00	\$ 300.00
Tru Green	\$ 519.00	\$ 371.00	\$ 1,669.00	\$ 148.00	No bid	No bid
Hassle Free	\$ 315.00	\$ 229.00	\$ 1,124.00	\$ 88.00	\$ 1,577.00	\$ 343.00

Company	Alt. 1	Alt. 2	Alt. 3	Alt. 4	Alt. 5	Alt. 6
	up to 8,000 sf	8,000 to 11,000 sf	11,001 - 15,000 sf	15,001 - 22,000 sf	Field Maintenance	Additional land
Highland Lawn Care	\$ 265.00	\$ 400.00	\$ 515.00	\$ 600.00	No bid	\$ 30.00
Woodgate Landscaping	\$ 245.00	\$ 390.00	\$ 525.00	\$ 605.00	\$ 3,977.00	\$ 30.00
Rochester Plow	\$ 200.00	\$ 300.00	\$ 495.00	\$ 560.00	No bid	No bid
Tru Green	No bid	No bid	No bid	No bid	\$ 4,485.00	\$ 53.00
Hassle Free	\$ 50.00	\$ 75.00	\$ 100.00	\$ 125.00	\$ 9,402.00	\$ 60.00
	declined	declined	declined	declined		

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 27th day of February, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 15, 2013 from Town Assessor Elaine Ainsworth regarding a request to authorize the Supervisor to execute and agreement with Bruckner, Tillett, Rossi, Cahill and Associates to provide court ready appraisal services for property located at 2729 and 2833 Monroe Avenue, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute and agreement with Bruckner, Tillett, Rossi, Cahill and Associates to provide court ready appraisal services for property located at 2729 and 2833 Monroe Avenue for a cost not to exceed \$7,500.00.

Dated: February 27, 2013

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

TOWN OF BRIGHTON
ASSESSOR'S OFFICE
2300 ELMWOOD AVENUE / ROCHESTER, NY 14618 (585-784-5215)

February 15, 2013

To: Supervisor Moehle
Finance Director Suzanne Zaso
Finance Committee

From: Elaine Ainsworth, Assessor *E. Ainsworth*

Re: Authorization to contract for Court Ready Appraisal
Parcel 262000 150.07-2-12
2729 and 2833 Monroe Avenue

The pending certiorari for the Town of Brighton parcel 262000 150.07-2-12 identified as 2729 and 2833 Monroe Avenue, owned by Atlantic Hotel Group, Inc., has not reached settlement and the exchange of a court ready appraisal is now scheduled by the court for June of 2013.

I send quote requests to 6 appraisal firms and received three quotes, two firms did reply that they would not be quoting the job and Rynne, Murphy & Associates, Inc. did not reply.

The lowest quote was provided by Bruckner, Tillett, Rossi, Cahill & Associates; this firm also has extensive experience in this type of appraisal work, and is a Rochester firm. The price for their appraisal is \$7,500; please see the quotes supplied herewith.

Tom Fink, Town of Brighton certiorari attorney, and I both reviewed the quotes and are in agreement that Bruckner, Tillett, Rossi, Cahill & Associates is the best firm for this assignment. The 2013 Assessment Office budget does have available funds allocated to appraisal work. Please authorize the supervisor to enter into a contract with Bruckner, Tillett, Rossi, Cahill & Associates for this appraisal assignment.

AGREEMENT

THIS AGREEMENT, made this ____ day of February, in the year 2013, by and between the Town of Brighton, a municipal corporation, with offices at 2300 Elmwood Avenue, Rochester, New York 14618, hereinafter referred to as the "Town", and Bruckner, Tillett, Rossi, Cahill & Associates with offices at 110 Linden Oaks, Suite B, Rochester, NY 14625, hereinafter referred to as the "Contractor".

WITNESSETH

WHEREAS, the Town of Brighton is desirous of obtaining the services of the Contractor to prepare a court ready appraisal for Town of Brighton Parcel 262000 150.07-2-12 (commonly known as 2729 & 2833 Monroe Avenue, Town of Brighton, New York) for the 2009, 2010 and 2012 assessment rolls as identified in the proposal submitted by Bruckner, Tillett, Rossi, Cahill & Associates on February 12, 2013, copy of which is attached hereto and made a part hereof.

WHEREAS, the Contractor is willing, able and qualified to perform the services set forth in the attached proposal.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. The Contractor hereby agrees to perform the following services set forth in the attached proposal for the Town by providing a court ready appraisal for the parcel 262000 150.07-2-12 (commonly known as 2729 & 2833 Monroe Avenue, Town of Brighton, New York) for the Town of Brighton assessment rolls 2009, 2010 and 2012 as identified in the attached proposal, not later than May 30, 2013. The start date for the work shall be mutually agreed upon by and between Bruckner, Tillett, Rossi, Cahil & Associates and Town's Certiorari attorney, Tom Fink, Esq. of Davidson Fink LLP, but no later than March 15, 2013.

2. This contract may be terminated by the Town upon written notice to the Contractor by first class mail to the address for the Contractor set forth above.

3. The Town hereby agrees to pay the Contractor a sum in full satisfaction of all expenses and compensation due the Contractor of Seven Thousand, Five Hundred and 00/100 DOLLARS (\$7,500) for the work. Said sum shall be paid upon completion of the reports and submission of an invoice subject to the Town's claim approval process.

Payment by the Town for the sum(s) herein contracted for shall be made upon the submission of an invoice(s) and properly executed Town of Brighton claim vouchers, supported with such information and documentation necessary to substantiate the claim, approved by the Town Assessor, or by his/her designee, audited by the Director of Finance of the Town of Brighton, and approved for payment by the Town Board. If this contract is terminated by the Town pursuant to paragraph 2, the Contractor will be paid a pro rata share of the contract amount based upon the proportion of its satisfactory performance of the contract at the time of termination to the total performance required by this contract.

4. Upon the completion of the work required hereunder by the Contractor, title to all work performed shall vest in the Town of Brighton.

5. This contract shall be deemed executory only to the extent of funds available and the Town shall incur no liability beyond the funds budgeted therefor.

6. The Contractor agrees that it will not assign, transfer, convey, sublet or otherwise dispose of this contract or its right, title or interest therein, nor any part thereof, nor any money which are or will become due and payable thereunder without the prior written consent of the Town of Brighton.

7. The Contractor covenants and agrees that it will conduct itself consistent with its status, said status being that of an independent contractor, and that its employees or agents will neither hold themselves out nor claim to be an officer or employee of the Town of Brighton, not make claim to any rights accruing thereto, including, but not limited to, Workers' Compensation, unemployment benefits, Social Security or retirement membership or credit.

8. The Contractor agrees that in carrying out its activities under the terms of this agreement that it shall not discriminate against any person due to such

person's race, color, creed, sex or national origin, and that at all times it will abide by the applicable provisions of the Human Rights Law of the State of New York as set forth in Section 290-301 of the Executive Law of the State of New York.

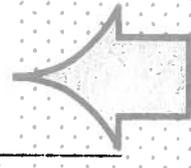
9. The Contractor agrees to indemnify, defend and hold the Town of Brighton harmless from and against any claims or causes of action, including reasonable attorney's fees, which may be asserted against the Town or any of its officers and/or employees, and arising out of this agreement or out of services which the Contractor may perform for the Town pursuant to this agreement.

10. To the extent that any provision contained herein is contradicted by or sought to be modified by any language in the attached proposal, said contradictory or modifying language shall have no effect and the provision set forth herein shall control.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

TOWN OF BRIGHTON

By: _____
William Moehle, Supervisor



**SIGN
HERE**

Bruckner, Tillett, Rossi, Cahill & Assoc

By: _____
Kevin L. Bruckner, MAI, CCIM

Fed. I.D.# or Social Security #

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

February 14, 2013

Davidson Fink LLP
Attorneys & Counselors at Law
Attn: Tom Fink
28 Main Street East, Suite 1700
Rochester, NY 14614-6448

RE: Appraisal quote replies:
2729 Monroe Avenue

Dear Tom:

Herewith are the quote replies for the above referenced appraisal. I sent the request out to:

- Bruckner, Tillett, Rossi, Cahill & Associates
- GAR Associates, Inc.
- Midland Appraisal Associates, Inc.
- Pogel, Schubmehl & Ferrara
- Rynne, Murphy & Associates, Inc.
- Thurston, Casale & Ryan, LLC.

Rynne did not reply, at all. Thurston and Pogel responded that they would not be quoting the job. Of the three that did reply, Bruckner, Tillett, Rossi, Cahill & Associates was the lowest price. Based on that, I am suggesting we contract with Bruckner.

Please review these submissions and get back to me with any questions, comments, suggestions or requests. We should select our appraiser in time to get our job approved no later than the March 13th Town Board meeting. If we can make a selection by noonish tomorrow, I may be able to get this item on the February 27 Town Board agenda—it needs to go through a finance committee meeting first.

Sincerely,



Elaine K. Ainsworth, IAO
Assessor

Enclosures

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

January 30, 2013

Bruckner, Tillett, Rossi, Cahill & Associates

GAR Associates, Inc.

Midland Appraisal Associates, Inc.

Pogel, Schubmehl & Ferrara

Rynne, Murphy & Associates, Inc.

Thurston, Casale & Ryan, LLC

Re: Court Ready Appraisal
Assessment Rolls: 2009, 2010 and 2012 (Petitioner did not file on 2011)
2729 Monroe Avenue/Atlantic Hotel Group, Inc./262000 150.07-2-12

The Town of Brighton Assessor's Office is seeking appraisal quotes for Full Market Value Appraisals as described above. Please provide your quote for the appraisals requested, as well as your hourly consultation and trial time fee, and some details about other lodging properties that you have appraised. The appraisals need to be completed and submitted to the town's certiorari attorney, Tom Fink of Davidson Fink LLP, for review by May 30, 2013.

Please provide your quote to the town by February 15, 2013.

Enclosed is some summary inventory information for the parcel. If you have questions, please call me at the above phone number.

Sincerely,

Elaine K. Ainsworth, IAO
Assessor



BRUCKNER, TILLET, ROSSI, CAHILL & ASSOCIATES

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

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

February 12, 2013

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

Re: 2729 Monroe Ave, SBL 150.07-2-12 for 2009, 2010 & 2012

Dear Elaine:

I'm in receipt of your letter dated January 30, 2013, requesting a fee proposal for a "court-ready" appraisal report which I will reference as a Self-Contained Appraisal Report; and a fee for pre-trial consulting and trial testimony time. Note that pre-trial consulting typically involves reviewing the opposing appraisal and reviewing same with attorney as well as preparation time for trial testimony. Trial testimony time commences with the time that the appraiser is expected to be at the court house until the time that the appraiser is dismissed for the day.

The subject of the appraisal is a 43-room motel built in 1969 on a 0.71 acre site. Our firm has extensive experience in the appraisal of similar properties having appraised 15 hotel/motel properties in the past 12 months alone. I have attached my professional qualifications for your review. We have no conflicts of interest relative to the property or the property owner.

Our fee structure for this assignment will be as follows:

Self-Contained Appraisal Report:	\$7,500
Pre-Trial Consulting:	\$175/hour
Trial Testimony:	\$225/hour

Thank you for the opportunity to prepare this quote. If you have any questions, please feel free to contact me.

Sincerely,
**BRUCKNER, TILLET, ROSSI,
CAHILL & ASSOCIATES**

Kevin L. Bruckner, MAI, CCIM



GAR ASSOCIATES, INC.
Real Estate Appraisers and Consultants

February 1, 2013

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

Re: Request for Appraisal of:
Atlantic Hotel Group, Inc./262000
2729 Monroe Avenue
SBL #150.07-2-12
Brighton, Monroe County, New York
B-10132

Dear Ms. Ainsworth:

Pursuant to your request we can prepare a real estate appraisal and consulting services on the above-referenced property regarding the tax certiorari matter.

The intended use of the appraisal is to estimate market value for tax certiorari purposes. The intended users would depend upon the scope of services desired. For a Preliminary/Summary Report, the intended users would include the client and the court, however, the appraisal would not be intended to be used as evidence in a trial. For a Court-Ready/Self-Contained Appraisal, the intended users would be expanded to include the client, the court, and other parties associated with the trial. The appraisal would be prepared for use as evidence in trial. The tax years include 2009, 2010 and 2012 (2011 not to be included).

The property entails a Comfort Inn hotel at the I-590 interchange. GAR Associates has significant experience appraising hotels and motels throughout the greater Rochester and Buffalo areas.

The fee structure is summarized as follows. Note that if a preliminary appraisal is initially ordered, the fee would be credited towards any future court-ready appraisal.

- | | |
|--|-------------------------------|
| 1. Preliminary/Summary Report: | \$5,000, 6 week turnaround |
| 2. Court-Ready/Self-Contained Report: | \$12,000, 2 months turnaround |
| 3. Billing Rate – Pre-Trial Preparation: | \$175/hour |
| 4. Billing Rate – Court: | \$225/hour |

Attached is our standard engagement contract, which you are to sign and return in order to formally engage us. Otherwise, please provide authorization and direction of what services are to be provided on your own letterhead.

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



February 1, 2013
Page Two

Information that will be needed in order to complete the appraisal will include the following:

- Legal survey
- Site plan
- Floor plans
- 5-year history of profit and losses
- 5-year history of room rate reports
- 5-year history of room occupancy
- 10-year history of capital improvements (items and costs)
- Name and phone number for inspection
- Name and phone number for financial questions
- Purchase and listing contracts in the past 10 years
- Copies of Article 7 petitions

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:klb



GAR ASSOCIATES, INC.
Real Estate Appraisers and Consultants

February 1, 2013

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

Re: Request for Appraisal of:
Atlantic Hotel Group, Inc./262000
2729 Monroe Avenue
SBL #150.07-2-12
Brighton, Monroe County, New York
B-10132

Fee: 1. Preliminary/Summary Report: \$5,000, 6 week turnaround
2. Court-Ready/Self-Contained Report: \$12,000, 2 months turnaround
3. Billing Rate – Pre-Trial Preparation: \$175/hour
4. Billing Rate – Court: \$225/hour

** When sending payment, please be sure to note the GAR File Number on the check. The balance will be due and payable 20 days upon submission of the report.*

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



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

ENGAGEMENT LETTER

February 5, 2013

Elaine Ainsworth, IAO
Town of Brighton
Assessors Office
2300 Elmwood Avenue
Rochester, New York 14618

RE: Request for Proposal
2729 Monroe Avenue
Brighton, New York
Assmt. Rolls: 2009, 2010 & 2012
Valuation Dates: 7/1/08, 7/1/09 & 7/1/11

Dear Elaine:

Pursuant to your request and information researched, Midland Appraisal Associates, Inc. agrees to provide to you a trial ready self-contained appraisal of the above captioned property suitable for litigation purposes at a cost not to exceed \$8,300. Additional services associated with pre-trial phone calls and/or meetings with counsel, critiquing the petitioner's appraisal, travel time, court testimony, etc. are invoiced at \$150 per hour for Jeffrey James and \$250 per hour for myself.

The delivery time of May 30, 2013 is attainable based upon your authorization by March 1, 2013. Please contact me if you have any additional questions. You may authorize commencement of the assignment by signing, dating and returning a copy of this transmittal letter.

Very truly yours,

MIDLAND APPRAISAL ASSOCIATES, INC.

DAVID C. SCHWANER, MAI

AGREED TO AND ACCEPTED BY:

DATE: _____

Pogel, Schubmehl & Ferrara, LLC

Real Estate Appraisal Services

2509 Browncroft Blvd., Rochester, New York 14625 (585) 381-5600, Fax: (585) 381-5696

Robert G. Pogel, SRPA
Craig P. Schubmehl, NYS Cert
Stephen V. Ferrara, SRA

February 8, 2013

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

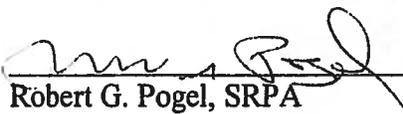
**RE: 2729 Monroe Avenue
Atlantic Hotel Group**

Dear Elaine:

Please be informed that I will not be submitting a bid on this assignment. I do not have the experience in appraising hotels that would be required for this particular assignment. I would appreciate your keeping me in mind for future assignments.

Very truly yours,

POGEL, SCHUBMEHL & FERRARA, LLC


Robert G. Pogel, SRPA

RGP/clm

Elaine Ainsworth

From: "Todd Thurston" <tpt@TCRappraisal.com>
Date: Monday, February 04, 2013 10:12 AM
To: "Elaine Ainsworth" <elaine.ainsworth@townofbrighton.org>
Subject: Re: quote request
Elaine,

I have to decline participation in your RFP. My backlog is such that I cant consider any new assignments for the time being.

I apologize for any inconvenience this causes...

Todd P. Thurston, MAI
Principal
Thurston, Casale & Ryan, LLC
1080 State Fair Blvd
Syracuse, NY 13209
315.433.1380 x112
315.679.4065 (fax)

On 1/30/2013 2:43 PM, Elaine Ainsworth wrote:

Hi Todd:

Please see attached.

Thank you, Elaine

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 27th day of February, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that correspondence dated February 11, 2013 from Chief of Police Mark T. Henderson regarding authorization to declare two police vehicles as surplus and further authorize the disposition of the vehicles through the annual Municipal Equipment Auction, be received and filed; and be it further

RESOLVED, that the Town Board hereby declares two police vehicles known as Control #95 - a 2009 Ford Crown Victoria (VIN 2FAH071V19X140712) and Control #72 - a 2003 Ford Crown Victoria (VIN 2FAH071W23X204644) as surplus and authorizes them to be sold at the annual Municipal Equipment Auction.

Dated: February 27, 2013

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



Town of Brighton

POLICE DEPARTMENT

2300 Elmwood Avenue
Rochester, New York 14618-2196



Mark T. Henderson
Chief of Police

Emergency 911
Administrative (585) 784-5150
Fax: (585) 784-5151

February 11, 2013

Honorable Town Board
Finance/Administrative Services Committee
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

RE: Vehicle Surplus Auction

Dear Board Members:

In recent years, the Police Department has utilized the Annual Municipal Equipment Auction to dispose of our used vehicles. The advertising campaign and size of this auction has allowed us to sell our vehicles for considerably more than had we disposed of them ourselves.

The auction will be held in the spring and I request that the two vehicles listed below be declared surplus.

Control 95	2009 Ford Crown Victoria	2FAHO71V19X140712
Control 72	2003 Ford Crown Victoria	2FAHO71W23X204644

With your declaration, the Police Department will make the arrangements necessary to prepare and transport the vehicles to the auction site. Thank you for your consideration and I would be happy to answer any questions you may have regarding this request.

Respectfully,

A handwritten signature in black ink that reads "Mark T. Henderson".

Mark T. Henderson
Chief of Police

MTH:jpo

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 27th day of February, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 17, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to award a bid to Waste Management to provide refuse/recycling/dumpster services to various Town locations for calendar year 2013 with options to renew for three additional one year terms pending future budget allocations and Town Board approval and to authorize the Supervisor to execute a contract with Waste Management for said services, be received and filed; and be it further

RESOLVED, that the Town Board hereby awards the bid to Waste Management to provide refuse/recycling/dumpster services to Town Hall, the Town Highway OPS Center, Buckland Park, Westfall Park and Meridian Centre Park for calendar year 2013 with options to renew for three additional one year terms pending future budget allocations and Town Board approval and further authorizes the Supervisor to execute a contract with Waste Management for said services subject to the review and approval of the form of the contract by the Attorney to the Town.

Dated: February 27, 2013

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



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

February 17, 2013

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

re: Authorize Contract Award to Waste Management
Refuse/Recycling Services for the
Town Hall/OPS Center/Buckland Park/Westfall Parks/Meridian Centre Park

Dear Chairman Werner and Committee Members:

It is recommend that the above contract, including alternates for recycling, be awarded to Waste Management for provision of refuse/recycling/dumpster services at these Town facilities. It is further recommended that it also be authorized to have the option to renew this contract for an additional three one year periods as stipulated in the contract proposal.

The bids were publicly advertized and publicly opened, all as required by law. A copy of the bid tabulation is attached for your reference. Funds were allocated and are available in the 2013 budget for this purpose.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled February 21, 2013 meeting in the event that you have any questions regarding this matter.

Very truly yours,

Timothy E. Keef, P.E.
Commissioner of Public Works

TEK/wp

attachments

cc: S. Zaso
J. LaVigne
T. Anderson
K. Hall
A. Banker
M. Hussar
K. Gordon

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 27th day of February, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 17, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to award a bid to M.L. Caccamise Electric Corp. to provide street light maintenance service at a cost not to exceed \$8,900.00 for calendar year 2013 with options to renew for three additional one year terms, pending future budget allocations and Town Board approval and to authorize the Supervisor to execute a contract with M.L. Caccamise Electric Corp. for said services, be received and filed; and be it further

RESOLVED, that the Town Board hereby awards the bid to M.L. Caccamise Electric Corp. to provide street light maintenance service at a cost not to exceed \$8,900.00 for calendar year 2013 with options to renew for three additional one year terms, pending future budget allocations and Town Board approval and further authorizes the Supervisor to execute a contract with M.L. Caccamise Electric Corp. for said services subject to the review and approval of the form of the contract by the Attorney to the Town.

Dated: February 27, 2013

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



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

February 17, 2013

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

re: Award of Annual Contract
Street Light Maintenance

Dear Chairman Werner and Committee Members:

I recommend that a bid be awarded for the above services to the low, responsive And responsible bidder, Caccamise Electric Corporation, in an amount not to exceed \$8,900.00. It is further recommended that it also be authorized to have the option to renew this contract for an additional three one year periods as stipulated in the contract proposal.

The bid was publicly advertised and publicly opened, all as required by law. Funds are available in the 2013 budget, A.DPW 5182 4.41 and 4.49 accounts for this purpose.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled February 21, 2013 meeting in the event that you have any questions regarding this matter.

Very truly yours,

Timothy E. Keef, P.E.
Commissioner of Public Works

TEK/wp

attachment

cc: T. Anderson
K. Hall
A. Banker
S. Zaso
M. Hussar
K. Gordon

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 27th day of February, 2013.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 17, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to award a bid to Milton Caterpillar, Inc. to purchase one backhoe loader for the Highway Department and to authorize the Supervisor to execute an agreement for such purchase and to further request the Town Board to authorize that a current backhoe loader used by the Highway Department may be declared surplus so that it can be used for trade-in towards the new backhoe loader and to further authorize the trade-in program for up to three additional one year periods pending future budget allocations and Town Board approval, be received and filed; and be it further

RESOLVED, that the Town Board hereby awards the bid to Milton Caterpillar, Inc. to furnish and deliver to the Highway Department one Four-wheel-drive Backhoe Loader for a base bid amount not to exceed \$93,219.00 less a credit of \$85,319.00 from the trade in of the existing backhoe loader referenced below for a total net price of \$7,900.00 and hereby authorizes the Supervisor to execute a contract for such purchase subject to the review and approval of the form of the contract by the Attorney to the Town; and be it further

RESOLVED, that the Town Board hereby declares as surplus backhoe loader #89 (#N01255) to be used in trade credit on the above referenced and authorized purchase of a new backhoe loader.

Dated: February 27, 2013

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



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

February 17, 2013

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

re: Award of Contract
Furnish and Deliver One Four-wheel-drive Backhoe Loader "A" (Highway)

Dear Chairman Werner and Committee Members:

The above bid was publicly advertized and publicly opened on February 12, 2013, all as required by law. A copy of the advertisement and of the bid tabulation are attached for your reference. Based upon the bid submittals, the following is recommended:

- 1) That a bid be awarded for the above equipment to the low, responsive and responsible bidder, Milton Cat, in the base bid amount of \$93,219.00 and in the alternate 2A amount of \$85,319.00 (deduct for the trade in of an existing backhoe loader), for a total net amount of \$7,900.00;
- 2) That backhoe loader #89 (#N01255) be declared surplus at this time and traded in;
- 3) The Supervisor be authorized to execute an agreement with the bidder for this contract.

Funds and are available in the D.HWY.5130 2.23 account for this purpose.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled February 21, 2013 meeting in the event that you have any questions regarding this matter.

Very truly yours,

Timothy E. Keef, P.E.
Commissioner of Public Works

TEK/wp

cc: T. Anderson
S. Zaso
A. Banker
M. Hussar
K. Gordon

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 27th day of February, 2013.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 17, 2013 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to award a bid to Milton Caterpillar, Inc. to purchase one backhoe loader for the Sewer Department and to authorize the Supervisor to execute an agreement for such purchase and to further request the Town Board to authorize that a current backhoe loader used by the Sewer Department may be declared surplus so that it can be used for trade-in towards the new backhoe loader and to further authorize the trade-in program for up to three additional one year periods pending future budget allocations and Town Board approval, be received and filed; and be it further

RESOLVED, that the Town Board hereby awards the bid to Milton Caterpillar, Inc. to furnish and deliver to the Sewer Department one Four-wheel-drive Backhoe Loader for a base bid amount not to exceed \$100,937.00 less a credit of \$93,737.00 from the trade in of the existing backhoe loader referenced below for a total net price of \$7,200.00 and hereby authorizes the Supervisor to execute a contract for such purchase subject to the review and approval of the form of the contract by the Attorney to the Town; and be it further

RESOLVED, that the Town Board hereby declares as surplus backhoe loader #92 (#B00411) to be used in trade credit on the above referenced and authorized purchase of a new backhoe loader.

Dated: February 27, 2013

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



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

February 17, 2013

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

re: Award of Contract
Furnish and Deliver One Four-wheel-drive Backhoe Loader "B" (Sewer)

Dear Chairman Werner and Committee Members:

The above bid was publicly advertized and publicly opened on February 12, 2013, all as required by law. A copy of the advertisement and of the bid tabulation are attached for your reference. Based upon the bid submittals, the following is recommended:

- 1) That a bid be awarded for the above equipment to the low, responsive and responsible bidder, Milton Cat, in the base bid amount of \$100,937.00 and in the alternate 2B amount of \$93,737.00 (deduct for the trade in of an existing backhoe loader), for a total net amount of \$7,200.00;
- 2) That backhoe loader #92 (#B00411) be declared surplus at this time and traded in;
- 3) The Supervisor be authorized to execute an agreement with the bidder for this contract.

Funds and are available in the SS.SEWER 8120 2.23 account for this purpose.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled February 21, 2013 meeting in the event that you have any questions regarding this matter.

Very truly yours,

Timothy E. Keef, P.E.
Commissioner of Public Works

TEK/wp

cc: T. Anderson
S. Zimmer
S. Zaso
A. Banker
M. Hussar
K. Gordon

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 27th day of February, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 26, 2013 from Ramsey A. Boehner regarding the Incentive Zoning Application for Dunkin Donuts at 1285 E. Henrietta Road, be received and filed, and be it further

RESOLVED, that a proposed Incentive Zoning Application for a proposed Dunkin Donuts at 1285 East Henrietta Road, Town of Brighton, County of Monroe and State of New York prepared by Passero Associates for and submitted by Luis Ribeiro of 1145 Channing Woods Drive, Webster New York, be received and filed.

Dated: February 27, 2013

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



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

February 26, 2013

Honorable Town Board
Town of Brighton
2300 Elmwood Avenue
Brighton, NY 14618

Re: Incentive Zoning Application for Dunkin Donuts at 1285 E. Henrietta Rd.

Honorable Supervisor and Members:

I recommend that your Honorable Body receive and file this communication and the attached Incentive Zoning Application for Dunkin Donuts at 1285 E. Henrietta Rd, dated February 2013, prepared by Passero Associates for and submitted by Luis Ribeiro of 1145 Channing Wood Drive, Webster, New York be received and filed.

At a future meeting of the Town Board, pursuant to Section 209-5.B. of the Comprehensive Development Regulations, the Town Board should review the application and determine whether or not the application is worthy of further consideration.

Respectfully Submitted

Ramsey A. Boehner
Town Planner

cc: T. Keef

attachment



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 27th day of February, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 15, 2013 from Director of Finance Suzanne Zaso regarding a request to amend the Town's Procurement Policy to allow purchases and/or contracts for services through any New York State, or county or political subdivision pricing obtained through a competitive bidding process consistent with the recent amendments to the General Municipal Law, be received and filed, and be it further

RESOLVED, that the Town Board hereby amends the Town's Procurement Policy to allow purchases and/or contracts for services through any New York State, or county or political subdivision with'n New York's pricing obtained through a competitive bidding process consistent with the recent amendments to the General Municipal Law.

Dated: February 27, 2013

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



SUZANNE ZASO, DIRECTOR OF FINANCE
2300 ELMWOOD AVENUE
ROCHESTER, NEW YORK 14618
Phone (585) 784-5210 Fax (585) 784-5396

February 20, 2013

Honorable Town Board
Finance and Administrative Services Committee
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Re: Town Procurement Guidelines and Procedures
Revision for Cooperative Purchasing (Piggybacking) Provision

Dear Honorable Members:

A recent revision of General Municipal Law (GML) Section 103 has added the ability of any governmental entity authorized to make purchases or contract for services to use a contract let by the United States of America or any agency thereof, any state or any other county or political subdivision or district therein if such contract was let in a manner that constitutes competitive bidding consistent with state law and made available for use by other governmental entities. The Town's current Procurement Guidelines and Procedures, which are required pursuant to GML Section 104-b, allow for cooperative purchasing (piggybacking) on Federal, New York State, Monroe County, and the City of Rochester let contracts. My recommendation to the Board is to amend this policy to include any county, political subdivisions, or districts within New York State pursuant to NYS GML Section 103.

I have attached a copy of the proposed revised Procurement Guidelines and Procedures and I am recommending that the Honorable Town Board adopt this revised policy.

I will be happy to respond to any questions you may have regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Suzanne E. Zaso".

Suzanne E. Zaso
Director of Finance

PROCUREMENT GUIDELINES AND PROCEDURES

Introduction

The Town of Brighton Procurement Policy (as amended and adopted by the Town Board) requires that the Town Administration develop written procedures to provide guidance to departments involved in the procurement process, and to ensure that Policy provisions are followed. These Procurement Guidelines and Procedures are intended to meet that requirement. Also, these guidelines and procedures are intended to address all situations that may present themselves in the procurement process. In the event a situation is not provided for, inquiry should be made of the Director of Finance who shall seek such guidance from the Supervisor and Town Board as is necessary to resolve the situation.

Legal Basis and Authority

New York State General Municipal Law Section 103 (GML Section 103) requires that all purchase contracts (for supplies and equipment) estimated to cost more than \$20,000, and all public work contracts (for labor or construction) estimated to cost more than \$35,000, shall be subject to formal competitive bidding. The Brighton Town Board (by Resolution) has adopted (and subsequently amended) a required Procurement Policy which, in part, imposes these same regulations for purchase and public work contracts.

New York State General Municipal Law Section 104-b (GML Section 104-b) requires that every unit of local government adopt written internal policies and procedures governing all procurements of goods and services not subjected to the bidding requirements of GML Section 103, or to any other State or local law requiring that procurement be made pursuant to competitive bidding.

The Supervisor, as Chief Executive Officer and Chief Fiscal Officer of the Town, acting through the appointed Director of Finance, is responsible for conformance by all Town departments to applicable State and Town laws, policies, and regulations.

Purpose

The purpose of the Town's Procurement Policy, and these Procedures and Guidelines, is to comply with both law and policy, and to ensure that the Town

procures the highest quality goods, equipment, and services in a cost-effective manner through the open solicitation of competition. While, at times, the process may seem a bit onerous to the department making the purchase, the Town must be sure to make prudent use of limited taxpayer dollars. Full conformance with the Town's Policy and these Guidelines and Procedures is not a matter of discretion, but required both by law and by Town Board directive.

Steps to be Followed in the Procurement Process

The typical procurement process includes a number of progressive steps, each of which is discussed in greater detail following this summary. These steps are:

1. determining a need for equipment, materials, and/or services
2. developing a specification or request for proposal
3. developing a preliminary estimate of the total cost for goods and/or services and identifying available appropriations to fund the purchase
4. identifying the required method by which competitive pricing will be sought, namely a request for proposals where professional services involving specialized expertise, use of professional judgment, and/or a high degree of creativity is required to meet the department's need; or competitive bidding and/or Federal, New York State, or any county, political subdivision, or district within New York State, where permitted or required under Article 5-A of the New York State General Municipal Law
5. where competitive bidding is required, requesting Board approval to seek bids based on detailed specifications
6. where competitive bidding is not required, seeking competitive pricing proposals or utilizing applicable Federal, New York State, or any county, political subdivision, or district within New York State purchasing contracts available to the Town based on detailed specifications
7. documenting pricing proposals received from prospective vendors
8. based on review of the pricing proposals and selection of the appropriate vendor, developing a proposed purchase order, professional services contract, or claim voucher
9. obtaining Finance Department approval as to conformance with policy and procedure, sufficiency of funds, and to encumber funds
10. obtain Town Board approval for the Supervisor to execute a contract and, if necessary, to make any necessary budget amendments
11. advising the selected vendor of award of the purchase order or contract
12. taking delivery of equipment or materials, and/or acceptance of services
13. securing a vendor invoice/billing and, where the goods and/or services have been satisfactorily provided, recommendation for payment

The Town of Brighton shall provide equal business opportunities to all persons seeking to do business with the Town.

A minority or women owned business enterprise (M/WBE) is defined as a business that is owned and controlled by one or more minority group members,

as that term is defined in Section 310 of the New York State Executive Law, or by one or more women.

It is Town practice to actively solicit M/WBEs and award business opportunities to M/WBEs when they are competitive with other suppliers for the same products, materials, supplies, services and equipment.

Determining a Need for Equipment, Materials, and/or Services - Identifying need is most often (but not always) readily apparent. Need can most often be anticipated and purchases can and should be planned. Without proper planning, departments may fully deplete inventories of materials or not have equipment on hand when needed, which could result in inefficiencies, increased costs, or the inability to perform an important function. A lack of or poor planning may result in what is perceived to be, but in fact is not, an emergency situation. In no event will the Procurement Policy, or these prescribed procedures, be compromised to relieve a department of its responsibilities, or to compensate for poor planning.

Developing a Specification or Request for Proposal - A detailed specification provides a basis to describe to prospective vendors what is needed and should be communicated in writing. A detailed specification ensures that each vendor from whom a pricing proposal will be sought is pricing the same materials and/or equipment (known as "commodities"), or for a public work contract that the competitive process will be fair and equitable. A specification should neither be so brief as to leave a question as to what is desired, nor so finely detailed as to restrict or discourage competition.

Specification for a Commodity:

At a minimum, a specification for a commodity should include:

- a clear and concise description of the commodity and any desired labor associated with providing the commodity
- the quantity of the commodity to be ordered
- the date by which prospective vendors must respond to the Town's request for a pricing proposal
- the date by which the commodity must be delivered or readied for pickup
- a notice that the price quoted should be expressed on a unit cost basis and extended to a total all-inclusive cost
- a notice that all associated delivery costs or any other costs to be incurred relating to the purchase are to be included in the price quoted.

Request for Proposal:

A Request for Proposal (RFP) must be developed whenever professional services involving specialized expertise, use of professional judgment, and/or a high degree of creativity is required to meet the department's need. Professional services generally are not subject to formal competitive bidding requirements and therefore the RFP process is instead utilized to ensure competition. Major components of an RFP include (at a minimum):

- a complete description of the desired work product and the departmental objective to be met in having the prospective vendor provide the work
- the departmental requirements for the starting date and completion date for the desired work
- the intended basis upon which the department will make a recommendation to the Town Board for award of a professional services contract
- a request that the prospective vendor outline their intended work plan to meet the departmental objective and any "deliverables" to be provided
- a request that the prospective vendor identify the staff persons that will be involved in the work and of the expertise that each person brings to the job
- a request that the prospective vendor provide a list of client references the Town can contact to determine the prospective vendor's ability to do the work
- a request for a clear identification of the costs the Town will incur in having the prospective vendor provide the desired services

Developing a Preliminary Estimate of the Total Cost for Such Goods and/or Services and Identifying Available Appropriations to Fund the Purchase -

The department making the purchase needs to develop a cost estimate (based in part on the specification and on desired quantities) to make sure that appropriations are available to support the purchase. No purchase contract can be awarded unless an appropriation source to fund the purchase contract has been identified. Generally, pricing proposals should not be sought until the department is certain that funds are available. Provision of funding sometimes requires action of the Town Board. Where required, no commitment to a preferred vendor can be made until the Board acts favorably to provide funds.

Identifying the Required Method by Which Competitive Pricing Will Be Sought - The following criteria indicate the method the department making the purchase must use in procuring commodities, equipment, public work, or professional services:

Commodity or Equipment:

A commodity or equipment item for which the **estimated annual cost of purchase, on a town-wide basis, is expected to be greater than or equal to \$ 20,000, is subject to:**

- a formal competitive bid as authorized by the Town Board and, subsequent to receiving bids, as awarded by the Town Board; or (alternatively)
- utilization of an existing Federal, New York State, or any county, political subdivision, or district within New York State purchase contract available to the Town for purchase of the same commodity or equipment item

A commodity or equipment item for which the **estimated annual cost of purchase, on a town-wide basis, is expected to be less than \$ 20,000 but greater than \$600 is subject to:**

- competitive quotations to be sought from no less than three (3) vendors if the total cost of purchase is expected to be greater than or equal to \$1,000; or no less than two (2) vendors if the cost of purchase is expected to exceed \$ 600 but be less than \$1,000; all such requests for pricing quotations are to be based on a written specification, or (alternatively)
- utilization of an existing Federal, New York State, or any county, political subdivision, or district within New York State purchase contract available to the Town for purchase of the same commodity or equipment item

A commodity or equipment item for which the **estimated annual cost of purchase, on a town-wide basis, is expected to be equal to or less than \$ 600:**

- can be purchased from a (Finance Dept.) authorized vendor who can meet the ordering department's terms; or (alternatively)
- utilization of an existing Federal, New York State, or any county, political subdivision, or district within New York State purchase contract available to the Town for purchase of the same commodity or equipment item

Public Work Contracts:

A public work contract (a contract for labor services or construction which may also involve the supply of materials) for which the **estimated total cost, on a town-wide basis, is expected to be greater than or equal to \$35,000, is subject to:**

- a formal competitive bid as authorized by the Town Board and, subsequent to receiving bids, as awarded by the Town Board; or (alternatively)
- utilization of an existing Federal, New York State, or any county, political subdivision, or district within New York State public work contract available to the Town

A public work contract for which the **estimated total cost, on a town-wide basis, is expected to be less than \$35,000 but greater than \$600, is subject to:**

- competitive quotations to be sought from no less than three (3) vendors if the total cost of public work is expected to be greater than or equal to \$1,000; or no less than two (2) vendors if the total cost of public work is expected to exceed \$ 600 but be less than \$1,000; all such requests for pricing quotations are to be based on a written specification, or (alternatively)
- utilization of an existing Federal, New York State, or any county, political subdivision, or district within New York State public work contract available to the Town

A public work contract for which the estimated total cost, on a town-wide basis, is expected to be equal to or less than \$ 600:

- can be purchased from a (Finance Dept.) authorized vendor who can meet the ordering department's terms; or (alternatively)
- utilization of an existing Federal, New York State, or any county, political subdivision, or district within New York State public work contract available to the Town

Equipment Repairs or Service:

For all equipment repairs or service involving both parts and labor for which the **estimated total cost of service and/or repair, on a town-wide basis, is expected to be greater than or equal to \$35,000, is subject to:**

- a formal competitive bid as authorized by the Town Board and, subsequent to receiving bids, as awarded by the Town Board; or (alternatively)
- utilization of an existing Federal, New York State, or any county, political subdivision, or district within New York State equipment service or repair contract available to the Town

For all equipment repairs or service involving both parts and labor for which the **estimated total cost of service and/or repair, on a town-wide basis, is expected to be less than \$ 35,000, is subject to:**

- competitive quotations to be sought from no less than three (3) vendors if the total cost of service and/or repair is expected to be greater than or equal to \$5,000; or no less than two (2) vendors if the total cost of service and/or repair is expected to be greater than or equal to \$2,000 but be less than \$5,000; all such requests for pricing quotations are to be based on a written specification, or (alternatively)
- utilization of an existing Federal, New York State, or any county, political subdivision, or district within New York State equipment service or repair contract available to the Town

For all equipment repairs or service involving both parts and labor for which the **estimated total cost, on a town-wide basis, is expected to be less than \$2,000:**

- can be purchased from a (Finance Dept.) authorized vendor who can meet the ordering department's terms; or (alternatively)
- utilization of an existing Federal, New York State, or any county, political subdivision, or district within New York State equipment service or repair contract available to the Town

It is important to note that in the Procurement Policy the Town Board directs that, whenever prudent and cost-effective, the utilization of Federal, New York State, or any county, political subdivision, or district within New York State purchasing contracts shall be made for the purchase of commodities, equipment, and equipment repair/service. Such direction is given to reduce or eliminate the

administrative burden that may result from the drafting of a specification or request for proposal needed to solicit competitive pricing.

Professional Services:

For needed professional services involving specialized expertise, use of professional judgment, and/or a high degree of creativity, an RFP should be drafted. If the expected cost is:

- greater than or equal to \$1,000, written responses should be sought from no less than three prospective vendors
- greater than or equal to \$ 600 but less than \$1,000, written responses should be sought from no less than two prospective vendors
- less than \$ 600 can be obtained through a (Finance Dept.) authorized vendor who can meet the department's needs

When considering professional service proposals, price of service remains a major consideration, but need not be the sole selection criteria. All professional service contracts should be submitted to the Town Board, requesting Board authorization for the Supervisor to enter into a contract for the desired services.

Documenting Pricing Proposals Received from Prospective Vendors -

When pricing proposals are received from prospective vendors, they must be documented in order to demonstrate that proper procedures were followed and that the vendor meeting the specification criteria whose price was lowest was selected. Documenting of pricing proposals usually takes one of two forms:

- a formal Bid Response Sheet which is part of the specification package provided to all prospective bidders and is filled out by each bidder and returned to the department involved with the bid
- a standard Request for Pricing Quotation Sheet which is filled out by the department making the purchase based on the written quotes received from prospective vendors

In either case, all materials supporting pricing proposals received should be retained by the department making the purchase and copies provided to the Town Board or Finance Department where requested.

Development of a Proposed Purchase Order, Claim Voucher, or Professional Services Contract - Issuance of a Town purchase order (PO), which is a contract to buy the listed commodity, equipment, public work, or service/repair at an agreed upon price, is the standard method by which a vendor is authorized to provide goods and services. In some instances, a Town

claim voucher or professional services contract may be more appropriate (as discussed later in this section).

It is extremely important to note that no order to purchase goods and/or services is valid and binding until approved by the Finance Department, acting on behalf of the Town Supervisor as Chief Fiscal Officer. Individuals who commit to vendors without first having an authorized PO in hand, or a commitment by the Finance Director or Town Supervisor to provide such authorization:

- may be held personally liable for payment to the vendor for goods and/or services delivered and used, or
- may be held responsible for returning to the desired vendor the goods and/or services obtained without a valid purchase order at their personal expense, or (at a minimum)
- may need to explain to the vendor likely payment delays resulting from their improper actions in accepting delivery without a valid purchase order.

Because of the prior-approval requirement, the use of so-called "Confirming Orders", whereby a vendor is asked to provide goods and/or services based on a pledge to provide a PO, are strongly discouraged. With confirming orders, both the department and the vendor are assuming undesirable risk. In the event a PO is not approved, again the person placing the order may be held personally liable, or the goods and/or services will need to be returned.

POs are initiated by the department making the purchase and "forwarded" to the Finance Department for final approval to ensure that the Procurement Policy has been followed, that the PO is complete in all respects, that the proposed expenditure would be a proper municipal expenditure, and to commit (encumber) budgeted funds for the purchase. All purchase orders are developed on the Town's Finance Information System (FIS) either by the ordering department (where the department has been granted access to the FIS), or by the Finance Department Clerk acting on behalf of, and based on information provided by, the department making the purchase. Training on use of the FIS is provided by the Finance Department for new "users".

Upon approval, a three-part Town of Brighton Purchase Order form will be generated by the Finance Department. The completed PO will be forwarded to the ordering department for disposition.

Distribution of an approved PO is as follows:

- the original vendor copy (white) is sent to, and retained by, the vendor as written evidence of the contract to purchase goods and/or services from the vendor

- the vendor claim copy (yellow) is used by the department to request payment to the vendor once delivery of goods and/or services ordered has been made and an invoice has been received
- the ordering department copy (pink) is retained by the department to provide a permanent record of the order and its specifics

POs generally are not used for the following types of goods and/or services:

- where the total estimated cost for goods/services does not exceed \$50
- personal services obtained pursuant to contract (e.g. steno expense)
- reimbursement of employee expenses incurred in direct relation to their employment such as conference expenses, mileage, tuition reimbursement
- utility billings (electricity, gas, water, pure waters, sewer, telephone)
- postage and other types of shipping charges
- legal notices placed with the BP Post, Gannett, other publications
- interdepartmental charges (e.g. fuel charges, labor)
- some subscriptions (newspapers, trade journals)
- professional association memberships (as approved by the Supervisor)
- replenishment of petty cash funds

In the above-listed cases, and in other situations as determined by the Finance Department, a Town of Brighton Claim Voucher is used to communicate an order and to effect payment to the vendor. Alternatively, where the estimated expense is less than \$40, petty cash may be used (see separate Petty Cash Policy and Procedures).

Claim vouchers must be filled out completely, indicate the source of budgeted funds, bear the original signature of the vendor only where no other invoice has been provided, and be approved for payment as evidenced by the original signature of the Department Head. If all portions of the voucher are not completed, the voucher will be considered incomplete and returned to the department for additional processing.

A pro-forma professional services contract has been drafted by the Attorney to the Town for use and is available in the Finance Department. Where there is a need to have a different form of agreement, such agreements must have the approval of the Attorney to the Town. As a matter of Town Law, as the Chief Executive and Chief Fiscal Officer, only the Supervisor can sign professional service agreements. To effect payments to a professional service vendor, either a PO or claim voucher can be utilized. If there is a question as to which form would be more appropriate, the Finance Department should be consulted.

Taking Delivery of Equipment or Supplies and Materials, and/or Acceptance of Services - Delivery should only be accepted where the department is certain that a valid order has been placed. When delivery is taken, the department representative should be certain that:

- the entire order has been received or that there is an accounting of what is being delivered and what portion of the order, if any, is “back-ordered”
- that equipment, supplies and/or materials received are in good order (that they meet specifications and are not damaged)
- that a packing slip has been provided (where applicable)

If all these conditions are not met, either delivery should be refused, or the materials returned. In no case, should a vendor's claim for payment be processed without acceptable delivery of what was ordered. Generally, the Town does not pre-pay for goods and/or services.

Securing a Vendor Invoice/Billing and Recommending Payment of the Vendor - Once delivery is made and accepted by the ordering department, it is the department's responsibility to ensure that the vendor is paid as promptly as the Town Law allows. Vendor claims cannot be paid until “audited” and approved for payment by the Town Board (a routine agenda item at all regularly scheduled Town Board meetings). Prompt payment fosters good relations with vendors and increases the likelihood that vendors will continue to do business with the Town. Most importantly, prompt payment will (hopefully) discourage vendors from increasing pricing quoted to cover the “carrying cost” of money resulting from delayed payments.

The original copy, and only the original copy, of the vendor's invoice should be attached to either the vendor claim copy of the purchase order initially issued, or to the claim voucher where no purchase order was issued. Duplicated copies of original invoices should not be processed for payment in that to do so invites the possibility of undesirable duplicate payments. Where the vendor provides an original invoice for goods and/or services delivered, the original signature of the vendor is not required on the claim voucher (though such signature, if provided, is acceptable). Wherever the vendor claim copy of a purchase order, or a claim voucher, is submitted as the vendor's original invoice, such voucher must bear the original signature of the vendor.

The Department Head, or their designee (where one is authorized) must approve each vendor claim being “charged” to their budgetary account(s). Such approval is evidenced by signing and dating the vendor's claim and forwarding it to the Finance Department for payment.

Each Department Head should carefully consider each claim before signing (approving) the vendor's claim in that, by signing, they the Department Head is certifying that:

- ordered goods and/or services have been provided in full and in good form
- that they are authorizing the Finance Department to “charge” their listed budgetary account(s) for the cost of the goods and/or services

- that they have not previously approved for payment the same claim, in that to do so could result in a duplicate payment to the vendor

All claims must have an original (not photo copied) full signature of the Department Head. All such signatures should be dated.

These Procurement Guidelines and Procedures should be carefully reviewed and followed by all staff involved in the procurement process. Suggestions for changes that would further improve or clarify these guidelines and procedures are welcome and should be brought to the attention of the Finance Department.

Revised and Adopted by the Town Board on: February 27, 2013

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 27th day of February, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated February 21, 2013 from Director of Finance Suzanne Zaso regarding a request to authorize a 2012 budget transfer in the amount of \$41,886.70 for the Parkland Purchase and Development Capital Project to reflect actual versus estimated expenditures, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorize a 2012 budget transfer in the amount of \$41,886.70 for the Parkland Purchase and Development Capital Project to reflect actual versus estimated expenditures by debiting \$41,886.70 in the Engineering Fees line (H.PARKS.PRK03 4.52) and crediting the same amount in the Land Acquisition line (H.PARKS.PRK03 2.61).

Dated: February 27, 2013

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



TOWN OF BRIGHTON
Suzanne Zaso, Director of Finance
2300 ELMWOOD AVENUE
ROCHESTER, NEW YORK 14618
(585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board
Attn: Finance and Administrative Services Committee
From: Suzanne Zaso, Director of Finance *sz*
Date: February 21, 2013
Subject: 2012 Budget Transfer for Parks Capital Project

I am recommending that the Town Board authorize a budget transfer in the amount of \$41,886.70 in the Parkland Purchase and Development Capital Project to reflect actual versus estimated expenditures in the project. The formal transfer request of the Town Board is as follows:

Debit: H.PARKS.PRK03 4.52 (Engineering Fees) for \$41,886.70

Credit: H.PARKS.PRK03 2.61 (Land Acquisition) for \$41,886.70

I would be happy to respond to any questions that members of the Committee or other members of the Town Board may have regarding this matter.

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 27th day of February, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated February 14, 2013 from Director of Parks and Recreation Jerry LaVigne regarding his resignation and retirement effective March 9, 2013, be received and filed, and be it further

RESOLVED, that the Town Board hereby accepts with regret and tremendous gratitude for his many years of service the resignation and retirement of Jerry LaVigne as Director of Parks and Recreation effective March 9, 2013.

Dated: February 27, 2013

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



TOWN OF BRIGHTON
RECREATION, PARKS & COMMUNITY SERVICE DEPARTMENT

220 Idlewood Road
Rochester, NY 14618
<http://www.townofbrighton.org>

(585) 784-5260
Fax: (585) 784-5365
TTY: (585) 784-5381

February 14, 2013

Honorable Town Board
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

Dear Town Board Members:

I want to thank you and all the past Town Boards that I have had the privilege to serve under. I appreciate the opportunity that you gave me as Parks and Recreation Director. I have been blessed with a wonderful recreation staff, and I believe we have made major accomplishments over the years. I also want to express my appreciation to all my fellow department heads, you have been great.

After much thought, and discussion with my family, I have decided to retire effective March 9, 2013.

It has been an honor to work with you providing professional program services and special events to the residents. As I move forward with my life, know that I will take with me fond memories of my time in Brighton.

Sincerely,

Jerry LaVigne
Director of Parks and Recreation

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 23rd day of January, 2013.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

WHEREAS vacant, abandoned and foreclosed homes and structures have increased throughout the State and in our Town over the last several years, and

WHEREAS vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structures as well as constitute a blight on the surrounding properties and neighborhoods, and

WHEREAS lending institutions that hold mortgages on said vacant structures do not provide to municipalities such as ours contact information of a person responsible for property maintenance and security, and

WHEREAS Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure, and

WHEREAS it is the belief and sentiment of this Town Board that the passage of such bills would provide real and meaningful information to the Town which would assist it in its ongoing efforts to bring vacant properties in compliance with Town Code, now therefore, it is hereby

RESOLVED, that correspondence dated January 2, 2013 from Assemblymember Michael P. Kearns as a sponsor of the two above referenced bills and the articles he submitted therewith, be received and filed, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to send a copy of this Resolution and his own letter to the New York State Assembly, New York State Senate and the Governor's Office in support of the passage of Assembly Bills A.88 and A.824.

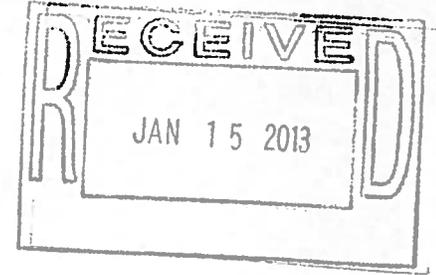
Dated: January 23, 2013

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



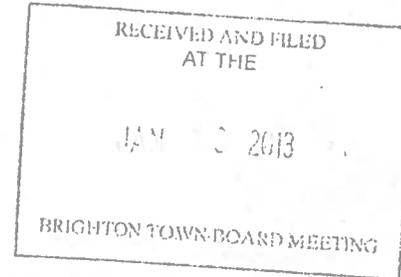
MICHAEL P. KEARNS
Assemblyman 145th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY



January 2, 2013

William Moehle
Town of Brighton Supervisor
2300 Elmwood Ave.
Rochester, NY 14618



Dear Representative Moehle:

I am writing to you regarding two foreclosure bills (A.88 and A.824) currently referred to the Judiciary Committee in the New York State Assembly. Last session the New York Assembly joined the list of states that have passed foreclosure bills making it mandatory for banks to provide municipalities with contact information of property managers or other parties responsible for upkeep and maintenance of foreclosed or abandoned properties. Unfortunately, the companion bill in the New York State Senate was referred to the Senate Committee on Housing and received no further action including no vote on the floor of the Senate.

I am concerned that the notice of contact information bill (A.88) and bill (A. 824) requiring 'good faith' in obtaining a foreclosure will encounter considerable special interest headwinds this year. In anticipation of significant opposition to these bills, I am hoping that your governing body could provide a resolution, in support of these bills. They can be viewed at my webpage: www.assembly.state.ny.us/mem/Michael-P-Kearns or I can be reached at the email below. Included are two editorials directly dealing with these foreclosure issues and a sample resolution. My intention is to make financial institutions and lenders more accountable to the surrounding community when homes and buildings are abandoned or foreclosure proceedings have started. A resolution from your governing body will add depth and resonance to committee deliberations, as well as establish a robust and persuasive record based on the facts and the needs of the people.

I would be grateful for your participation. Please send your resolution to my District Office in Buffalo, New York. Thank you for your time and help.

Sincerely,

Michael P. Kearns - Assemblyman 142nd District

I, _____ DO HEREBY CERTIFY, that the foregoing is a true copy of a Resolution passed by the Town Board of the Town of _____ at its regular meeting held on _____, and members of the Town Board had due notice of said meeting, and further that such resolution has been fully recorded in the Town Clerks books.

In Witness thereof, I have hereunto set my hand the XX day of XXXX, 2012

XXXXX XXXXXXXXXXXX
Town Clerk
Town of XXXXXXXX

