

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
June 25, 2014

Present:

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

Daniel Aman, Town Clerk
Kenneth Gordon, Attorney for the Town
Tim Keef, Commissioner of Public Works
Mark Henderson, Chief of Police,
Suzanne Zaso, Director of Finance

MOTION TO GO INTO EXECUTIVE SESSION AT 6:28 PM:

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to go into executive session to discuss matters of the employment of a particular person and tax certiorari litigation

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to come out of executive session at 6:59 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING CALLED TO ORDER AT 7:04 PM:

RECOGNITIONS/PRESENTATIONS:

Brighton Police Department Explorers:

OPEN FORUM:

Jason Zoghlin

APPROVAL OF AGENDA:

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

May 28, 2014 Town Board Meeting

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to approve and file the aforementioned minutes

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Thomas Goodwin, Planning Manager, Monroe County Planning & Dev. Re: Copy of the 2013 Land Use Report for Monroe County (copy on file for viewing in the Town Clerk's Office)

FROM Chris Mueller, Dir. Local Franchising, Time Warner Cable dated June 18, 2014 Re: Technical system and channel changes that have been made.

FROM Mayor Lovely A. Warren dated June 16, 2014 to particular Town Supervisors seeking support to help identify potential opportunities for shared services amongst organizations.

FROM NY State Dept. of Environmental Conservation to Supervisor, dated June 17th, 2014 regarding notice of complete application by Brighton Central School District for restoration of a 200 linear foot section of Buckland Creek at Twelve Corners Middle School

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner that the aforementioned communications be received and filed

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Parks and Recreation & Community Services – Next meeting 7/28/2014 at 4:30 PM at Brookside
Finance and Administrative Services – Next meeting 7/1/2014 at 3:30 PM in Stage Conference Room

Public Safety Services – Next meeting 7/8/2014 at 8:00 AM in Downstairs Meeting Room

Public Works Services – Next meeting 7/7/2014 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: Authorize bid award with approval for Supervisor to execute agreement with M/E Engineering to provide professional design services for HVAC analysis in the Public Safety Wing of Town Hall (see Resolution #1 and letter dated June 6, 2014 by Michael Guyon, P.E. Town Engineer).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize bid award with approval for Supervisor to execute agreement with SWBR Architects to provide professional design services for the roof of the Highway Department's salt barn (see Resolution #2 and letter dated June 4, 2014 from Michael Guyon, P.E., Town Engineer).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set public hearing date of July 23, 2014 to consider proposed Local Law #3 of 2014 Best Value Pricing Local Law (see Resolution #3, letter dated June 16, 2014 from Kenneth Gordon, and copy of proposed law)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute a Business Online Banking Agreement, a Fax Wire Agreement and all related documents with First Niagara Bank to allow for on-line banking services for the Town Court and Finance Dept. (see Resolution #4 and memorandum dated June 17, 2014 from Suzanne Zaso, Director of Finance).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute Temporary Construction Easement agreement and corresponding TP-584 forms to provide access on property located at 2000 Monroe Avenue during construction relating to the Monroe Ave. Green Infrastructure project (see Resolution #5 and letter dated June 18, 2014 from Michael Guyon, P.E. Town Engineer)

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to adjourn at 8:15 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Daniel Aman, 131 Elmore Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceeding of the Town of Brighton, County of Monroe, State of New York meeting held on the 25th day of June 2014 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

June 25, 2014

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

A - GENERAL	\$	<u>236,326.65</u>
D - HIGHWAY		<u>88,738.63</u>
H - CAPITAL		<u>35,604.00</u>
L - LIBRARY		<u>64,242.61</u>
SB - BUSINESS IMPROVM		<u>270.00</u>
SL - LIGHTING DIST		<u>20,049.31</u>
SP-PARKS DISTRICT		<u>125.00</u>
SS - SEWER DIST		<u>28,666.51</u>
TA - AGENCY TRUST		<u>22,744.41</u>
TE - EXPENDABLE TRUST		<u>2,758.00</u>
TOTAL	\$	<u>499,525.12</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 25th day of June, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated June 6, 2014 from Town Engineer, Michael E. Guyon, P.E., regarding a request to authorize the Supervisor to execute a contract with M/E Engineering PC to provide professional design services in relation to the evaluation of the HVAC systems serving the Public Safety Wing of Town Hall for a cost not to exceed \$6,800.00 plus change orders not to exceed ten percent of the face amount of the contract, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract with M/E Engineering PC to provide professional design services in relation to the evaluation of the HVAC systems serving the Public Safety Wing of Town Hall for a cost not to exceed \$6,800.00; and be it further

RESOLVED, that the Supervisor is authorized to execute change orders not to exceed ten percent of the face amount of the contract, in the aggregate without further Town Board approval subject to the review and approval of said contract by the Attorney to the Town.

Dated: June 25, 2014

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



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

June 6, 2014

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

Re: Public Safety Wing
Professional Design Services for an HVAC Analysis

Dear Councilperson Werner and Committee Members:

On May 9, 2014 the Town of Brighton solicited a Request for Proposals, RFP, for professional design services to evaluate the existing HVAC system serving the public safety wing. The RFP was mailed to 10 architectural and engineering firms and was advertised on the Town of Brighton website. Six firms responded to the RFP on Thursday May 29, 2014. These firms were M/E Engineering P.C., Q-Tech Engineering P.C., Clark Patterson Lee, IBC Engineering P.C., Pathfinder Engineers & Architects LLP, and Labella Associates, D.P.C. Table-1 summarizes the fee schedule included in each RFP response.

Table-1 Fee Schedule

Company Name	Not To Exceed Fee
M/E Engineering PC	\$ 6,800.00
Q Tech Engineering PC	\$ 8,130.00
LaBella Associates, DPC	\$ 9,740.00
Pathfinders Engineerins & Architects LLP	\$ 10,770.00
Clark Patterson Lee	\$ 14,900.00
IBC Engineering PC	\$ 19,500.00

Town Staff reviewed the responses to the RFP for completeness and accuracy and concluded that the lowest fee which was submitted by M/E Engineering P.C. Inc. is a true representation of the costs to complete the project and the consultant is qualified to complete the works described in the RFP. Therefore, I am requesting that FASC recommend that the Town Board award the professional design services to evaluate the existing HVAC system serving the public safety wing contract to M/E Engineering P.C. for a cost not to exceed \$6,800. I further recommend that the Supervisor be authorized to execute any necessary change orders that do not collectively exceed ten percent of the awarded contract price.



Public Safety Wing HVAC Study, (RFP)

June 6, 2014

Page 2

I will be in attendance at your regularly scheduled June 17, 2014 meeting in the event that you have any questions regarding this correspondence. As always, your consideration of matters such as this is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Guyon", written over a horizontal line.

Michael E. Guyon, P.E.
Department of Public Works

Cc: Suzanne Zaso
Chief Mark Henderson
Tim Keef

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 25th day of June, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated June 4, 2014 from Town Engineer, Michael E. Guyon, P.E., regarding a request to authorize the Supervisor to execute a contract with SWBR Architects to provide professional design services in relation to the study, design, bid and administer the construction of the rehabilitation of the Highway Department's Salt Barn Roof for a cost not to exceed \$13,460.00 plus change orders not to exceed ten percent of the face amount of the contract, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract with SWBR Architects to provide professional design services in relation to the study, design, bid and administer the construction of the rehabilitation of the Highway Department's Salt Barn Roof for a cost not to exceed \$13,460.00; and be it further

RESOLVED, that the Supervisor is authorized to execute change orders not to exceed ten percent of the face amount of the contract in the aggregate without further Town Board approval subject to the review and approval of said contract by the Attorney to the Town.

Dated: June 25, 2014

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



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

June 4, 2014

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

Re: Operation Center
Professional Design Services for the Salt Barn Roof

Dear Councilperson Werner and Committee Members:

On May 9, 2014 the Town of Brighton solicited a Request for Proposals, RFP, for professional services to study, design, bid and administer the construction related to the rehabilitation of the existing Town of Brighton salt barn roof. The RFP was mailed to 8 architectural and engineering firms and advertised on the Town of Brighton website. Two firms, SWBR Architects and Clark Patterson Lee, responded to the RFP. Table-1 summarizes the fee schedule included in each RFP response.

Table-1 Fee Schedule

Company Name	Fee
SWBR Architects	\$ 13,460.00
Clark Patterson Lee	\$ 32,500.00

Town staff reviewed the responses to the RFP for completeness and accuracy and concluded that the lowest fee which was submitted by SWBR Architects is a true representation of the costs to complete the project and the consultant is qualified to complete the works described in the RFP. Therefore, I am requesting that FASC recommend that the Town Board award the professional design services to study, design, bid and administer the construction related to the rehabilitation of the existing Town of Brighton salt barn roof to SWBR Architects for a fee not to exceed \$13,460. I further recommend that the Supervisor be authorized to execute any necessary change orders that do not collectively exceed ten percent of the awarded contract price.

I will be in attendance at your regularly scheduled June 17, 2014 meeting in the event that you have any questions regarding this correspondence. As always, your consideration of matters such as this is greatly appreciated.

Sincerely,

Michael E. Guyon, P.E.
Department of Public Works

Cc: Suzanne Zaso
Tim Anderson
Tim Keef

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 25th day of June, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated June 16, 2014 from Attorney to the Town Kenneth W Gordon requesting that the Town Board set a public hearing on the adoption of a Local Law and the attached draft of the "Value Pricing Local Law of 2014", be received and filed; and be it further

RESOLVED, that the Town Board hereby sets a public hearing for consideration of and public comment regarding the adoption of the proposed "Value Pricing Local Law of 2014" for July 23, 2014 at 7:30 pm or as soon thereafter as this matter may be heard at the Brighton Town Hall, 2300 Elmwood Avenue, in the Town of Brighton, County of Monroe and that the Clerk of the Town publish and otherwise provide to the public notice of such public hearing as is required by law.

Dated: June 25, 2014

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

Gordon & Schaal, LLP
Attorneys at Law

1039 Monroe Avenue
Rochester, New York 14620

Telephone: (585) 244-1070
Facsimile: (585) 244-1085

June 16, 2014

Hon. William Moehle, Supervisor
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

RE: Best Value Pricing Local Law

Dear Supervisor:

Enclosed please find a draft of the Best Value Pricing Local Law with attachments. I recommend that the Town Board set a public hearing for the adoption of the Local Law.

Very truly yours,

Kenneth W. Gordon
Town Attorney

KWG/bep
Enclosure

**Local Law #3 of 2014
Best Value Pricing Local Law**

Section 1. Title

This Local Law shall be known as the Best Value Pricing Local Law of the Town of Brighton.

Section 2. Purpose.

It is the purpose and intent of this Local Law to authorize the award of contracts on the basis of Best Value for the purchase of goods or services in accordance with Section 103(1) of the New York State General Municipal Law. Such Best Value awards will not apply to contracts for public works projects.

Section 3. Text of Local Law

Pursuant to the provisions of New York State General Municipal Law Section 103(1), the Town of Brighton, New York, located in the County of Monroe, hereby authorizes the use of "best value", as that term is defined in Section 163 of the State Finance Law, for awarding purchase contracts other than purchase contracts for the completion of a public works contract pursuant to Article 8 of the Labor Law.

Section 4. Effective Date

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

STATE FINANCE LAW SECTION 163

- **j. "Best value" means the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. *Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the executive law to be used in evaluation of offers for awarding of contracts for services.***

§ 103. Advertising for bids and offers ; letting of contracts; criminal conspiracies

1. [Until June 1, 2018] Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September first, nineteen hundred fifty-three, all contracts for public work involving an expenditure of more than thirty-five thousand dollars and all purchase contracts involving an expenditure of more than twenty thousand dollars, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein including but not limited to a soil conservation district [fig 1] to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section [fig 2] , *provided, however, that purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) [fig 3] may be awarded on the basis of best value, as defined in section one hundred sixty-three of the state finance law, to a responsive and responsible bidder or offerer in the manner provided by this section except that in a political subdivision other than a city with a population of one million inhabitants or more or any district, board or agency with jurisdiction exclusively therein the use of best value for awarding a purchase contract or purchase contracts must be authorized by local law or, in the case of a district corporation, school district or board of cooperative educational services, by rule, regulation or resolution adopted at a public meeting .* In any case where a responsible bidder's or responsible offerer's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the best value. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, such officer, board or agency may award the contract to any of such bidders. Such officer, board or agency may, in his or her or its discretion, reject all bids or offers and readvertise for new bids or offers in the manner provided by this section. In determining whether a purchase is an expenditure within the discretionary threshold amounts established by this subdivision, the officer, board or agency of a political subdivision or of any district therein shall consider the reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of purchase. Purchases of commodities, services or technology shall not be artificially divided for the purpose of satisfying the discretionary buying thresholds established by this subdivision. A change to or a renewal of a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount of all purchases of the same commodities, services or technology from the same provider within the twelve-month period commencing on the date of the first purchase to an amount greater than the discretionary buying threshold amount. For purposes of this section, "sealed bids" and "sealed offers", as that term applies to purchase contracts, (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) shall include bids and offers submitted in an electronic format including submission of the statement of non-collusion required by section one hundred three-d of this article, provided that the governing board of the political subdivision or district, by resolution, has authorized the receipt of bids and offers in such format. Submission in electronic format may, for technology contracts only, be required as the sole method for the submission of bids and offers. Bids and offers submitted in an electronic format shall be transmitted by bidders and offerers to the receiving device designated by the political subdivision or district. Any method used to receive electronic bids and offers shall comply with article three of the state technology law, and any rules and regulations promulgated and guidelines developed thereunder and, at a minimum, must (a) document the time and date of receipt of each bid and offer received electronically; (b) authenticate the identity of the sender; (c) ensure the security of the information transmitted; and (d) ensure the confidentiality of the bid or offer until the time and date established for the opening of bids or offers. The timely submission of an electronic bid or offer in compliance with instructions provided for such submission in the advertisement for bids or offers and/or the specifications shall be the responsibility solely of each bidder or offerer or prospective bidder or offerer. No political subdivision or district therein shall incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids and offers.

New York State Office of the State Comptroller



Division of Local Government and Schools Accounting

LOCAL GOVERNMENT MANAGEMENT GUIDE

Seeking Competition in Procurement



Thomas P. DiNapoli State Comptroller

EXCERPT FROM "SEEKING COMPETITION IN PROCUREMENT"
(footnote omitted)

Local governments and school districts may elect to award purchase contracts which exceed the statutory threshold (i.e., \$20,000) to a responsive and responsible offeror on the basis of "best value" ("competitive offering"), instead of to the lowest responsible bidder.¹⁰ For this purpose, the term "purchase contract" includes contracts for service work, but excludes contracts necessary for the completion of a public works contract covered by the prevailing wage provisions of article 8 of the Labor Law, such as for building construction.¹¹ Towns, villages, cities (except New York City) and counties must first authorize the use of best value for awarding purchase contracts by the adoption of a local law. District corporations (e.g., fire districts), school districts, or boards of cooperative educational services (BOCES) must first authorize the use of best value by rule, regulation or resolution adopted at a public meeting.

"Best value" is defined for this purpose as a basis for awarding contracts "to the offeror which optimizes quality, cost and efficiency, among responsive and responsible offerors."¹² Therefore, in assessing best value, non-price factors can be considered when awarding the purchase contract. Non-price factors can include, but are not limited to, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance, and experience of a service provider with similar contracts. The basis for a best value award, however, must reflect, whenever possible, objective and quantifiable analysis.¹³

For purposes of best value, a responsive offeror is an offeror meeting the minimum specifications.¹⁴ As discussed above, in assessing whether an offeror is responsible, a local government or school district should consider an offeror's capacity and financial ability to complete the contract, accountability, past performance, reliability and integrity.¹⁵

Accordingly, should the local government or school district elect to award a purchase contract on the basis of best value, the local government or school district must be prepared to show that: (1) the offeror is responsive and responsible; and (2) local officials applied objective and quantifiable standards, whenever possible, to determine that the offer optimizes quality, cost and efficiency. The local government or school district should have a written justification if it bases a best value award on criteria that are not objective and quantifiable.

The best value specification should describe the general manner in which the evaluation and award of offers will be conducted and, as appropriate, identify the relative importance or weighting of price and non-price factors.¹⁶ As noted, the decision to award a contract on the basis of best value must be based on objective and quantifiable analysis, such as a cost-benefit analysis, whenever possible. In evaluating and determining to accept a higher priced offer, the local government or school district generally should use a cost-benefit analysis to show quantifiable value or savings from non-price factors that offset the price differential of the lower price offers. The local government or school district's procurement policies and procedures should require documentation of this analysis.¹⁷

Whether a local government or school district elects to award a purchase contract based on lowest responsible bidder or best value, they are required to comply with public advertising and bid/offer opening requirements that apply to purchase contracts above existing statutory thresholds.¹⁸

Example - Cost-Benefit Analysis

A local government solicits competitive offers to purchase a new pickup truck. Vendor A offers the lowest priced truck at \$40,000. Vendor B offers a more fuel-efficient truck at a price of \$45,000. Both vendors are responsive and responsible offerors. The local government reasonably estimates its average annual fuel costs to be \$4,000 for Vendor A's truck and \$3,000 for Vendor B's truck. The local government also concludes, based on reliable independent studies and assuming current usage of the vehicle, the more fuel efficient truck (Vendor B) will likely have \$250 less in maintenance costs annually than Vendor A (assuming maintenance costs of \$1,000 annually for Vendor A's truck). The local government determines the expected useful life of a new truck to be 10 years and intends to retain the truck for the full useful life. In order to quantify these other critical aspects relating to the new pick up truck purchase, the local government prepares the following cost-benefit analysis:

	Vendor A	Vendor B
Price (Truck)	\$40,000	\$45,000
Fuel Costs over Useful Life (10 Years)	\$40,000	\$30,000
Maintenance Costs over Useful Life (10 Years)	\$10,000	\$7,500
Total Cost	\$90,000	\$82,500

Based on this analysis, it may be possible for the local government to support a determination that the truck from Vendor B provides the "best value" to the local government.

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 25th day of June, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that a memorandum dated June 17, 2014 from Director of Finance Suzanne Zaso regarding a request to the Town Board to authorize the Supervisor to execute a Business Online Banking agreement and Fax Wire agreement with First Niagara Bank, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Business Online Banking agreement and Fax Wire agreement with First Niagara Bank together with any other related required documents subject to the review and approval of all agreements and related documents by the Attorney to the Town.

Dated: June 25, 2014

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



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: June 17, 2014
Subject: Authorization for Online Banking and Wiring Services with First
Niagara Bank

I am recommending that Your Honorable Body authorize the Supervisor to execute a Business Online Banking Services Agreement and a Fax Wire Agreement along with related documents with First Niagara Bank. This agreement will enable the Town to set-up online banking services for the Finance Department and Town Court and will allow the Finance Department to transfer funds via wire as needed with First Niagara Bank in accordance with the Town's Electronic Banking Policy.

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.

Cc: Dianne Burdett

EXHIBIT NO. 6

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 25th day of June, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated June 18, 2014 from Town Engineer, Michael E. Guyon, P.E., regarding a request to authorize the Supervisor to execute a temporary construction easement and related paperwork with CRE JV Mixed Five NY Branch Holdings, LLC relative to the Green Infrastructure Pilot Project in the vicinity of 2000 Monroe Avenue in the Town, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a temporary construction easement and related paperwork with CRE JV Mixed Five NY Branch Holdings, LLC relative to the Green Infrastructure Pilot Project in the vicinity of 2000 Monroe Avenue in the Town subject to the review and approval of said easement agreement by the Attorney to the Town.

Dated: June 25, 2014

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



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

June 18, 2014

The Honorable Town of Brighton Town Board
Town of Brighton
2300 Elmwood Ave.
Rochester, New York 14618

Re: Monroe Avenue Pilot Project
Citizens Bank
2000 Monroe Avenue
Temporary Construction Easement

Dear Supervisor Moehle and Town Board Members:

The above referenced project includes the construction and/or reconstruction of the sidewalk, access drive, parking area and proposed green infrastructure as shown on the attached plans prepared by the Town of Brighton titled, Monroe Avenue Green Infrastructure Pilot project dated last revised December 27, 2013. The temporary construction easement will permit Town Forces to use a portion of the Bank property to construct the improvements referenced above. A copy of the draft temporary easement is attached for your reference. I am requesting that the Town Board authorize the Supervisor to endorse this easement and the corresponding TP 584 forms as approved by the Town Attorney.

Prior to obtaining the supervisor's signature the temporary easement will be reviewed and approved by the Town Attorney.

As always, your consideration of matters such as this is greatly appreciated.

Respectfully,

Michael E. Guyon, P.E.
Department of Public Works

Cc: Tim Keef
Ramsey Boehner
Kenneth W Gordon

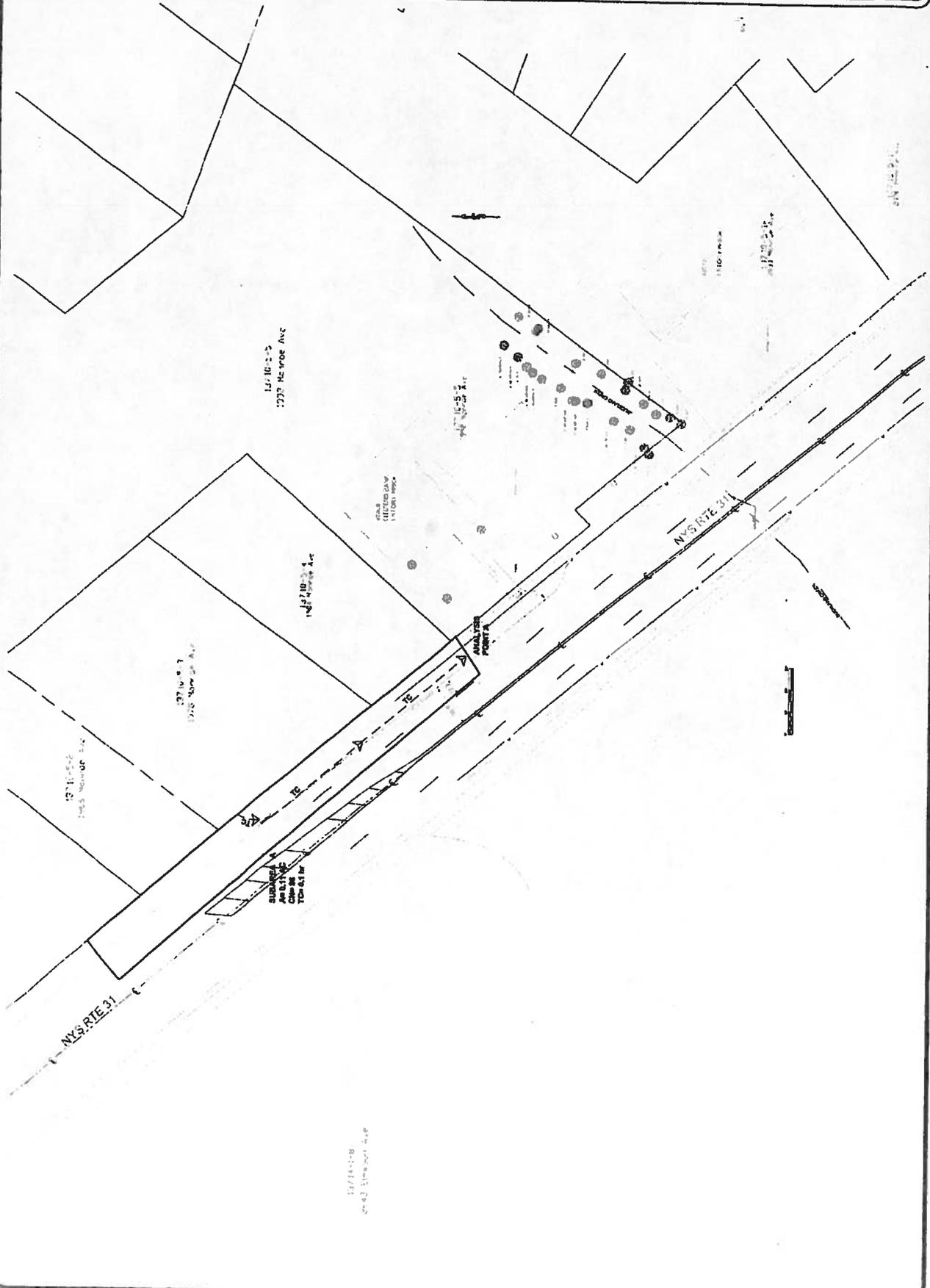
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2	ISSUED FOR PERMITS	11/14/13	[illegible]
3	ISSUED FOR PERMITS	11/14/13	[illegible]

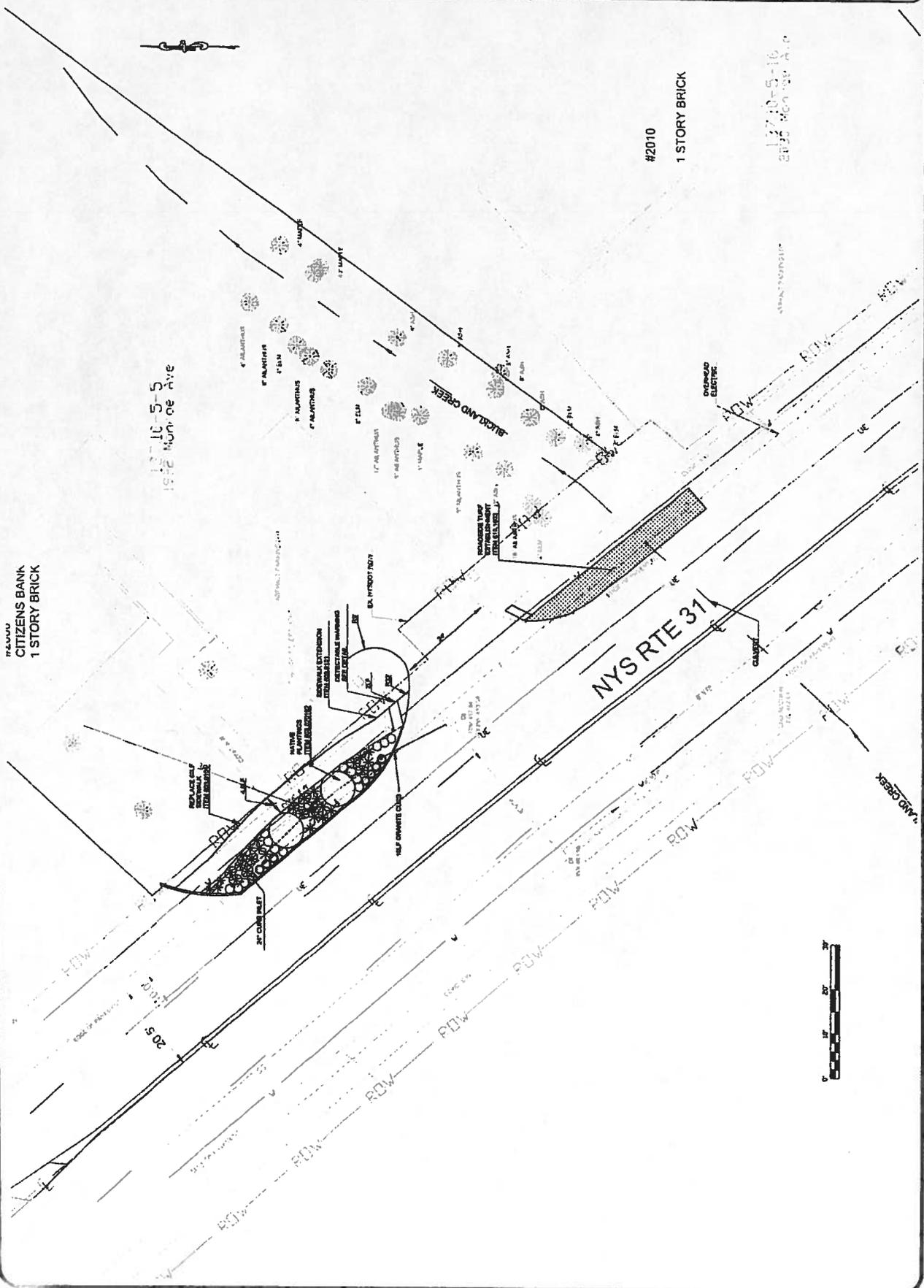
BRIGHTON
 Department of Public Works
 2300 Elmwood Avenue
 Buffalo, NY 14225
 716-835-1234

ADVERSE AIR QUALITY IMPACT ANALYSIS
 FOR THE PROPOSED
 PROJECT
 EXISTING CONDITIONS

DATE: 11/14/13
 DRAWN BY: [illegible]
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 1 of 8



PROJECT NO. 10-5-16 DATE 10/13/10		DRAWING NO. 10-5-16-01 DATE 10/13/10	
PROJECT NAME CITIZENS BANK		PROJECT LOCATION 1972 MONROE AVE	
PROJECT TYPE LANDSCAPE PLAN		PROJECT NUMBER 10-5-16-01	
PROJECT OWNER CITIZENS BANK		PROJECT ARCHITECT BRIGHTON	
PROJECT ENGINEER BRIGHTON		PROJECT LANDSCAPE ARCHITECT BRIGHTON	
PROJECT DATE 10/13/10		PROJECT SHEET NO. 1 OF 1	

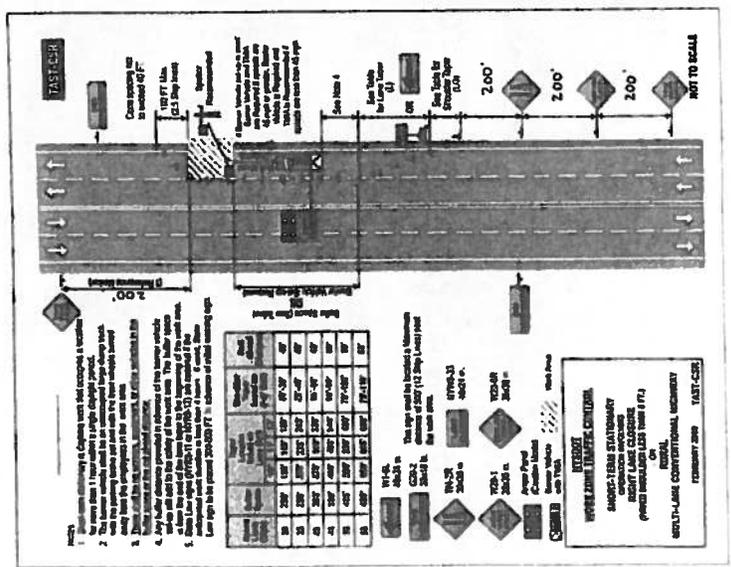
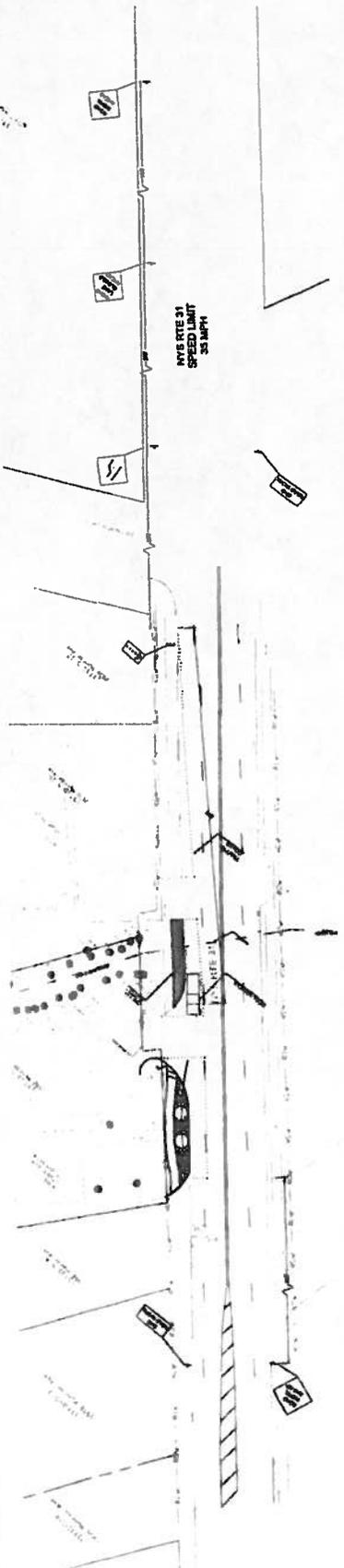


CITIZENS BANK
1 STORY BRICK

#2010
1 STORY BRICK

10-5-16
1972 MONROE AVE

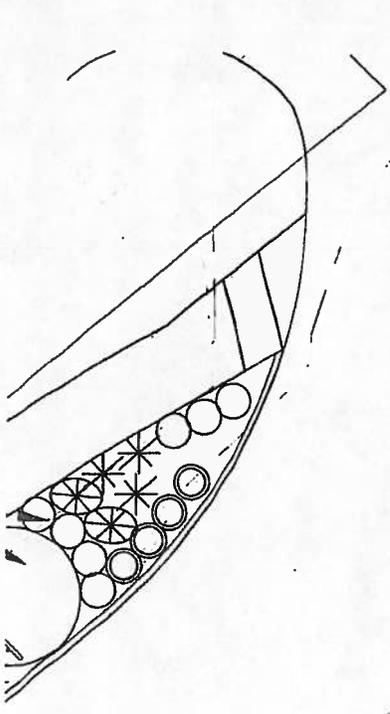




REVISIONS:

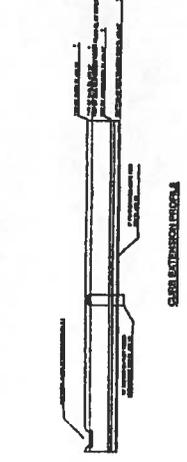
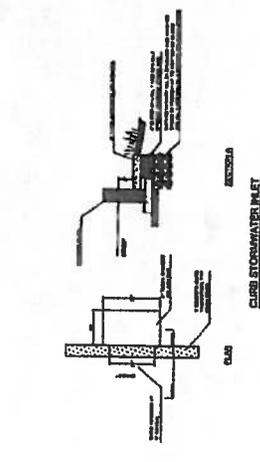
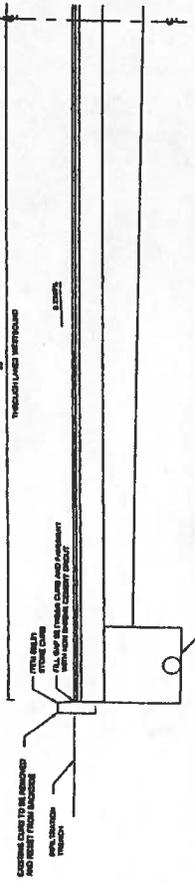
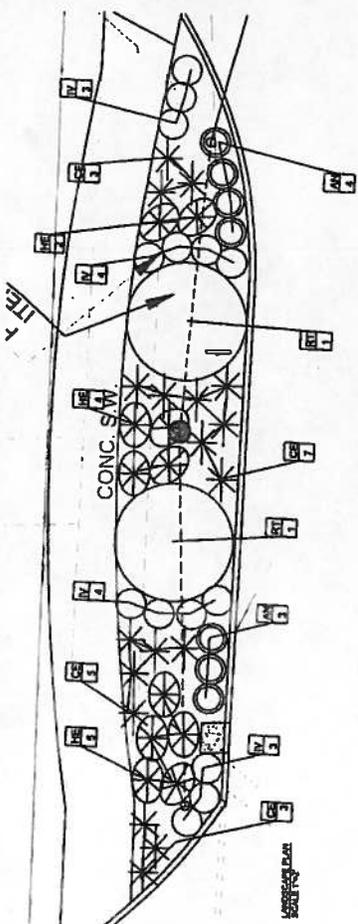
NO.	DATE	DESCRIPTION
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PROJECT: GIBBY INFRASTRUCTURE
 SHEET: 11 - 39
 DATE: 10/1/13
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 CHECKED BY: [Name]
 APPROVED BY: [Name]
 PROJECT LOCATION: GIBBY INFRASTRUCTURE
 PROJECT NO.: [Number]
 SHEET NO.: 11 - 39
 OF 8
 FEBRUARY 2009
 EAST-CSE



488.0

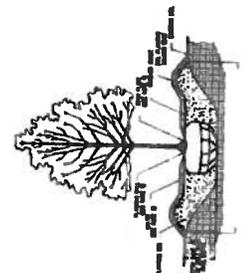
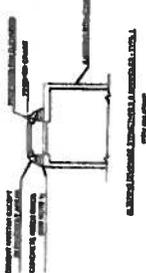
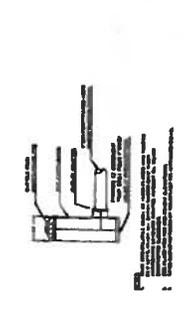
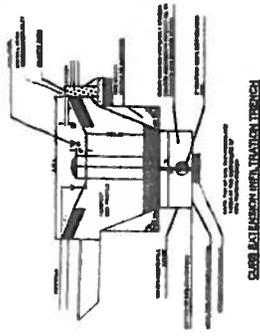
PAVEMENT GRADE ADJUSTMENT NOTES:
 1. ALL EXISTING PAVEMENT A MINIMUM OF 2 INCHES LOWER THAN THE DESIRED GRADE OF PAVEMENT.
 2. ALL EXISTING PAVEMENT TO BE REMOVED TO ALL CONTRACT SURFACES OF EXISTING PAVEMENT SHALL BE ADJUSTED TO THE DESIRED GRADE.
 3. PLACE A TRIMMER AND LEVELER COURSE OF A MINIMUM VARIABLE THICKNESS OF PROVEN PLANT AND NECESSARY TO THE DESIRED GRADE.
 4. ALL EXISTING PAVEMENT TO BE ADJUSTED TO THE SAME THICKNESS AS THE NEW PAVEMENT GRADE REQUIRED FROM THE PROPOSED PAVEMENT SURFACE.



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PLANT LIST

PLANT NAME	SIZE	QUANTITY	REMARKS
SPRING BURNING	12"	10	
SPRING BURNING	12"	10	
SPRING BURNING	12"	10	
SPRING BURNING	12"	10	
SPRING BURNING	12"	10	
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SPRING BURNING	12"	10	
SPRING BURNING	12"	10	
SPRING BURNING	12"	10	



- PLANTING NOTES:**
1. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED PERIODS.
 2. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED PERIODS.
 3. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED PERIODS.
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 6. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED PERIODS.
 7. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED PERIODS.

PROJECT NO. 123456789

DATE	DESCRIPTION	BY	CHKD.
10/10/13	DESIGN	J. SMITH	M. JONES
10/15/13	REVISION	J. SMITH	M. JONES
10/20/13	REVISION	J. SMITH	M. JONES

Brighton
 Department of Public Works
 100 North Main Street
 Northampton, MA 01061
 541-744-2320

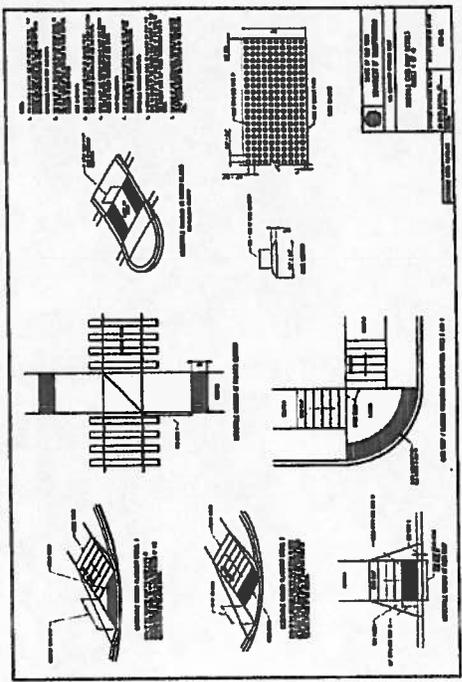
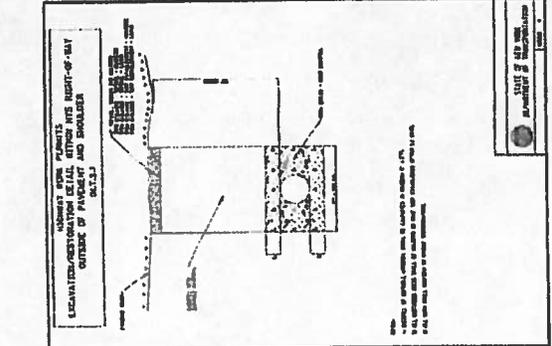
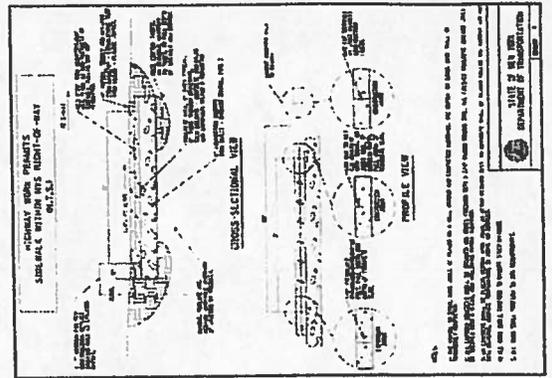
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 SHEET NO. 101
 DATE: 10/10/13
 7 of 8

DATE: 11/15/03
PROJECT: BRIGHTON

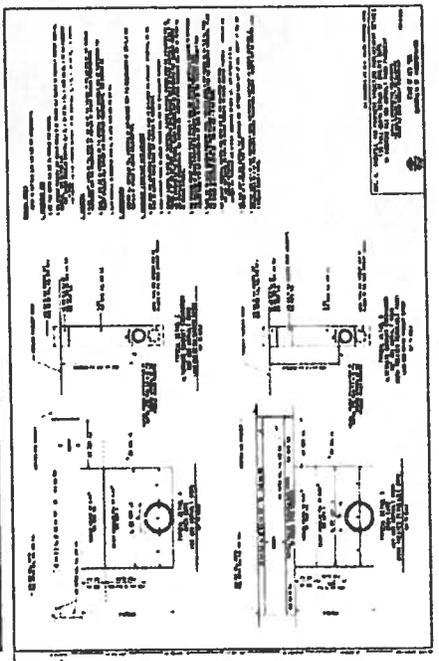
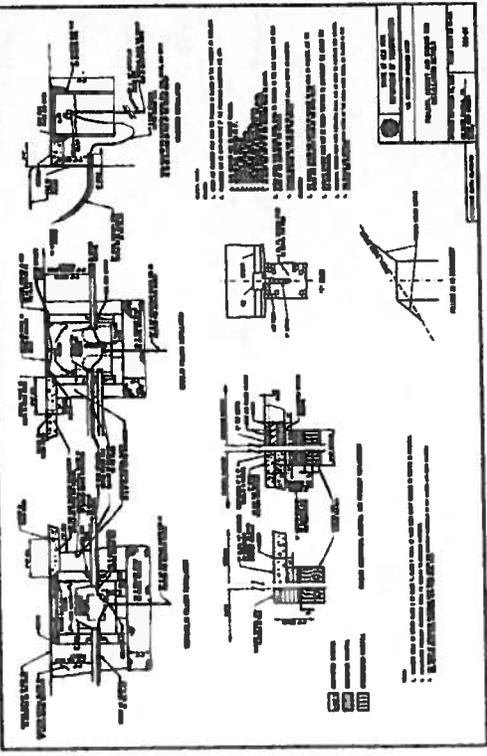
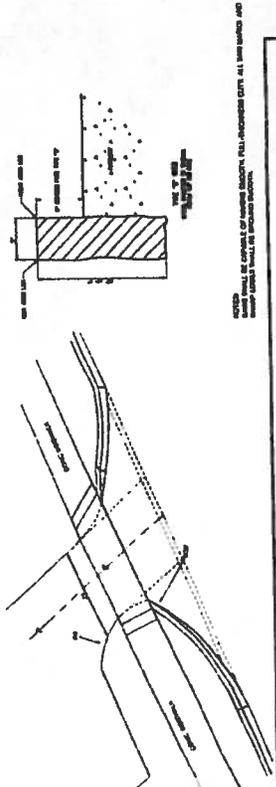
NO.	DESCRIPTION	DATE
1	PRELIMINARY	11/15/03
2	REVISED	11/15/03
3	REVISED	11/15/03

BRIGHTON
Department of Public Works
3300 Belmont Avenue
Boston, MA 02118
TEL: 617-552-3200

PROJECT: BRIGHTON
DRAWING: BRIGHTON STRUCTURE
DATE: 11/15/03
PAGE: 8 of 8



NOTES:
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.



TEMPORARY CONSTRUCTION EASEMENT

THIS TEMPORARY CONSTRUCTION EASEMENT (the "Agreement"), made this _____ day of _____, 20____ by and between **CRE JV MIXED FIVE NY BRANCH HOLDINGS LLC** ("Grantor") as the owner of property known as **2000 Monroe Avenue Rochester, New York 14618, Tax ID 137.10-5-5**, situate in the Town of Brighton, Monroe County, New York (the "Property"), and the Town Board of the Town of Brighton, a municipal corporation with offices at 2300 Elmwood Avenue, Rochester, Monroe County, New York, 14618 ("Grantee").

WITNESSETH:

That the Grantor in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid to it by the Grantee hereby grant and release to the Grantee and its successors and assigns, a temporary easement and privilege in, along and over a strip of land to be used for **construction purposes** as specified herein (the "Easement Purpose")_ and which land and easement are more particularly described as follows (the "Easement Area"):

SEE SCHEDULE "A" ATTACHED

to have and to hold the temporary easement herein granted unto the Grantee and its successors and assigns, with the following rights and privileges:

1. A temporary easement to be exercised in, on and over the Easement Area for the Easement Purpose, which includes use of the Easement Area as a work area in connection with the construction and/or reconstruction of the sidewalk, access drive, parking area and proposed green infrastructure (the "Construction Work") as shown on the plans prepared by the Town of Brighton titled, Monroe Avenue Green Infrastructure Pilot project dated April 21, 2014. The temporary easement granted herein shall terminate upon the earlier of December 31, 2015, or completion of the Construction Work, unless sooner terminated by the Grantee with written notice to the Grantor if deemed no longer necessary for the

Easement Purpose and released by the Town of Brighton Commissioner of Public Works or other authorized representative.

2. Grantee hereby indemnifies and hold harmless the Grantor, and its occupants of the Property, and its and their officers, directors, employees, members, managers, agents, successors and assigns, from loss or damage resulting from its exercise of its rights under this temporary easement, except such damages as are due to the gross negligence of the Grantor, their agents, servants, employees, successors and assigns. Conversely, grantor hereby indemnifies and hold harmless the Grantee, and its occupants of the Property, and its and their officers, directors, employees, members, managers, agents, successors and assigns, from loss or damage resulting from its exercise of its rights under this temporary easement, except such damages as are due to the gross negligence of the Grantee, their agents, servants, employees, successors and assigns. . Grantee agrees that Grantee will repair all damage to any existing Grantor improvements located in or near the Easement Area arising out of Grantee's exercise of its rights hereunder.
3. The Grantee hereby reserves the right to access the Easement Area to complete the Construction Work. Upon termination of the temporary easement the Grantor, or its agents or contractors, are responsible for maintaining replacing or repairing any portion of the improvements outside of the Monroe Avenue Right of Way Boundary, subject to the terms set forth in Section 2 of this Agreement.
4. Subject to the terms and conditions set forth herein, the Grantee and its successors, assigns, agents or contractors may, at any time exercise the rights and privileges granted herein, provided that this Agreement has not been terminated in accordance with Section 1 of this Agreement. Except as otherwise provided for herein, said rights and privileges do not convey or infer a duty by the Grantee, or its successors, assigns or contractors, to maintain the area outside of the Monroe Avenue Right of Way.

5. Grantee (or its agents) shall perform the Construction Work in a good and workmanlike manner in accordance with all applicable requirements of the governmental authorities. Grantee (or its agents) shall coordinate its construction activities with Grantor and the occupants of the Property during the course of construction. Grantee shall promptly pay all costs and expenses associated with the Construction Work and shall keep the Property free and clear of all mechanics', materialmen's and other liens resulting from completion of the Construction Work. The use of the temporary easement granted hereunder shall not unreasonably interfere with the use and operation of the Property by Grantor, its tenants, licensees, concessionaires, agents, servants, and employees. Nothing in the Agreement is intended to convey any possessory interest or exclusive right to occupy any portion of the Property; the rights granted herein are temporary and non-exclusive rights of entry and are subject to the terms and conditions set forth herein.

6. Grantee and any contractors or subcontractors shall obtain Commercial General Liability insurance for bodily injury and property damage with limits of no less than \$1,000,000 per occurrence/general aggregate per project, and ~~personal injury~~ with limits of no less than \$2,000,000. Prior to the commencement of the Construction Work, Grantee shall deliver to Grantor copies of Grantee's (or its general contractor's) commercial general liability and property damage insurance policies insuring the Construction Work and naming Grantor and its occupants as an additional insured thereunder.

IN WITNESS WHEREOF, Grantor and Grantee have caused this Agreement to be signed as of the date and year first set forth above.

GRANTOR:

CRE JV MIXED FIVE NY BRANCH HOLDINGS LLC

By: ARC Properties Operating Partnership, L.P.,
its sole member

By: _____

Name:

Title: Authorized Signatory

STATE OF ARIZONA)

ss:

COUNTY OF MARICOPA)

On this _____ day of _____, 20____, before me, the undersigned, personally appeared, _____ as Authorized Signatory of ARC Properties Operating Partnership, L.P., the sole member of CRE JV MIXED FIVE NY BRANCH HOLDINGS LLC, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to within this instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

GRANTEE:

BY _____

WILLIAM W. MOEHLE
SUPERVISOR, TOWN OF BRIGHTON

STATE OF NEW YORK)

ss:

COUNTY OF MONROE)

On this _____ day of _____, 20____, before me, the undersigned, personally appeared WILLIAM W. MOEHLE, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within this instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public