

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

**Meeting Date: Tuesday, September 16, 2014 (3:30 pm)
Location: Stage Conference Room, Brighton Town Hall**

1. Inter-Municipal Agreement with Monroe County for Tobacco Compliance Checks (Police Dept.) - Request from Chief Mark Henderson for Town Board action to authorize the Supervisor to execute an agreement with Monroe County for Tobacco Compliance Checks for the period of 4/1/14 through 3/31/15 (see letter from M. Henderson).
2. Grant Acceptance and Appropriation (Police Dept.) – Request from Chief Mark Henderson for Town Board action to accept a grant in the amount of \$10,000 from the NYS Department of Criminal Justices Services for law enforcement equipment and to amend the 2014 Police Dept. budget to reflect same (see letter from M. Henderson).
3. Discussion on 2015 Budget
4. Appropriate Fund Balance for Phase III of MCC Sanitary Sewer Project (Sewer Dist.) – Request from Tim Keef for Town Board action to appropriate \$60,000 from the Sewer Districts fund balance to help fund the cost (estimated at \$200,000) for directional drilling work to complete phase III of the MCC sanitary sewer project. The balance of funding is available in the Sewer Districts 2014 budget (see letter from T. Keef).
5. Declare Vehicles Surplus and Dispose at Auction (Highway Dept.) – Request from Tim Anderson for Town Board action to declare one 2000 Ford dump truck and one Chevy pick-up truck as surplus and dispose of at auction (see letter from T. Anderson).
6. Contract Amendment for Highland Crossing Trail (Public Works) – Request from Mike Guyon for Town Board authorization of the Supervisor to endorse Supplemental Consultant Agreement #4 with Fisher Associates for additional right-of-way services relating to the Highland Crossing Trail at a cost of \$14,832.50 and to transfer such funding in the project from property acquisitions (see letter from M. Guyon).
7. Request to Seek Bids for Boat Dock (Public Works) – Request from Mike Guyon for Town Board authorization to solicit bids for the design and construction of a boat dock and boat put along the Erie Canal as part of the Reserve Subdivision. The applicant will pay the local share for these improvements (see letter from M. Guyon).

8. Contract for Actuarial Services for OPEB Valuation (Finance) – Request from Suzanne Zaso for Town Board action to authorize the Supervisor to execute an agreement with the Burke Group to provide actuarial services for the valuation of other post-employment benefits (OPEB) as required by GASB 45 (see memo from S. Zaso).
9. Compliance Procedures for Tax-Exempt Debt (Finance) – Request from Suzanne Zaso for Town Board action to adopt a resolution outlining post-issuance compliance policies and procedures relating to the issuance of tax-exempt debt (see memo from S. Zaso).

The next regularly scheduled meeting of the FASC will be held **Tuesday, September 30, 2014 at 3:30 pm**, in the Stage Conference Room of the Brighton Town Hall. All members of the public are invited to attend FASC meetings.



Town of Brighton

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

September 4, 2014

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

RE: INTER-MUNICIPAL AGREEMENT WITH MONROE COUNTY TOBACCO COMPLIANCE CHECKS

Dear Board Members:

I recommend that the Supervisor be authorized to digitally sign an agreement between the County of Monroe and the Town of Brighton for the Inter-municipal Agreement with Monroe County Tobacco Compliance Checks. Along with the signed agreement, they have requested the Supervisor to forward insurance certificates that are required in order for the contract to be processed. Attached is a printout of the digital agreement.

Thank you for your consideration. I would be happy to answer any questions you may have regarding this request.

Respectfully,

Mark T. Henderson
Chief of Police

Attachment

c: Captain Robert Cline
JP O'Brien



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
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September 16, 2014

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

**RE: DCJS Byrne Justice Grant
LG14014764**

Dear Board Members:

I am pleased to report that New York State Senator Joseph Robach has secured a \$10,000.00 Legislative Grant for the Brighton Police Department. The grant funding will be used to purchase covert speed detection and traffic data collection device and two (2) hand- held Lidar laser radar speed measurement devices.

I hereby request that the Supervisor be allowed to accept the terms and conditions of this grant through the Grant Management System of the New York State Department of Criminal Justices Services.

Once the grant is accepted and approved I request that appropriations in account **A.POLCE.3125.2.17 (law enforcement equipment)** be increased by **\$10,000.00**.

Respectfully,

Mark T. Henderson
Chief of Police



STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES
80 S. Swan Street
Albany, New York 12210
<http://criminaljustice.ny.gov>

TO: Award Recipients

FROM: Michael C. Green
Executive Deputy Commissioner, Division of Criminal Justice Services

SUBJECT: Legislative Grant Awards

I am pleased to notify you the State Budget for State Fiscal Year 2014-2015 includes an appropriation of funds to support the program noted on the enclosed attachment.

The application **must be submitted within 30 days** of receiving this notice, otherwise you will be in jeopardy of losing this year's award. Please be aware there is no guarantee of ongoing funding for this project in these times of serious fiscal crisis in New York State and the nation. All grantees should make every effort to manage funds efficiently and seek ways to sustain their program with other resources wherever possible.

If you are a not-for-profit, this award is conditioned on the requirement that you prequalify in the Grants Gateway. Additional information on prequalification and the Grants Gateway can be found on the Grants Reform website (<http://grantsreform.ny.gov/>). Please attend to this requirement in a timely manner to avoid any delay in approval.

In the very near future an Office of Program Development and Funding Criminal Justice Program Representative will contact your office to assist you in the development of the grant contract. Applications must be completed and submitted through the DCJS internet-based automated GMS as soon as possible. Once the application is received, we will begin the grant contracting process.

DCJS is looking forward to working with you on this important initiative during the coming year. We look forward to working with you in your efforts in developing crime fighting and violence prevention initiatives that will enhance the quality of life in your community. Should you have any questions, please have a member of your staff contact Joann Tierney-Daniels at (518) 457-0002 or email at joann.tierneydaniels@dcjs.ny.gov .



Town Of Brighton

Operations Center

1941 Elmwood Ave. / Rochester, New York 14620 / Phone (585) 784 - 5280 Fax (585) 784 - 5385

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September 12, 2014

Honorable Finance Committee
Town of Brighton
2300 Elmwood Ave.
Rochester, NY 14618

Re: Authorize Disposal of Equipment and Material

Honorable Members:

I recommend the disposal of certain highway equipment as listed below. The items listed are no longer able to support departmental operations.

#47 2004 Chevy Silverado Pick Up Truck w/Plow Asset #360460
#73 2000 Ford 1 TN Dump Truck Asset #D50714

I further recommend that I be authorized to dispose of this equipment at an auction conducted by Roy Teitsworth at the Monroe County Municipal auction on October 4th of this year.

Sincerely,

Timothy J. Anderson
Deputy Highway Superintendent

Cc: M. Hussar
S. Zaso
T. Keef
A. Banker

lea.



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK
DEPARTMENT OF PUBLIC WORKS

September 9, 2014

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

Re: Highland Park/Canalway Trail
Fisher Associates
Supplemental Agreement #4, Additional Right of Way Incidental Services

Dear Councilperson Werner and Committee Members:

I am requesting that the FASC authorize the Supervisor to endorse Supplemental Agreement #4 with Fisher Associates for the additional services required to complete the right of way incidental work. The cost of the additional services is \$14,832.50 and includes:

- The real property appraisal reports prepared in December, 2012 are acceptable for a 1 year period. The NYS property acquisition process delayed the project in excess of one year and the 2012 appraisals must be updated.
- The consultant must review the updated appraisal reports per the original scope of services.
- Update the title searches and certifications are required due to the passage of time resulting from the project delay referenced above.
- The NYS property acquisition process requires that a last owner property certification be completed. The last property owner for the NYS owned properties dates back to the 1800's which requires a thorough and expensive title search. Following lengthy discussions it was concluded that a three year title search will be completed for the NYS owned properties. The cost of the 3 year title search is an additional service.

The funds needed to reimburse the cost of the additional services will be transfer from the acquisition of property phase to the incidental right of way phase. The total project cost will remain unchanged and no additional funding is being requested.

If authorized, this agreement will reduce the funding available for property acquisition from \$200,000 to \$185,167.50 and the total project cost will remain unchanged. Based on the existing property appraisals, the anticipated cost to acquire the necessary easements is \$109,000. Therefore, sufficient funding will remain to complete the property acquisition

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5250 • Fax: 585-784-5373
<http://www.townofbrighton.org>



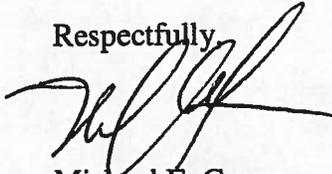
September 9, 2014

6b.

phase. The NYSDOT indicated that the transfer of funding from the property acquisition phase to the right of way incidental phase is permissible.

Tim Keef will be in attendance at your regularly scheduled September 16, 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.

Respectfully



Michael E. Guyon
Department of Public Works

Cc Tim Keef
Mary Ann Hussar
Suzanne Zaso





Town of Brighton

MONROE COUNTY, NEW YORK

DEPARTMENT OF PUBLIC WORKS

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

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September 9, 2014

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

Re: The Reserve Subdivision
Proposed Boat Dock and Boat Put In
Construction Bid Documents

Dear Councilperson Werner and Committee Members:

As part of The Reserve Subdivision the applicant, Anthony J. Costello & Son Development, LLC., entered into an agreement with Town of Brighton to design and construct a boat dock and boat put in along the Erie Canal. The applicant agreed to pay the local share of the proposed improvements and provided a letter of credit in the amount of \$225,000. In addition, the Town of Brighton entered into an agreement with the New York State Canal Corporation who will make available \$225,000 for these canal improvements.

The applicant has indicated that the plans and specifications for the boat dock and boat put in will be available for bid in October 2014. Therefore, I am requesting authorization to solicit a request for bidders to provide those construction services necessary to construct the boat dock and boat put in along the Erie Canal. No action as to awarding a contract will be considered without returning to this committee.

As always, thank you for your consideration. Tim Keef will be in attendance at your regularly scheduled September 16, 2014 meeting in the event that you have any questions regarding this matter.

Respectfully,

Michael E. Guyon, P.E.
Town Engineer

cc: S. Zaso
T. Keef
Mary Ann Hussar



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 *sz*
Date: September 15, 2014
Subject: Actuarial Services for Other Post-Employment Benefits
GASB 45

In accordance with GASB 45 provisions for valuating and disclosing the cost of Other Post-Employment Benefits (OPEB), the Town must obtain a full valuation for the fiscal year ending 12/31/14. When the last full valuation was done two years ago, the Town requested proposals from four firms. The Burke Group was chosen from those proposals to perform these services. While there was one other firm that came in \$300 less than the Burke Group, they did not have any municipal experience providing OPEB valuation services.

Since the Burke Group has an understanding of the Town and its benefits in providing these valuation services for two of the last three valuations periods and also is the firm that is providing these services to many other local municipalities, I am recommending that the Town Board authorize the Supervisor to sign an agreement with the Burke Group for a base fee of \$4,000 to prepare and provide a report on the full valuation of post-retirement healthcare benefits for the Town of Brighton for the fiscal year ending 12/31/14, as required under GASB 45. This is the same fee charged in 2012.

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

9a.



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 *sz*
Date: September 15, 2014
Subject: Post-Issuance Compliance Procedures for Tax-Exempt Debt

The IRS is requiring that issuers of tax-exempt debt adopt procedures to ensure that the requirements imposed upon the Town as the issuer of such debt are satisfied. Such requirements include securing closing documents, keeping a record of all relevant material as to the investment and the expenditure of bond proceeds for up to 3 year after final redemption of the bonds, and complying with arbitrage related issues.

I am requesting that the Town Board adopt the attached resolution as prepared by the Town's Bond Counsel outlining these procedures.

I will 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

A meeting of the Town Board of the Town of Brighton, Monroe County, New York, held at Brighton Town Hall, 2300 Elmwood Avenue, Rochester, New York 14618 on September 23, 2014 at seven o'clock p.m., prevailing time.

The meeting was called to order by Town Supervisor, William W. Moehle, and upon roll being called, the following were:

PRESENT:

ABSENT:

The following resolution was offered by _____, who moved its adoption, seconded by _____, to-wit:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING AND ADOPTING POST ISSUANCE COMPLIANCE POLICIES AND PROCEDURES RELATED TO THE TOWN'S TAX-EXEMPT OBLIGATIONS, SUCH POLICIES AND PROCEDURES INTENDED TO ENSURE THAT THE REQUIREMENTS IMPOSED UPON THE TOWN PURSUANT TO THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, WILL BE SATISFIED

WHEREAS, the Town of Brighton, Monroe County, New York (the "Town") previously has issued bond and notes (the "Tax-Exempt Obligations"), the interest on which is excluded from gross income of the owners thereof pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Town intends to issue additional series of Tax-Exempt Obligations in the future; and

WHEREAS, in order to ensure that that interest on Town's Tax-Exempt Obligations will continue to be excluded from gross income of the owners thereof for purposes of federal income taxation, and that the Town complies with its tax certifications relating to the Tax-Exempt Obligations, the Town has determined, based on the advice of the Town's Bond Counsel, to adopt certain written Post-Issuance Compliance Policies and Procedures in the form attached hereto as Exhibit A and made a part hereof (the "Post-Issuance Compliance Procedures").

9c.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brighton, Monroe County, New York (the "Board"), as follows:

Section 1. The Board hereby approves and adopts the Post-Issuance Compliance Procedures.

Section 2. The Board hereby appoints the Director of Finance of the Town to serve as the "Designated Tax Compliance Official" under the Post-Issuance Compliance Procedures and hereby authorizes and directs the Director of Finance, acting in such capacity, to take such actions, after appropriate consultation with Bond Counsel to the Town, as the Director of Finance deems necessary, appropriate or desirable to effect the implementation of the Post Issuance Compliance Procedures, and hereby further authorizes the Director of Finance, as such Designated Tax Compliance Official, to delegate to such other Town officials or employees as the Director of Finance shall determine is necessary or appropriate, the responsibility to take certain specific actions called for by the Post-Issuance Compliance Procedures.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows.

_____	VOTING	_____

The foregoing resolution was thereupon declared duly adopted.

9d.

Exhibit A

TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK

**POST-ISSUANCE COMPLIANCE POLICIES AND PROCEDURES
Related to Tax-Exempt Obligations**

Adopted: September 23, 2014

These Post-Issuance Compliance Policies and Procedures (the "Procedures") are adopted by **TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK** (the "Town") to ensure that interest on tax-exempt obligations of the Town (the "Bonds") remains excludable from gross income under Section 103 of the Internal Revenue Code of 1986 (the "Code").

In order to ensure continued compliance with requirements of the Code and the applicable regulations (the "Applicable Federal Tax Law") associated with the issuance of Bonds, the Town will consult with the Town's bond counsel, in advance, regarding deviations from the facts and expectations set forth in the closing certifications relating to any issue of Bonds.

If as a result of changes to the Applicable Federal Tax Law or the New York State Local Finance Law these Procedures are in conflict with such laws, the Town will consult with Bond Counsel regarding the proper course of action, including amending these Guidelines.

I. Procedures

The Director of Finance of the Town (the "Designated Tax Compliance Official") is the primary person to consult with the Town's bond counsel ("Bond Counsel"), financial advisor and other advisors on a continual basis for the entire term of the Bonds. The Designated Tax Compliance Official may delegate to his or her staff or contract with independent contractors (such as an arbitrage/rebate consultant) responsibility for different aspects of post-issuance tax compliance. However, the Designated Tax Compliance Official will be ultimately responsible for implementing the procedures described herein.

II. Securing Closing Documents

Following each issuance of Bonds, the Designated Tax Compliance Official or his or her designee will:

- a. Confirm the filing of the Form 8038 or Form 8038-G (or applicable successor form) with Internal Revenue Service ("IRS"). Filing of the applicable Form 8038 is usually undertaken or overseen by Bond Counsel at or soon after the closing of a bond issue.
- b. Obtain and store the Transcript of Proceedings prepared by Bond Counsel (which typically includes the applicable Form 8038 and the Arbitrage and Tax Certificate containing the Town's expectations as of the date of issuance of the bond issue).

III. Recordkeeping

The Designated Tax Compliance Official or his or her designee will:

- a. Establish a plan for keeping relevant books and records as to the investment and the expenditure of bond proceeds.
- b. Keep accurate records including:
 - (i) Basic records relating to the bond transactions (including the bond resolutions, closing documents, and the Bond Counsel Opinion (see Securing Closing Documents, above);
 - (ii) Documentation evidencing the expenditure of bond proceeds;
 - (iii) Documentation evidencing use of bond-financed property by public and private sources (i.e., copies of leases, management contracts);
 - (iv) Documentation evidencing all sources of payment or security for the bonds; and
 - (v) Documentation pertaining to any investment of bond proceeds (including the purchase and sale of securities, subscriptions for United States Treasury Securities-State and Local Government Series ("SLGs"), yield calculations for each class of investments, actual investment income received from the investment of proceeds, guaranteed investment contracts and rebate calculations).
- c. Keep all records in a manner that ensures their complete access to the IRS so long as they are material.
- d. Keep the relevant records for each issue of bonds for as long as such issue of bonds is outstanding (including any bonds issued to refund such issue of bonds) plus three (3) years after the final redemption date of the bonds.

IV. Arbitrage Rebate and Arbitrage Yield Restriction

The Designated Tax Compliance Official or his or her designee will:

- a. Engage the services of the Town's financial advisor or an arbitrage/rebate consultant for assistance in compliance with arbitrage related issues.

- b. Work with the Town's Bond Counsel, financial advisor and/or arbitrage/rebate consultant to monitor compliance with "temporary period exceptions" for expenditure of bond proceeds, typically three (3) years for new money bonds and provide for yield restriction of investments or "yield reduction payments" if exceptions are not satisfied.
- c. Work with the Town's Bond Counsel and financial advisor to ensure investments acquired with bond proceeds are purchased at fair market value. This may include use of bidding procedures under the regulatory safe harbor (Section 1.148-5(d) of the Regulations).
- d. Consult with the Town's Bond Counsel or arbitrage rebate consultant prior to the creation of funds which would reasonably be expected to be used to pay debt service on tax-exempt bonds to determine in advance whether such funds must be invested at a restricted yield (i.e., yield restricted).
- e. Consult with the Town's Bond Counsel and financial advisor before engaging in post issuance credit enhancement transactions (e.g., bond insurance, letter of credit) or hedging transactions (e.g., interest rate swap, cap).
- f. Consult with the Town's Bond Counsel, financial advisor, and/or arbitrage rebate consultant to identify situations in which compliance with applicable yield restrictions depends upon subsequent investments (e.g., purchase of 0% SLGS from U.S. Treasury) and monitor implementation.
- g. Work with an arbitrage rebate consultant to arrange for timely computation of rebate/yield reduction payment liability and, if an amount is payable, for timely filing of Form 8038-T, Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate (or applicable successor form), and payment of such liability. Rebate/Yield Reduction payments are ordinarily due at 5-year intervals.

V. Private Use of Bond-Financed Facilities

The Designated Tax Compliance Official or his or her designee will:

- a. Create and maintain records of which proceeds of bond issues were used to finance which facilities. These records shall incorporate the refunding or partial refunding of any bond issues.
- b. Record the allocation of bond proceeds to expenditures, including reimbursements. These records will be consistent with the expenditures used for arbitrage purposes.
- c. Record the allocation of bond proceeds and funds from other sources in connection with any bond funded project. Review expenditure of bond proceeds with Bond Counsel to ensure bond proceeds are used for qualifying costs.
- d. Review with Bond Counsel prior to the sale or lease of a bond-financed facility, or the granting of a license or management contract, or any other arrangement allowing private use of a bond financed facility, the terms of such arrangement.



- e. Keep records of private use, if any, of bond financed facilities to monitor the amount of private use of bond financed facilities. Private use of bond-financed facilities shall be reviewed no less frequently than once a year (in connection with the preparation of the annual financial statements). If a change in private use occurs, Bond Counsel will be consulted to determine if remedial action is necessary.