

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

**Meeting Date: Tuesday November 20, 2018 (3:30 p.m.)  
Location: Stage Conference Room, Brighton Town Hall**

1. Approval of Minutes – Receive and file minutes of the November 6<sup>th</sup>, 2018 meeting.
2. Executive Session – Discuss employment of a particular person (Police Dept.) – Request from Chief Henderson for Town Board action for the appointment of a Police Officer effective December 15, 2018. This conditional offer of employment is contingent on the successful completion of all testing, evaluation and other approvals as outlined in Chief Henderson's communication letter. The salary will be set per the Police Bargaining Agreement and the employee will serve a 26 week probationary period (see letter from M. Henderson).
3. Accept \$1,000 donation from W. Barry Gilbert and amend Police Department budget to expend these funds (Police Dept.) – Request from Chief Mark Henderson for Town Board action to accept a donation of \$1,000 from W. Barry Gilbert. Further action is requested to amend the 2019 Police Department's budget by increasing revenue account A.POLCE.3120.2705 Gifts and Donations and expense account A.POLCE.3120.4.18 Programs and Supplies by \$1,000 each (see letter from M. Henderson).
4. DISCUSSION ITEM ONLY: Discuss bid solicited for vehicle maintenance (Police Dept.)
5. Award bid to BLM Construction Company, Inc for the construction services related to the Winter Farmer's Market Project (Public Works Dept.) – Request from Mike Guyon for Town Board action to award the bid for the construction/renovation of the Winter Farmer's Market to the lowest responsible bidder, BLM Construction Company for base bid plus all added alternatives. Total contract amount not to exceed \$266,100. Further authorize the Supervisor to sign all contracts and approve change orders that do not collectively exceed 10% of the project bid award (see letter from M. Guyon).
6. Authorization to solicit a request for bidders for construction services related to the upgrade of the existing lighting system in the garage bays/salt barns (CIP approved) (Highway Dept.) – Request from Mike Guyon for Town Board action to authorize the solicitation for bids for the construction services related to the lighting upgrade project at the Highway Department, as approved by the 2018 CIP. Funds are available in the budget. No award of bids will be made without returning to this committee (see letter from M. Guyon).

7. Authorize Budget Transfer in Highway (Highway Dept.) – Request from Tim Anderson for Town Board action to approve the following transfer:

From A.HWY.8160.4.81 Landfill Postage	\$2,690.00
A.HWY.8160.4.83 Landfill Printing Charges	414.76
To: A.HWY.5132.4.32 Facility – Gen Liability Ins	\$3,103.76

Transfer needed to cover the cost of General Liability Insurance for the underground petroleum storage facility (see letter from T. Anderson).

8. Authorization to solicit a request for qualifications (RFQ) for professional consulting services as related to the Climate Action Plan (Public Works Dept.) – Request from Mike Guyon for Town Board action to authorize the solicitation for a request for proposal for professional services related to the Climate Action Plan. Services will include development and implementation of a public participation plan, confirmation of information contained in the draft Climate Action Plan, preparation of the final Climate Action Plan, prepare the final SEQRA documentation and to present the final plan to the Town Board for consideration (see letter from M. Guyon).

9. Authorization to solicit bids for the demolition of 202 Norman Road (Public Works Dept.) - Request from Mike Guyon for Town Board action to authorize the solicitation via sealed bids to provide the construction services necessary to demolish the structure at 202 Norman Road as approved at the Town Board meeting held on July 25<sup>th</sup>, 2018 (see letter from M. Guyon).

10. Authorize Budget Transfer in the DPW Facilities Dept (Public Works) – Request from Mike Guyon for Town Board action to approve the following budget Transfer:

From: A.DPW.1620.2.60 Facility Improvements	\$1,150.00
To: A.DPW.1620.4.45 Facility Equip Rental	1,150.00

transfer of funds are to pay for the rental of a lift to install lighting in the Police Storage area at the Operations center (See letter from M. Guyon).

11. Authorization to solicit a request for qualifications for professional services as related to the Inclusion, Diversity, Equity and Advisory (I.D.E.A.) Plan (Supervisor's Office) – Request from Town Supervisor Moehle for Town Board action to authorize the solicitation for professional services as related to the I.D.E.A. plan. Funds are available in the 2019 budget (see letter from Supervisor Moehle).

12. Authorization for a Memorandum of Understanding (MOU) with the Towns of Irondequoit, Pittsford and the Village of Pittsford (Supervisor's Office) – Request from Supervisor Moehle for Town Board action to authorize a MOU with the Towns of Irondequoit, Pittsford and the Village of Pittsford to work together to identify and retain the services of an administrator for the Community Choice Energy Aggregation program (see letter from Supervisor Moehle).

13. Adopt Bond Resolution for Browncroft Lighting District (Finance Dept.) – Request from Paula Parker for Town Board action to adopt a bond resolution in the amount of \$54,100 as prepared by Bond Counsel, for the installation of the improvements for the Browncroft Lighting District. This vote will require a 2/3rds majority (4 out of 5), is not subject to permissive referendum, but is subject to the 20 day (after publication) estoppel period. This District has been approved by New York State (see letter from P. Parker).
14. Discuss the 2019 FASC Meeting Schedule (final draft attached).
15. REMINDER: The FASC meeting scheduled for December 18<sup>th</sup> has been cancelled. This will be noted on the FASC meeting's agenda for December 4<sup>th</sup>, 2018.

**The next regularly scheduled meeting of the FASC will be held on TUESDAY, December 4, 2018 at 3:30 p.m. in the Stage Conference Room of the Brighton Town Hall. All members of the public are invited to attend FASC meetings.**

**\*\*AS PER THE REGULAR SCHEDULE\*\***



Town of  
**Brighton**

## Brighton Police Department

2300 Elmwood Avenue  
Rochester, New York 14618  
(585) 784-5150



3a  
Mark T. Henderson  
Chief of Police

November 14, 2018

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

Dear Board Members:

**Re: \$ 1,000.00 Donation to the Police Department**

Recently, the Police Department received a donation of \$1,000.00 from W. Barry Gilbert.

I request that the Town Board authorize the acceptance of this gift, and that the donation be recorded as revenue to the 2019 Police Department Operating Budget, I further request that the 2019 Police Department Operating Budget be amended to increase line **A.POLCE.3120 4.18 Programs and Supplies by 1,000.00, to be fully supported by an increase in A.POLCE 3120.2705 Gifts and Donations.**

The donation will be placed in the budget line which supports a community education programs.

I have attached a copy of my letter to Mr. Gilbert.

Sincerely,

Mark T. Henderson  
Chief of Police

Attachment



Town of  
**Brighton**

## Brighton Police Department

2300 Elmwood Avenue  
Rochester, New York 14618  
(585) 784-5150



3b  
Mark T. Henderson  
Chief of Police

November 14, 2018

Mr. W. Barry Gilbert  
130 Runnymede Road  
Rochester, New York 14618

Dear Mr. Gilbert:

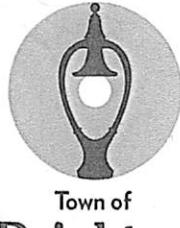
I am writing to express my sincere appreciation for your thoughtful and generous donation to the Brighton Police Department.

While it is not necessary to make direct donations to the department for services provided, your thoughtfulness and consideration help instill a strong community-oriented attitude in our officers. We appreciate your \$1,000 donation to the Brighton Police Department.

On behalf of the entire Brighton Police Department, I wish to thank you for your thoughtfulness and generosity.

Sincerely,

Mark T. Henderson  
Chief of Police



# 5a Public Works Department

Commissioner of Public Works – Tim Keef, P.E.

Michael Guyon, P.E.  
Town Engineer

November 14, 2018

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

Re: Town of Brighton Winter Farmer's Market  
Barn Renovation Bid

Dear Councilperson DiPonzo and Committee Members:

The Town Board at their regularly scheduled June 27, 2018 meeting rejected all bids received to provide construction services to renovate an existing block barn at 1435 Westfall Road and authorized the solicitation for new proposals as part of the Winter Farmer's Market project. The scope of the project was dramatically reduced and revised plans were publicly advertised and publicly opened, all as required by law. Bids were received and opened on November 2, 2018 at 3:00 PM.

The bid documents included six add alternates as shown below:

Alternate 1 – Remove Existing interior slab  
Alternate 2 – Install three new steel posts with footers and new beam as indicated on bid documents  
Alternate 3 – New interior concrete slab  
Alternate 4 – Rough framing at interior perimeter  
Alternate 5 – Construct 2 new dormers  
Alternate 6 – Complete surface and cosmetic repairs, cleaning and painting of existing exterior masonry walls

We received four bids as shown below :

Bidder	Base Bid plus All Add/Alternates
Frank Marianacci, Inc	\$374,297.00
FWC Construction Corp.	\$327,640.00
BLM Construction Co., Inc.	\$266,100.00
Testa Construction	\$354,800.00

Insite Architecture reviewed the bids for completeness and accuracy and concluded that the low bid submitted by BLM Construction Co., Inc. is a true representation of the costs to complete the project and the contractor is qualified to complete the works of the Contract. A copy of the Recommendation of Award letter prepared by Insite Architecture is attached for your reference.

Therefore, I am requesting that FASC recommend that the Town Board award the bid to renovate the barn at 1435 Westfall Road to the low, responsible and responsive bidder, BLM Construction Co., Inc. for a Base Bid plus add/alternates 1 – 6 for a cost not to exceed \$266,100.00. 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.



Town of Brighton Winter Farmers Market  
November 14, 2018

5b

As always, thank you for your consideration. I will be in attendance at your regularly scheduled November 20, 2018 meeting in the event that you have any questions regarding this matter.

Respectfully,

Michael E. Guyon, P.E.

cc: P. Parker  
R. Cotter



5c

20 November 2018

Michael Guyon  
Commissioner of Public Works  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

re: Barn Rehabilitation Bids

Dear Mike,

We have evaluated the bids received on November 2, 2018 for the Barn Rehabilitation project. The bid documents included (6) Add/Alternates that can be added to the scope of work included in the base bid at the discretion of the Town of Brighton.

Four bids were received as shown below:

Contractor	Base Bid + (6) Add/Alternates
Frank Marianacci, Inc.	\$374,297.00
FWC Construction Corp.	\$327,640.00
BLM Construction Company, Inc.	\$266,100.00
Testa Construction	\$354,800.00

We have reviewed the bids for completeness and accuracy and recommend that the Town of Brighton award the contract for the Barn Rehabilitation project to the apparent low bidder, BLM Construction. The contractor appears competent to perform the scope of work as outlined in the bid documents.

Very truly yours,

A handwritten signature in black ink that reads "Rick".

Rick Hauser  
In.Site: Architecture  
2 Borden Avenue, Suite 202  
Perry, NY 14530  
585.237.2614



Town of  
**Brighton**

## Public Works Department

6  
Mike Guyon, P.E.  
Commissioner of Public Works

November 14, 2018

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

Re: Operations Center Lighting Upgrade Project  
Solicit a Request for Bidders.

Dear Councilperson DiPonzio and Committee Members:

I am requesting authorization to solicit a request for bidders for construction services necessary to upgrade the existing lighting system in the garage bays and salt barn of the Town Operation Center. This project is included in the 2018 adopted Capital Budget and funding is available in account A:HWY.5132 2.63. No action as to awarding a contract will be considered without returning to this committee.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled November 20, 2018 meeting in the event that you have any questions regarding this matter.

Respectfully,

Michael E. Guyon, P.E.

cc: P. Parker  
E. Garcia  
T. Anderson  
B. Monroe



Highway Department  
Commissioner of Public Works – Michael Guyon, P.E.

Tim Anderson  
Deputy Highway  
Superintendent

November 16, 2018

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

Re: Proposal for transfer of funds: Insurance for Underground Storage Tank Financial Responsibility

Dear Councilperson DiPonzo and Committee Members:

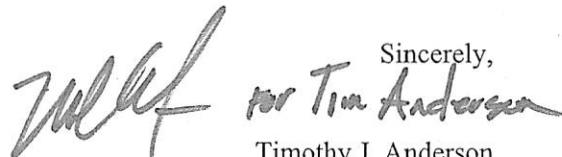
I recommend that a transfer of funds to be approved from the following:

Highway – Landfill – Postage Charges (A.HWY.8160 4.81) in the amount of \$2,690  
And  
Highway – Landfill – Printing Charges (A.HWY.8160 4.83) in the amount of \$413.76

To the following:

Highway – Facility – Gen Liability Insurance (A.HWY.5132 4.32) in the amount of \$3,103.76

The transfer of funds is to pay for insurance used to provide mandated financial responsibility in owning a bulk underground petroleum storage facility. This is an unbudgeted item for 2018. I am available to answer any questions if needed.

  
Sincerely,  
Timothy J. Anderson  
Deputy Highway Superintendent

Cc:  
P. Parker  
M. Guyon  
A. Banker



Town of  
**Brighton**

8  
Public Works  
Department

Mike Guyon, P.E.  
Commissioner of Public  
Works

November 16, 2018

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

Re: Sustainability Oversight Committee, SOC  
Climate Action Plan

Dear Council Person Diponzo and Committee Members:

The Town of Brighton Sustainability Oversight Committee has developed a draft Climate Action Plan. This draft plan must be refined before it can be publically vetted and presented to the Town Board for consideration.

Therefore, I am requesting authorization to prepare and solicit a request for qualifications for professional consulting services to develop and implement a public participation plan, confirm the information presented in the draft Climate Action Plan, prepare a final Climate Action Plan, prepare the appropriate SEQRA documentation and present the final plan to the Town Board for consideration.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled November 20, 2018 meeting in the event that you have any questions regarding this matter.

Respectfully,

Michael E. Guyon



Town of  
**Brighton**

9  
Public Works  
Department

Mike Guyon, P.E.  
Commissioner of Public  
Works

November 16, 2018

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

Re:     Solicit Bids for Demolition  
          202 Norman Road

Dear Councilperson DiPonzo and Committee Members:

The Town Board at their July 25, 2018 meeting approved the demolition and removal of the unsafe building at the above reference address.

I am requesting that the FASC recommend that the Town Board authorize the Department of Public Works to solicit a request for bidders to provide those construction services necessary to demolish the structure at 202 Norman Road referenced above.

No action as to awarding either contract will be considered without returning to this committee.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled November 20, 2018 meeting in the event that you have any questions regarding this matter. As always, your consideration of matters such as this is greatly appreciated.

Sincerely,

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

Cc:    P. Parker  
      C. Roscoe  
      R. Boehner



Town of  
**Brighton**

10  
Public Works  
Department

Mike Guyon, P.E.  
Commissioner of Public  
Works

November 16, 2018

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

Re: Proposal for transfer of funds: Install lighting in Police Storage Unit at Operation Center

Dear Councilperson DiPonzo and Committee Members:

I request that a transfer of funds to be approved from the following:

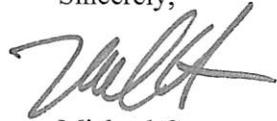
Public Works Department – Facility Operations – Facility Improvements (A.DPW.1620 2.60) in the amount of \$1,150.00

To the following:

Public Works Department – Facility Operations – Equipment Rental Services (A.DPW.1620 4.45) in the amount of \$1,150.00

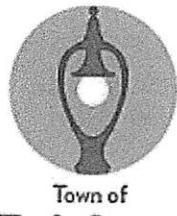
The transfer of funds is to pay for the rental of a lift to install lighting in the police storage area.

Sincerely,



Michael Guyon

Cc: P. Parker  
A. Banker  
G. Donofrio



**Brighton**

# Office of the Town Supervisor

The Honorable William W. Moehle

11a

**Bridget Monroe**  
Assistant to Town Supervisor

**DATE:** November 20, 2018  
**TO:** Members of the Town Board  
**FROM:** Supervisor William W. Moehle  
**RE:** IDEA Board Consulting Services  
Request for Proposal

Attached is a proposed Request for Proposal (RFP) for consulting services for the IDEA Board. Funding is available for these services in the 2019 budget.

This proposed RFP has been reviewed by, and incorporates revisions made by Board liaison Robin Wilt, Inclusion and Diversity Advisor Sheila Gaddis, IDEA Board Chair Felicia Garcia-Hartstein. The proposed RFP includes the two primary tasks established for the IDEA Board, the development of an Inclusion and Diversity Plan for the Town and the review of Town policies and procedures as they relate to diversity and inclusion. The draft RFP also encompasses facilitation services for meetings of the Board as well as training services.

Sincerely,

William W. Moehle  
Supervisor, Town of Brighton

## REQUEST FOR PROPOSALS

### **Inclusion, Diversity & Equity Action Plan Development Town of Brighton, Monroe County, New York November 2018**

#### **A. Project Purpose**

The Town of Brighton (“Town”) is requesting proposals from qualified consultant(s) for professional consulting services to work with the newly established Town Inclusion, Diversity and Equity Advisory Board (“IDEA Board”), which consists of eighteen residents of the Town, and operates under the Office of the Town Supervisor, with a designated liaison from the Town Council.

The primary scope of work of the IDEA Board is to develop an Inclusion, Diversity & Equity Action Plan for the Town and to review Town policies and procedures in a comprehensive manner as they relate to best practices in matters of inclusion, diversity and equity. The Town is seeking a consultant(s) to work with the Town and the IDEA Board to complete these items of work.

As part of the proposal, the Town is also seeking to identify a facilitator with expertise in inclusion, diversity and equity issues to serve as a facilitator for some or all of the meetings of the IDEA Board. In addition, the Town seeks to identify a consultant(s) who will provide diversity and inclusion training services for the IDEA Board. The Town will base its selection of the consultant(s) on qualifications and cost effectiveness. Experience with inclusion, diversity and equity training and plan development is strongly desired.

The services requested will support the Town in fostering diversity, inclusivity, equity and cultural competency in Town operations and in developing an Inclusion, Diversity & Equity Action Plan that will assist all stakeholders within the Brighton community in meeting the community’s core value of inclusion and diversity. The IDEA Board members have a variety of backgrounds and will play an integral role in developing the Plan and reviewing recommended best practices and identifying other steps as an ongoing plan of action, as necessary. To ensure that the IDEA Board is able to perform these functions effectively, the successful consultant(s) must have demonstrated expertise in facilitating discussions with such a group, as well as with the general public

#### **B. Background**

The Town is a municipality with a population of approximately 36,700 residents, and an average household income of approximately \$67,000, located in Monroe County, New York. It is a suburb of Rochester, New York and has a diverse population, approximately 77% white, 11% Asian, 6% African-American and 4% Latino. The Town is home to some of the most highly-rated public and private schools in New York State, and is the

site of the main campus of Monroe Community College, as well as a significant presence of the University of Rochester and other institutions of higher education.

The Town Board of the Town established the IDEA Board, consisting of 18 members, in 2018. The IDEA Board operates under the auspices of the Office of the Town Supervisor, with a designated liaison from the Town Council. The Town Supervisor also has appointed a Special Advisor to the Supervisor for Diversity and Inclusion, Sheila A. Gaddis, a former member of the Town Board and diversity partner of one of the largest law firms in upstate New York, in charge of the firm's Diversity & Inclusion initiatives

The Town of Brighton is prosperous, innovative, equitable and resilient. It serves a wide and diverse population and seeks to more fully understand the unique experiences and perspectives of all our citizens, so as to apply best practices in regard to serving the citizenry to Town policies and procedures. The Town also seeks to identify the need for ongoing training at all levels, so as to deliberately and consistently create a culture of inclusion and equity in our diverse community.

### **C. Scope of Work**

Regardless of any subcontracting arrangements, the consultant is solely responsible for all Tasks in this proposal, as identified in the Scope of Work. The consultant(s) will be expected to provide facilitation services for the IDEA Board; training for IDEA Board members, and perhaps other Town employees/volunteers; development of an Inclusion, Diversity & Equity Action Plan for the Town; and review and analysis of Town policies and procedures to advise on best practices and ensure that the Town is meeting the needs of its residents, employees and other stakeholders, as related to diversity, equity and inclusion.

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#### **Task 1: Facilitation**

The consultant shall be responsible for facilitating meetings of the IDEA Board during development of the Inclusion, Diversity & Equity Action Plan.. The IDEA Board will generally meet on a monthly basis, year-round, with potential for a break during the summer months. Upon completion of a draft Inclusion, Diversity & Equity Action Plan, there will be a minimum of one Public Information Meeting at which the consultant(s) will present the Plan to the community and the public is encouraged to comment on the Plan.

#### **Task 2: Training**

2.1 The consultant(s) shall provide training, or identify other provider(s) for training members of the IDEA Board and, should the Town so choose, other Town employees and/or Town volunteers, serving on citizen boards or in other relevant capacities, with respect to matters of inclusion, diversity and equity. The consultant shall work with Town staff to identify the nature and scope of the training.

### **Task 3: Inclusion, Diversity & Equity Action Plan Development**

A key component of ensuring that Brighton is a community that recognizes that inclusion, diversity and equity is a hallmark of strong communities and is a core value in Brighton, is the development of a Inclusion, Diversity & Equity Action Plan. The Brighton Inclusion, Diversity & Equity Action Plan will be a roadmap to identify opportunities to strengthen the role of inclusion and diversity in defining our community, the overall cultural competency within our institutions and practices, as well as challenges we face as a community in advancing the inclusion, diversity and equity in our community. The Plan will be aspirational, and followed by an opportunity on the part of the Town Board to implement the Plan, so as to act upon Plan recommendations and subsequent goal completion.

The consultant will work with Town staff, including the Special Advisor for Diversity and inclusion, and the IDEA Board to:

- (a) Draft the Plan.
- (b) Develop an outline for public participation in the Plan development process, designed to develop and prioritize goals and recommendations as well as to measure and enhance public support for the Plan and for the Town's diversity and inclusion efforts.
- (c) Develop a website for the Plan
- (d) Manage social media activities, including Twitter and Facebook, for Plan development public participation, all in coordination with the Town's existing website and social media presence.
- (e) Compile and analyze public input and work with staff and the IDEA Board to finalize the Plan in preparation for adoption by the Town Board and implementation by the Town.
- (f) Prepare necessary documentation and satisfy the requirements of the State Environmental Quality Review Act.

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### **Task 4: Review of Town Operations and Policies in regards to Diversity, Equity and Inclusion Best Practices**

Recognizing the diversity of our community and the need to effectively serve all parts of our community and its stakeholders, the Town desires to conduct a review of Town policies and procedures; from the perspective of ensuring that those policies and procedures incorporate best practices in serving a diverse community, with cultural competency at its core, and encouraging a diverse and inclusive workplace and workforce.

The consultant(s) will be asked to review Town policies and procedures, including specifically, but not limited to: (a) employment and human relations policies, and operating procedures in each of the Town's departments, (b) Town infrastructure and physical plant, facilities and equipment, (c) Town events and activities, and (d) Town

contracts and interactions with other key employers, institutions and stakeholders in the Town.

The consultant(s) will be expected to prepare a draft report, detailing the current status of each of these areas as they relate to identifying and meeting community expectations of diversity, equity and inclusion, and recommendations as to best practices as to how the Town can better meet those expectations.

The draft report will be reviewed by the IDEA Board and Town staff, and based on that review and input, a final report, setting forth recommendations for Town policies and procedures shall be prepared by the consultant, reviewed and approved by the IDEA Board and presented to the Town Board for its approval

#### **D. Proposal Submission Schedule**

Proposals must be submitted by 5:00 p.m. on \_\_\_\_\_, 2018. This Request for Proposals (RFP) describes the elements requested for inclusion in the proposal.

#### **E. Proposal Format / Requirements**

Proposals must be succinct and in no case exceed twenty (20) pages, inclusive of requirements #1 through #8 below. Pages must be numbered. Boilerplate and glossy promotional materials are discouraged; any such materials deemed necessary should be included as a separate appendix and may or may not be considered as part of the evaluation. Proposals exceeding twenty, (20) pages for requirements #1 through #8 below will be disqualified from consideration. Printing is to be on double-sided, 8-1/2" X 11" pages, using a minimum font size of 10.

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##### **1. Cover Letter**

Identify the prime consultant and describe any subcontract arrangements. Please identify the person who is authorized to negotiate for the team.

##### **2. Firm Identification & Qualifications**

Provide a brief description of the consultant's firm, size and organizational structure, number of full-time and part-time employees, area of practice, and number of years the firm has been in the business of conducting the described services. Provide a brief description of the consultant's qualifications for this project including a short history of the consultant's experience in similar projects. Identify any existing or potential conflicts of interest. The consultant's background, resources (financial and personnel), and capabilities in the relevant areas shall be described.

##### **3. Project Understanding**

A demonstration of the consultant's understanding of the proposed project and its various tasks must be submitted as part of the Proposal. The project understanding should also identify potential project obstacles and a strategy to overcome these obstacles.

#### 4. Scope of Work, and Schedule

Provide a detailed description of the consultant's proposed technical approach and scope of services for the completion of the tasks identified in this RFP. The consultant may propose alternate or additional tasks that will meet the project objectives, but the Town shall have no obligation to accept such alternate or additional tasks. A work plan and preliminary schedule for completing the project along with key tasks must be included. The consultant must prepare a project schedule that illustrates the anticipated start and finish dates for Tasks 1-8. The schedule must identify public informational meetings and critical milestones. The number and type of meetings are to be estimated and detailed in the technical approach. The Scope of Work must also include an overview of the Public Participation processes.

#### 5. Project Staffing

The proposal should include information on how the consultant proposes to staff this project. This should include identification of the Consultant's key project team members by name, field of expertise, specific responsibilities on the project and the estimated number of hours they will work on the project. Include any relevant experience, such as the number of similar projects the employee has directly participated.

#### 6. Recent Clients

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The proposal must include a list of three (3) most recent clients for whom the Consultant has provided services similar to those required herein. The list should include the name, address, and telephone number of the client contact person. Identify when work was performed and the type of work and services performed. The Town of Brighton may contact these references.

#### 7. Federal, State, DBE Requirements

The Consultant must show that it is certified to do business in the State of New York and that it can comply with all standard federal and state contracting requirements. The Consultant should also indicate whether the firm or any Sub-Consultants for the study have status as a certified minority/women-owned/disadvantaged business enterprise in the State of New York.

#### 8. Price Proposal

The Consultant's Price Proposal should set forth the fee for services and the method of calculating the rates for the different services to be provided. This Price Proposal may be

on an hourly or fixed fee basis, but shall include for a firm fixed "not to exceed" price for the services to be provided. The price proposal shall include a fee and work effort for each Task.

**F. Disadvantaged Business Enterprise (DBE)**

In the event that subcontractors are utilized for this contract, Consultants shall make a good faith effort to utilize qualified DBE contractors for sub-consulting opportunities.

**G. Insurance**

The Project consultant and any subcontractor are required to secure and deliver to the Town the appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. The policies must name the Town of Brighton as additional insured/loss payee parties and shall cover the contractor's public liability and property damage insurance, contractor's contingent liability insurance, "all-risk" insurance and worker's compensation for the Project. The insurance requirements are provided in Exhibit F.

**H. Proposal Submittal**

1. Twenty, (20) copies of the proposal must be received on or before \_\_\_\_\_, 2018 at 5:00 p.m. Proposals should be addressed to:

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

2. The outside of the package should be clearly marked "Town of Brighton Diversity Consulting Services" with the name of the proposing firm shown on the outside. Each firm is fully responsible for the timely delivery of its Proposal. Reliance upon mail or public carriers is at the firm's own risk. Proposals received after the time and date specified will not be considered.

3. This RFP does not commit The Town of Brighton to award a contract, to pay for any costs incurred in the preparation of a proposal, or to pay for any costs incurred in the preparation of a contract for services. The Town of Brighton reserves the right to accept or reject any or all proposals received, or to cancel, in part or in whole, this RFP.

4. Any questions about this RFP should be directed to:

William W. Moehle, Supervisor  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618  
Tel: (585) 784-5252  
E-Mail: [William.moehle@townofbrighton.org](mailto:William.moehle@townofbrighton.org)

Questions regarding clarification of the RFP must be submitted by email on or before \_\_\_\_\_, 2018 at 5:00p.m. The Town of Brighton's response will be provided in the NYS Contract Reporter.

## **K. Proposal Evaluation**

The Town of Brighton staff, the Town Supervisor, the IDEA Board Liaison from the Town Council, and the Special Assistant to the Supervisor for Diversity will review and rank the technical proposals using the factors listed below to select the preferred consultant. Based upon the evaluation of the technical proposals, the Town of Brighton reserves the right to invite any or all consultants for an interview with the Evaluation Team before making a final selection. Such an invitation does not commit the Town of Brighton to pay any costs incurred in participating in said interview.

The evaluation factors are:

**1. Experience, Qualifications, and Capacity of the Consultant**

The capabilities of each responding firm will be evaluated in these specific areas:

- a. Recent relevant experience of the firm in similar projects.**
- b. The extent to which the firm has sufficient personnel with appropriate training and experience to perform the scope of work**
- c. Experience of recent clients for similar services**

**2. Qualifications of the Project Team**

- a. The quality and experience of the proposed staff and the proper balance of relevant skills**
- b. The quality and experience of any proposed sub-contractors**

**3. Proposals**

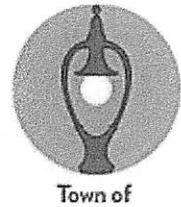
The proposals will be evaluated for their demonstrated understanding of the requirements of this RFP and their ability to meet the study objectives. This will include:

- a. Public Participation Process**
- b. Project Understanding**
- c. Clarity of the Proposal**

d. Proposed scope of work, study approach and schedule

4. Price

An overall not to exceed lump sum price for the work described in this proposal must be provided. The response to the RFP must include a fee break-down for each Task, which may include hourly and/or fixed fees for each Task.



**Brighton**

# Office of the Town Supervisor

The Honorable William W. Moehle

12a

**Bridget Monroe**

Assistant to Town Supervisor

**DATE:** November 20, 2018

**TO:** Members of the Town Board

**FROM:** Supervisor William W. Moehle

**RE:** Memorandum of Understanding for Proposed Community Choice Aggregation

Attached is a proposed Memorandum of Understanding, among the Towns of Brighton, Pittsford and Irondequoit and the Village of Pittsford, for the proposed Community Choice Aggregation Plan. The Town Board has previously indicated its support for proceeding towards establishment of a CCA by adopting a CCA Local Law. As the Board has discussed the establishment of a CCA with various experts in the area, one common theme has been that aggregating purchasing power by engaging multiple communities has the potential to improve pricing. As you know, in Westchester County, there was already an existing organization in place working to foster collaboration among most Westchester County communities in the area of sustainability. That existing organization was used as the foundation for the development of the first pilot CCA plan in Westchester. That was a more formalized structure upon which to base a CCA, but that collaborative structure has proven successful for those communities in Westchester County.

Like the CCA Local Law previously adopted by the Town Board, this MOU does not obligate the Town to proceed with the establishment or participation in CCA, but it is a next step towards that goal. I would note that the third paragraph of the MOU does permit the Town to withdraw from the MOU should the Town Board determine that it is in the best interest of the Town to do so.

Also attached is a draft RFQ for the CCA Plan administrator. While this draft references the Town of Pittsford, the final version would recite information about all Plan participants and would not be on any community's letterhead, but would rather be sent by the group of municipalities, assuming that each one approves participation through the MOU.

It is my recommendation that the FASC review and approve the MOU to permit Brighton to take the next step towards bringing 100% renewable electricity to residents and small businesses in Brighton, in collaboration with these other communities. At this time, I am not requesting approval of the RFQ, although that will be a future action item for the Board should we move forward with the MOU.

Sincerely,

William W. Moehle

Supervisor, Town of Brighton

2300 Elmwood Avenue, Rochester, NY 14618

585-784-5252

[Bridget.monroe@townofbrighton.org](mailto:Bridget.monroe@townofbrighton.org)

**MEMORANDUM OF UNDERSTANDING  
COMMUNITY CHOICE AGGREGATION**

THIS MEMORANDUM OF UNDERSTANDING is made as of this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the **TOWN OF IRONDEQUOIT**, a municipal corporation with offices at 1280 Titus Avenue, Rochester, New York 14617, the **TOWN OF PITTSFORD**, a municipal corporation with offices at 11 South Main Street, Pittsford, New York 14534, the **TOWN OF BRIGHTON**, a municipal corporation with offices at 2300 Elmwood Avenue, Rochester, New York 14618, and the **VILLAGE OF PITTSFORD**, a municipal corporation with offices at 21 North Main Street, Pittsford, New York 14534 (each a "Party," and together, the "Parties").

**WITNESSETH:**

WHEREAS, New York State municipalities are permitted to participate in a Community Choice Aggregation ("CCA") program subject to local authorization, pursuant to the New York State Public Service Commission's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224 ("PSC CCA Order"); and

WHEREAS, municipalities are authorized to work with a third-party consultant to act as a CCA administrator and complete some or all of the tasks set forth in the PSA CCA Order; and

WHEREAS, the Parties wish to explore a potential partnership to aggregate and advance the benefits of CCA for their residents.

**NOW, THEREFORE, BE IT RESOLVED**, that the Parties hereby agree as follows:

1. The Parties will have a common goal of procuring a 100% renewable clean energy product as defined by the New York State Energy Research & Development Authority, with guaranteed cost-saving when compared to the current default energy supply option.
2. The Parties will work together on a soliciting, evaluating, and selecting a common CCA administrator, in compliance with each Party's procurement policy, to assist in securing a 100% renewable clean energy product with guaranteed cost-saving when compared to the current default energy supply option.
3. In the event a Party determines that selecting a common CCA administrator is not in the Party's best interest, the Parties will continue to work cooperatively, share information, and serve as a resource to each other as they implement CCA programs.

*[Signature Page to Follow]*

12c

**IN WITNESS WHEREOF**, the parties have signed this Memorandum of Understanding as of the date first above written.

**TOWN OF IRONDEQUOIT**

**BY:** \_\_\_\_\_  
**NAME:** David A. Seeley  
**TITLE:** Supervisor

**TOWN OF PITTSFORD**

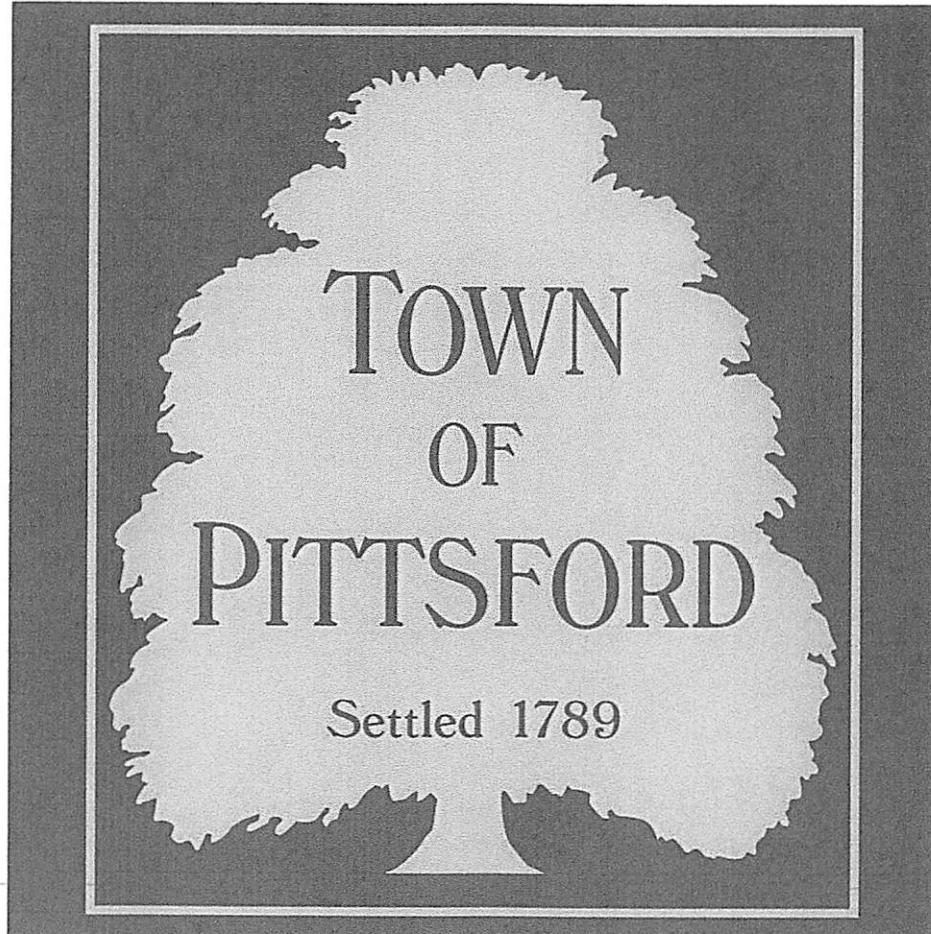
**BY:** \_\_\_\_\_  
**NAME:** William A. Smith, Jr. \_\_\_\_\_  
**TITLE:** Supervisor

**TOWN OF BRIGHTON**

**BY:** \_\_\_\_\_  
**NAME:** William W. Moehle  
**TITLE:** Supervisor

**VILLAGE OF PITTSFORD**

**BY:** \_\_\_\_\_  
**NAME:** Robert C. Corby  
**TITLE:** Mayor



**REQUEST FOR QUALIFICATIONS & PROPOSALS ("RFQ/P")**  
**Community Choice Aggregation Administrator**

**PROPOSAL SUBMISSION DEADLINE**  
**(Day of Week), (Month) (Day), 2018**  
**(Time)**

**Issuance Date: (Month) (Day), 2018**

## SECTION I – PURPOSE AND BACKGROUND

### A. PURPOSE

In this Request for Qualifications and Proposals (“RFQ/P”), the Town of Pittsford (“Town”) intends to review the relevant experience of qualified firms (“Firm”) to administer a Community Choice Aggregation (“CCA”) program. The Town is seeking a Firm with experience procuring a 100% renewable clean energy product as defined by the New York State Energy Research & Development Authority (“NYSERDA”) with guaranteed cost-saving when compared to the current default energy supply option.

### B. SCHEDULE

Issuance of RFQ/P: (Day of Week), (Month) (Day), 2018

Deadline for Submissions: (Day of Week), (Month) (Day), 2018

### C. BACKGROUND

New York State municipalities are permitted to participate in a CCA program subject to local authorization, pursuant to the New York State Public Service Commission’s Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224 (“PSC CCA Order”).

The Town held two public information meetings (April 18 and June 21) on the subject of Community Choice Aggregation (“CCA”) as an option for electric power for Pittsford residents. The April meeting featured presentations by two potential brokers/administrators for a CCA program, followed by questions from them from elected officials and the public. The presentations set forth for the public how CCA would work, and will help inform the judgment of the Town and Village Boards about whether to proceed and, if so, what broker/administrator to choose.

The June meeting included brief presentations by the Genesee/Finger Lakes Regional Planning Council and Power Management (energy consultant for the Town of Pittsford). These independent experts reviewed how CCA would work, its pros and cons, how electricity from green sources is delivered to the home, what “green” means in a CCA program, and the anticipated costs in relation to a home’s entire energy bill. Rochester Gas & Electric representatives also discussed RGE’s green energy options.

On August 24 Supervisor Smith participated in a conference call with the Genesee/Finger Lakes Regional Planning Council and representatives from Sustainable Westchester to discuss lessons learned and best practices deriving from the pilot program in Westchester County. Supervisors of the other Towns in Monroe County interested in a CCA program also participated.

In order to be in a position to act together with neighboring municipalities, at the August 21st meeting of the Pittsford Town Board, a local law to enable the Town to further explore CCA was introduced. A public hearing on the local law was at 6:00 pm on Monday, September 17 at Pittsford Fire Station #2, 465 Mendon Road. The local law was subsequently adopted by the Town Board.

#### D. RESPONSIBLE RESPONDENT QUALIFICATIONS

Respondents may be non-profit or for-profit and should have experience procuring either a 100%-renewable clean energy product as defined by NYSERDA with guaranteed cost-savings when compared to the current default energy supply option; or b) experience in all aspects of implementation, organization and administrations of a CCA program other than procurement of the energy product. Respondents must be in good financial standing with federal agencies and the State of New York.

### **SECTION 2 – STATEMENT OF QUALIFICATIONS**

This section outlines the information that must be included in your Qualifications Statement. Please respond with your information in the same order as the items in the section

1. Please indicate whether your firm purposes to undertake (a) procurement only; (b) implementation, organization and administration only; or (c) both.
2. Please provide a brief history of your Firm including the number of years in business, identification of company ownership, and the number of employees. Describe a minimum of three (3) projects of similar scope that best demonstrate the firm's qualifications to undertake all aspects of this project.
3. Provide a description of the project team's organization and roles. Please include resumes of the project team members. Include their qualifications and experience as related to the scope of series detailed below as well as their anticipated assignments related to this project. Specific information on their background, training, and experience with similar projects should be included.
4. To the extent that you would engage subcontractors or consultants for this project, or would work on this project in conjunction with any project organizer or other third party, please provide the name, location and contact information for each consultant, subcontractor, organizer or other third-party. ~~Each such entity will be required to respond individually to this RFQ/P. Each such entity will be required to provide a complete copy of its contract with the Respondent.~~
5. Please indicate if any additional staff would need to be hired in order to carry out this project.
6. An hourly rate of pay for the employees proposed for this project.

7. Provide a minimum of three (3) clients from whom your firm has administered a CCA program. Include the following information for each client:

- Name and address of client;
- Name and telephone number of contact person;
- Summary of the services provided.

## SECTION 3 – SCOPE OF SERVICES

The Scope of Services should address respondent's capacity to perform the following expected administrative functions:

1. Draft and submit Implementation Plan and Data Protection Plan, incorporating local goals and priorities. Provide sample Plans if desired, as appendices.
2. Educate and notify public, according to the PSC CCA Order.
3. Lawfully and securely procure, transfer, and store anonymized and customer-specific program data on behalf of the Town, pursuant to an approved Data Protection Plan.
4. Analyze and report regularly to the Town and Public Service Commission on program data, pursuant to the PSC CCA Order.
5. Calculate value proposition of prospective commodity savings and cost certainty.
6. Identify and procure available local and regional renewable generation in accordance with clean energy goals as established by the Town.
7. Identify, develop, and report on opportunities to integrate other distributed energy resources (e.g., battery storage, energy efficiency, smart home/demand management programs).

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8. Vet and pre-qualify prospective energy suppliers in accordance with criteria established by Town.
9. Develop commodity supply contracts and other agreements suitable to the Town and Town Attorney.
10. Ensure compliance with legal and regulatory requirements.
11. Process customer enrollment and opt-outs.
12. Provide continued support to Town and customers after program launch including:
  - Customer service;
  - Monitoring and management of contractual obligations;
  - Regular program data and performance metrics reporting;
  - Program development and enhancement;
  - Continued analysis of relevant market and regulatory issues.

## SECTION 4 – ELEMENTS OF THE RESPONSE

All proposal submissions must include the following information to be considered complete. The response (not including appendices or cover letter) should not exceed 20 double-spaced pages. The Town reserves the right to reject any proposal for non-compliance with these requirements and specifications and/or to waive informalities. Please respond to the sections following the same order as in this RFQ/P. For each step, be sure to detail what technical and support services you would have available.

**A. COVER LETTER**

A transmittal letter on the respondent's business stationery from the individual(s) or a principal officer of the firm offering the proposal and certifying that the proposal will remain in effect for ninety (90) days after the proposal due date. The letter should contain a general description of the mission or focus of the organization and provide the name and address of the individual or firm, and contact information for the individual or officer (telephone number and email address).

**B. STATEMENT OF QUALIFICATIONS****C. SCOPE OF SERVICES****D. RELEVANT EXPERIENCE**

The Relevant Experience should address the respondent's knowledge and involvement in the following subsections. The response should include but is not limited to the example questions listed below each subsection.

**1. Energy Markets:**

New York State, regional, national and international energy markets.

*For Example:*

- a. Beyond commodity procurement, how would your experience help you to leverage the aggregation of consumer purchasing power for any additional supply-side market opportunities?
- b. What experience or credentials do you have in managing demand-side initiatives for residential and small business customers?
- c. Are there opportunities for CCA communities to participate in such as demand-side or efficiency markets as well, as a demand response resource, for instance?
- d. If so, how would participating customers share in the value created? How much impact would this program have on rates and how would such a program be managed and staffed? How would participation be encouraged?
- e. How else may CCA communities leverage their collective market power to incentivize efficiency and create value for consumers in the future?

f. What regulatory, political, and/or economic challenges must be overcome to achieve these outcomes?

2. **CCA Administration:**  
Planning, implementation, and administration of community aggregation programs in New York and/or other states. Please provide 3 client testimonials; respondents may submit as an appendix.

#### **E. PROGRAM DESIGN**

The Program Design should address the respondent's vision for the following subsections. The response should include but is not limited to the examples questions listed below each subsection.

##### **1. Procurement Strategies:**

Describe strategies and mechanisms to increase financial and environmental benefits for customers and the community.

*For Example:*

- a. Are there specific contract terms (length, fixed v. variable rates, consumer protections) you would advise the Town to specify? What contractual requirements would you employ to ensure procurement of cleaner energy than the default utility supply?
- b. What sources of renewable energy are available to supply the program and what are the estimated relative prices?
- c. How will you assist the Town in procuring local renewable energy and advancing the development of local projects? Are there renewable generators in the Town that we can buy from?
- d. What is the likelihood that the Town can procure 100% renewable energy **and** save customers on their bills?
- e. Will all customers in the Town pay the same rate? If not, what factors impact each customer's rate?
- f. Are there savings and/or earnings opportunities afforded to some customers (based on location, income/credit profile, consumption) and not others?
- g. What rate advantages or disadvantages are there when other municipalities are added?

##### **2. Program Roles:**

Describe proposed roles and responsibilities for management including those for the Town and other stakeholders. Specify staff resource allocations and provide related credentials.

*For Example:*

- a. How do you propose to work with local stakeholder groups?
- b. What role do you envision the Town playing in program administration? What workload should the Town expect for their staff, legal counsel, and elected officials?

c. Will the Town sign a separate contract with suppliers or act as a single inter-municipal entity?

3. Program Budget:

Describe the following:

- Proposed costs and fees to complete the Program Scope tasks.
- Ongoing administrative and other costs and fees throughout the term of the supply contract.
- Data acquisition and security fees.
- Payment schedule for proposed fees and costs and any schedule dependencies.
- Impact of costs and fees on the Town and program rates.
- Preliminary projections of program rates and savings estimates. Provide methodology behind projections.
- If proposal includes plans to contract any work externally to meet the requirements described, it must be clearly stated in the proposal with all costs including of any subcontracted work, and names of subcontractors clearly delineated.

*For Example:*

- a. Who pays the administrative fees? Will they appear on customer bills?
- b. What upfront costs is the Town expected to shoulder?

4. Implementation Timeline:

Outline proposed timeline for completion of each requirement. Respondents may submit as an appendix.

5. Ongoing Services:

What is the vision for the long-term success of this program beyond the initial contract?

*For Example:*

- a. How do you support community outreach beyond contract execution? Will you perform customer service throughout the term of the contract? Do you offer any additional outreach, complaint resolution, customer advocacy, or other services?
- b. Will there be a phone number and/or website provided for program customers?
- c. Will you perform any public-facing reporting to consumers regarding rate comparisons and savings estimates, new or updated program information, available services, etc.?
- d. Do you plan to offer additional programs to customers related to energy efficiency, renewable generation, demand management?

## SECTION 5 – SUBMISSION GUIDELINES

1. All respondents should carefully review the contents of this document. All of the Requirements and Specifications in this document may become part of an agreement to be signed by the Town and the successful respondent.
2. All proposals must be submitted no later than (time) on (Day of Week), (Month) (Day), 2018.
3. Proposals may be submitted electronically to (email) with “CCA Administrator” in the subject line. Proposals can also be mailed or personally delivered to the (name & title) at the Pittsford Town Hall, 11 South main Street, Pittsford, NY 14534.
4. Inquiries concerning this RFQ/P can be submitted to: (email address) indicating “CCA Administrator RFQ/P” in the subject line. All questions must be submitted in writing. Questions must be submitted by (Month) (Day), 2018.
5. All costs incurred in the preparation of a proposal responding to this RFQ/P will be the responsibility of the Responder and will not be reimbursed by the Town.
6. The Town of Pittsford reserves the right to reject any proposal for non-compliance with these requirements and specifications and/or to waive informalities.
7. The proposal is not a contract offer. The Town’s selection of a proposal is not a contract acceptance. A contract is a separate, written agreement between the Town and a respondent which may be formed after the selection process.
8. If Respondent wishes to keep any or all portions of its response confidential or wishes to assert that any or all information provided in response to this RFQ/P is proprietary, said Respondent shall so specify in its response the portion or portions of the response which Respondent considers confidential or proprietary.

## SECTION 6 – EVALUATION CRITERIA

The Town will evaluate proposals based on the weighted criteria described below. Assessment of capabilities will depend in large part on how effectively and knowledgeably the respondent delineates required and desirable subtasks in each of the categories.

The Proposals will be rated based on the following criteria and criteria weights:

Criteria	Weight
Statement of Qualifications	25%
Scope of Services	10%
Energy Market Experience	15%

CCA Administration	15%
Program Procurement Strategies	15%
Program Roles	5%
Program Timeline	5%
Ongoing Services	10%
<b>Total:</b>	<b>100%</b>

## SECTION 7 – SELECTION PROCESS

All proposals that are deemed responsive (as described above) will be reviewed by multiple staff. All reviewers will sign a confidentiality statement and keep all content of proposals confidential, except to the extent disclosure of proposals is required by law or deemed advisable by the Town in any litigation arising from this RFQ/P. The winning proposal may be shared unless it contains details on business models and/or proprietary secrets.

The Town may, at its discretion, request presentations or meetings to clarify or negotiate modifications to the proposal. However, the Town reserves the right to make an award without further discussion of the proposals submitted. Therefore, proposals should be submitted initially as completely as possible. The Town contemplates the award of the contract to the proposal with the highest total points.



Town of  
**Brighton**

## Finance Department

**Paula Parker**  
Director of Finance

November 20, 2018

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

Dear Honorable Members,

Request for Town Board action to adopt a bond resolution to finance the acquisition, construction and installation of lighting improvements for and with respect to the Browncroft Lighting District:

**Bond Resolution for \$54,100 (Browncroft Lighting District) (30 year repayment period)**

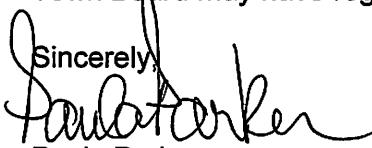
The Town is authorized to undertake the acquisition, contraction and installation of lighting improvements for and with respect to the Browncroft Lighting Districts, as approved by the New York State Comptroller.

This District encompasses two parcels of land on Corwin Road and eight parcels on Windemere Road within the Town. The project shall include the installation of approximately 777 feet of electrical conduit and five decorative concrete poles together with QL induction luminaries to match the existing City of Rochester poles and six fiberglass handholds, and any appurtenant and incidental costs and expenses. The total estimated price of these improvements will not exceed \$54,100 and the first bond payment has been included in the 2019 budget.

The attached bond resolution, as prepared by our Bond Counsel at Harris Beach, should be adopted at the November 28<sup>th</sup>, 2018 Town Board meeting.

This project and anticipated borrowing has already been approved at a public hearing held on May 24, 2017 and is not subject to permissive referendum. This does require 2/3rds majority vote by our Town Board (four of the five members). Once approved, the estoppel notice, as prepared by our Bond Counsel at Harris Beach will be published in the Town's Official Newspaper, posted on our bulletin board and on the Town's website.

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.

Sincerely,  
  
 Paula Parker  
Director of Finance

At a regular meeting of the Town Board of the Town of Brighton, Monroe County, New York, duly held at the Town Hall, 2300 Elmwood Avenue, Rochester, New York 14618 on November 28, 2018 at \_\_\_\_ p.m.

PRESENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

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

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE UNDERTAKING OF LIGHTING IMPROVEMENTS WITHIN THE TOWN; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$54,100; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$54,100 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION**

WHEREAS, the Town Board (the "Board") the Town of Brighton, Monroe County, New York (the "Town") proposes to authorize the issuance of \$54,100 in serial bonds of the Town to finance the acquisition, construction and installation of lighting improvements for and with respect to the Browncroft Lighting District which encompasses two parcels of land on Corwin Road and eight parcels on Windemere Road within the Town to include the installation of approximately 777 feet of electrical conduit and five decorative concrete poles together with QL induction luminaries to match the existing City of Rochester light poles and six fiberglass handholds, and any appurtenant and incidental costs and expenses (the "Project"), at an estimated maximum cost of \$54,100; and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds and bond anticipation notes to be issued to finance the aforementioned class of objects or purposes.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board (the "Town Board") of the Town of Brighton, Monroe County, New York (the "Issuer" or the "Town") (by the favorable vote of not less than two-thirds of all the members of such body), as follows:

SECTION 1. The Town is hereby authorized to undertake the acquisition, construction and installation of lighting improvements for and with respect to the Browncroft Lighting District which encompasses two parcels of land on Corwin Road and eight parcels on Windemere Road within the Town to include the installation of approximately 777 feet of

electrical conduit and five decorative concrete poles together with QL induction luminaries to match the existing City of Rochester light poles and six fiberglass handholds, and any appurtenant and incidental costs and expenses. It is hereby determined that the maximum estimated cost of the aforementioned class of objects or purposes is \$54,100, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of the \$54,100 in serial bonds of the Town authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) unless paid from other sources, the levy and collection of taxes on all taxable real property of the Town to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 2. Serial bonds of the Town in the principal amount of \$54,100 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the aforementioned class of objects or purposes.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned class of objects or purposes is thirty (30) years, pursuant to subdivision 5. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution. Notwithstanding the foregoing, pursuant to Section 35.00(b) of the Law this resolution is not subject to permissive referendum because the bonds herein authorized to be issued are for a district improvement authorized under Articles 12 or 12-A of the Town Law of the State of New York.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town subject to applicable statutory limits, if any. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town (the "Town Supervisor"). Such notes shall be of such terms, form and contents as may be prescribed by said Town Supervisor consistent with the provisions of Local Finance Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for the class of objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Town Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes authorized by the resolution in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The Town Board hereby determines that the actions authorized by this resolution and the adoption hereof collectively constitute a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and that no further action under SEQRA need be taken by the Town Board as a condition precedent to the adoption of this resolution.

SECTION 11. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 13. The Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

SECTION 14. This resolution shall take effect immediately.

The following vote was taken and recorded in the public or open session of said meeting:

AYE                    NAY

Date: November 28, 2018

STATE OF NEW YORK )  
COUNTY OF MONROE ) ss.:

I, the undersigned Town Clerk of the Town of Brighton, Monroe County, New York (the "Town") DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Town Clerk of the Town and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and am duly authorized to execute this certificate.

2. A regular meeting of the Town Board of the Town was held on November 28, 2018 (the "Meeting"), and minutes of said Meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Town Board.

3. Attached hereto is a true and correct copy of a Bond Resolution duly adopted at the Meeting of the Town Board held on November 28, 2018 and entitled:

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE UNDERTAKING OF LIGHTING IMPROVEMENTS WITHIN THE TOWN; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$54,100; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$54,100 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION**

4. That the Meeting was duly convened and held and that said Bond Resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of the Meeting was given. A legal quorum of members of the Town Board was present throughout the Meeting, and a legally sufficient number of members (2/3's of the Town Board) voted in the proper manner for the adoption of the Bond Resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to the Meeting and the adoption of the Bond Resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

5. Public Notice of the time and place of the Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of the Town Board had due notice of the Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

6. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Brighton this 28<sup>th</sup> day of November, 2018.

TOWN OF BRIGHTON

[SEAL]

By:

\_\_\_\_\_  
Daniel Aman, Town Clerk

## ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on November 28, 2018 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Brighton, Monroe County, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Daniel Aman, Town Clerk  
Town of Brighton

### SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Town Board of the Town of Brighton on November 28, 2018.

1. The resolution is entitled "BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE UNDERTAKING OF LIGHTING IMPROVEMENTS WITHIN THE TOWN; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$54,100; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$54,100 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION".

2. Object or Purpose: the acquisition, construction and installation of lighting improvements on two parcels of land on Corwin Road and eight parcels on Windemere Road within the Town to include the installation of approximately 777 feet of electrical conduit and five decorative concrete poles together with QL induction luminaries to match the existing City of Rochester light poles and six fiberglass handholds, and any appurtenant and incidental costs and expenses.

3. Period of Probable Usefulness: 30 years.

4. Amount of Debt Obligations Authorized: \$54,100.

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town of Brighton Town Hall, 2300 Elmwood Avenue, Rochester, New York 14618.

13h

**From:** Alex Neubert <[aneubert@HarrisBeach.com](mailto:aneubert@HarrisBeach.com)>  
**Sent:** Tuesday, November 13, 2018 9:05 AM  
**To:** Paula Parker <[paula.parker@townofbrighton.org](mailto:paula.parker@townofbrighton.org)>; Ken Gordon <[kgordon@gordonandschaal.com](mailto:kgordon@gordonandschaal.com)>;  
'[daniel.aman@townofbrighton.org](mailto:daniel.aman@townofbrighton.org)' ([daniel.aman@townofbrighton.org](mailto:daniel.aman@townofbrighton.org)) <[daniel.aman@townofbrighton.org](mailto:daniel.aman@townofbrighton.org)>  
**Cc:** Evert Garcia <[evert.garcia@townofbrighton.org](mailto:evert.garcia@townofbrighton.org)>; Patrick M. Malgieri <[pmalgieri@HarrisBeach.com](mailto:pmalgieri@HarrisBeach.com)>  
**Subject:** RE: Town of Brighton - Browncroft Lighting District

Hi Paula,

Attached is a revised resolution for consideration by the Town of Brighton Town Board (the "Board") at their meeting on November 28th. The resolution authorizes the issuance of up to \$54,100 in serial bonds to finance lighting improvements within the Town.

Also included at the last page of the attached Word file is a form of Estoppel Notice for publication purposes (see publication instructions below).

The resolution is not subject to a permissive referendum.

4 members

Please note that the Bond Resolution must be adopted by the affirmative vote of at least two-thirds of the entire Board. This means that at least four members of the Town's five-member Board must be present and vote affirmatively on the resolution. Without this, the resolution will not become effective.

Publication Instructions: Following the adoption of the Bond Resolution, the Estoppel Notice must be published once in the Town's official newspaper for legal publication purposes. After twenty (20) days have elapsed from the date of publication of the Estoppel Notice, the Town can proceed with the issuance of either bonds or bond anticipation notes for the projects authorized.

After the Estoppel Notice has been published, we ask that the Town Clerk provide our office with the following materials: (1) a certified copy of the Bond Resolution, as adopted, with voting results, and (2) the affidavit of publication from the newspaper along with the tear sheet evidencing the publication of the Estoppel Notice.

If you have any questions or require any additional information, please do not hesitate to contact either me or Patrick M. Malgieri at (585) 419-8800. Thank you.

**Alex Neubert**

Paralegal

**HARRIS BEACH PLLC**

**ATTORNEYS AT LAW**

99 Garnsey Road  
Pittsford, NY 14534  
585.419.8705 Direct  
585.419.8817 Fax  
585.419.8800 Main

[Website](#) | [Add to Contacts](#)

**p r a c t i c e G R E E N**

Save a tree. Read, don't print, emails.

**From:** Paula Parker <[paula.parker@townofbrighton.org](mailto:paula.parker@townofbrighton.org)>

**Sent:** Friday, November 09, 2018 4:24 PM

**To:** Alex Neubert <[aneubert@HarrisBeach.com](mailto:aneubert@HarrisBeach.com)>; Ken Gordon <[kgordon@gordonandschaal.com](mailto:kgordon@gordonandschaal.com)>

**Cc:** Evert Garcia <[evert.garcia@townofbrighton.org](mailto:evert.garcia@townofbrighton.org)>; Patrick M. Malgieri <[pmalgieri@HarrisBeach.com](mailto:pmalgieri@HarrisBeach.com)>

**Subject:** Re: Town of Brighton - Browncroft Lighting District

**FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE**  
**2019 MEETING SCHEDULE**

**All meetings are scheduled for the Stage Conference Room**  
**At 3:30 p.m. (unless otherwise noted)**

**Wednesday, January 2 @ 1:00**

Tuesday, January 15

Tuesday, February 5

**Thursday, February 21**

Tuesday, March 5

Tuesday, March 19

Tuesday, April 2

Tuesday, April 16

Tuesday, April 30

Tuesday, May 14

**Wednesday, June 5 @ 8:30 am**

**Wednesday, June 19 @ 8:30 am**

**Wednesday, July 3 @ 8:30 am**

**Wednesday, July 17 @ 8:30 am**

**Wednesday, August 7 @ 8:30 am**

**Wednesday, August 21 @ 8:30 am**

Tuesday, September 3

Tuesday, September 17

**Wednesday, October 2 @ 8:30 am**

Tuesday, October 15

Tuesday, November 5

Tuesday, November 19

Tuesday, December 3

Tuesday, December 17

**\*Have communications and documents to Director of Finance by noon on the Friday before with originals to the Assistant to the Supervisor.**