

Frequently Asked Questions Regarding the Sale of Brookside

As of 6/11/21

Communication: Why wasn't this brought to our attention earlier?

- The Board of Education took public actions as required by law, but had to balance community engagement with the negotiation of a real estate transaction with the potential to have a very positive impact for the District. The Board acts as your representative and is allowed to sell a property in this manner on your behalf if it is for at or above market value and is a surplus property.

Why wasn't the property marketed? Could it have brought a higher offer?

- We determined that this was an offer beneficial to the District as a whole and would be helpful for the neighborhood in that the use of the property will be consistent with its original intent. We didn't believe that it would be beneficial to market the property further.

What about taxes? Couldn't this property have been converted to taxable property or a beneficial development of the land?

- This is not likely, as it probably would have required zoning changes that would not have been supported by the neighborhood.
- It should be noted that since this potential sale has become public, we have not been approached with additional offers to purchase.

What about use of the property? Will we still be able to walk and play there?

- At this point, the potential buyers have indicated that they are not planning any major changes that would adversely impact the neighbors.

What can be done about increased traffic?

- The potential buyers operate a very small school that will have very limited traffic. The Winton Road entrance will be used in most instances although pick up and drop off of students will continue through the Idlewood entrance, including for the Montessori program.

Can the entrance be moved to Winton?

- This would be up to the Town and the new owners.

Does BCSD or the Town have the legal ability to close off (or restrict to a limited "service entrance" or "emergency entrance"), the eastern entrance from Idlewood into the Brookside property?

- We certainly could do that now, but it wouldn't benefit the new owners and would be problematic for current tenants.

Would such a restriction remain in place after a sale?

- This would not be something "enforceable" once new ownership is established.

Does BCSD or the Town of Brighton have a plan to do this?

- No, we do not and are not aware of a Town plan.

Can't the Town buy the land and develop a community center?

- The Town could, but we are not aware of a desire to do so.

Why did the school board decide to notify only a select group of residents regarding the potential sale of Brookside?

- We did not notify a select group but responded to their inquiries. We're holding tonight's session to bring this to the attention of more people and answer as many questions as we can.

Was the Town of Brighton offered the opportunity to purchase Brookside?

- Not specifically, but we have been communicating with the Town on this issue for some time and it is our understanding that it is not in discussion or of interest.

What has been the net cost to the District for the Brookside School and the property for each of the past three budget years? If an exact amount is not available, then give an estimate. Are we talking about a few million dollars? Several hundred thousand dollars? Tens of thousands of dollars?

- The District has profited from the lease and rent of Brookside by approximately \$40,000 per year. The long-term capital liability would outweigh the current potential for any profit. Based on those expenses, the building would create an annual loss to the District.

Is the parcel of land north of Allens Creek part of the Brookside property?

- Some of the unused vacant land in the neighborhood is owned by the County of Monroe and the State of New York for maintenance and control of Allens Creek. Several more acres of vacant land are contiguous to the neighborhood on the west side of Winton Road and are currently available for residential development and are not owned by the District.

What are the environmental considerations for the property?

- During the Brookside feasibility study performed by SWBR, the following was identified as environmental considerations pertinent to the development of the site:

Wetlands/SHPO

Item	Comment
U.S. Fish and Wildlife Service National Wetlands Inventory	National wetlands present on the west and north borders of the property along Allen's Creek.
NYSDEC regulated wetlands	State wetlands present along Allen's Creek with 100' offset (Classified Stream).
NYS Historic Preservation Office (SHPO)	SHPO GIS Mapper shows property in Archeo Sensitive Area. Further archeological investigation will be required.
FEMA Flood Plain	Flood Plain along East and North Property Borders. Flood Plain encroaches almost up to building along entire North side.

Who did the assessment of the property in preparation for the sale? Why was that particular person/firm selected?

- The appraisal report was completed by Midland Appraisal Associates. Midland was selected by our legal team. We did not participate in the selection of the appraisal. The purpose was for the attorney to advise us whether the offer minimally met the market value.
- The report defines Market Value as: *Market value is defined as "the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably and assuming the price is not affected by undue stimulus."*

When do current lease agreements expire for the Montessori School, Brighton Recreation, and Brighton Senior Center? Are all three of these groups on annual leases or are they longer-term leases?

- The lease with Brighton is on an annual basis with a one-year notice provision. The last amendment was in 2002. The lease with the Montessori School is from July 1, 2018 and ends on June 30, 2022 (the Lease Year) with the option to extend through June 30, 2023.
- Although the rents do supplement the cost of operating the building, the bigger issues are the long-term capital liability as well as the fact that the Council Rock expansion has caused Brookside to not be part of any of our future plans. We do not receive aid on work done to the building and the long-term costs of required repairs and upgrades far exceeds the resources gained based on the purchase price identified in the Letter of Intent. Additionally, any taxpayer dollars spent on this building takes away from other school initiatives that are actively in progress. It simply is not financially responsible to keep the property given the liability vs. potential revenue scenario being presented.

What happens if the Talmudic Institute chooses to sell in the future? Should the community have any voice in how it is used or possibly developed?

- The owner of the property could certainly choose to sell and no different than any other real estate transaction, the neighbors' voice would be limited to any change in zoning requested.

Can portions of the 21.8 acres be separated from the sale and donated to the Town of Brighton so that open space and a neighborhood playground can be kept available for community use?

- This option has not been reviewed, as it would be inequitable to the rest of the District who shares in the ownership of the resource.

Can a community meeting including representatives from the Talmudic school be held prior to a vote to allow for many specific questions about how a healthy partnership can be possible?

- A vote is not scheduled regarding this transaction. The prospective owners have offered to hold a public forum to listen directly to the concerns and interests of the neighbors upon purchase. At this point, they are not planning any major changes that would adversely impact the neighbors.

Has the Board considered a long-term lease to the Talmudic Institute instead of a sale? This would allow for the community to keep the asset and control of the valuable open space for longer-term planning.

- This has not been considered as an option, as it would not address the longer-term capital liability issue nor has it been expressed as a desire by the purchaser.

Although the Board of Education can decide to sell the property and process the sale accordingly, how many signatures would be required to compel a community referendum on the sale?

- The law allows the Board of Education to act on your behalf in this manner. In response to the online petition started concerning the sale of the former Brookside, the District wants to provide additional information regarding the legalities of such matters. The District has worked with our attorneys at Harris Beach and the Monroe County Board of Elections to determine the appropriate process for community members to petition the Board of Education in matters related to the sale of property. Again, the law allows the Board to act on behalf of the community in these matters, but residents can request that the District hold a vote. In order to make this request, a petition of verifiable original signatures of District residents must be submitted to the district clerk within 30 days of the Board of Education approving a Purchase Sale Agreement. Through Board of Election records, it has been determined to the best of our ability that 1,653 signatures would be required. This is 10% of the estimated number of District voters based on voter registration. Voter registration is not required for voting in district elections, but using voter registration is the only reliable means of determining an accurate number of eligible voters.