

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held April 18, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

PRESENT:

Michelle Marini	Deputy Supervisor
Mike Barry, Jr.	Councilman
Brett Granville	Councilman
Andrew J. Conlon	Councilman
Diana Christodaro	Councilwoman

Cheryl M. Rozzi, Town Clerk
Brian Marianetti, Town Attorney

EXCUSED:

William D. Reilich	Supervisor
--------------------	------------

PLEDGE OF ALLEGIANCE:

Councilwoman Diana Christodaro led the Town Board in the Pledge of Allegiance. The invocation was led by Reverend Peter Enyan-Boadu of St. John the Evangelist Church.

PROCLAMATIONS DELETIONS ADDITIONS TO THE AGENDA:

There were several proclamations awarded by the Town Board. Town of Greece Tree Council Chairman, Bill Morrocco received a proclamation on behalf of "Arbor Day" which is scheduled for April 28, 2016.

Zach Mangiafesto received a proclamation for attaining the rank of Eagle Scout through his project of organizing the building of storage shelving units for the CURE Childhood Cancer Center in Rochester, New York, to be used for housing the abundance of gifts and supplies that are given out to the patients and their families.

Cordell Cordaro received a proclamation for being one of the highest acclaimed artists in the Rochester and New York area. His artwork has reached audiences across the globe including Greece, Singapore, and the United Kingdom.

PUBLIC FORUM:

An Open Forum was conducted to allow speakers the opportunity to address the Town Board. Five speakers addressed the Town Board and the Open Forum concluded at 6:23 p.m.

PUBLIC HEARINGS: *(Note: Deputy Supervisor Marini approved the addition of Item #29)*

6:15 p.m. — CANCELLED. Public hearing to consider the request submitted by Benderson Development Company, LLC to rezone 15.19± acres from R1-18 (Single-Family Residential) and BR (Restricted Business) to BG (General Business), on property located at 4057–4231 West Ridge Road.

Deputy Supervisor Marini declared that at the request of the applicant the public hearing would be cancelled for this evening and rescheduled at the May 17, 2016 Town Board meeting.

#148 - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that this Town Board adopt a Motion to Reschedule the Public Hearing for May 17, 2016.

ADOPTED Ayes 4 Barry, Granville, Conlon, Christodaro
 Nays 0

6:16 p.m. — Public hearing to consider the request submitted by WoodSpring Suites Rochester NY Northwest LLC for a special use permit to operate a hotel, to be known as WoodSpring Suites, on property located at 125 Bellwood Drive, in Canal Ponds Business Park.

Deputy Supervisor Marini declared the public hearing open at 6:25 p.m. The representatives provided an overview of the project and a brief question and answer period followed. There were no speakers and the hearing concluded at 6:35 p.m.

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held April 18, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

#149 A - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

WHEREAS, WoodSpring Suites Rochester NY Northwest, LLC (the "Applicant/Project Sponsor") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York, for a special use permit to operate a hotel, to be known as WoodSpring Suites, on property located at 125 Bellwood Drive, in the Canal Ponds Business Park ("Canal Ponds"), in a BG (General Business) Zoning District; and

WHEREAS, having carefully considered all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Applicant/Project Sponsor's proposal (the "Proposal") is to operate a hotel in a freestanding building that is to be constructed at an undeveloped site (the "Premises") in Canal Ponds, an industrial/office/retail business park. The Proposal includes hotel room suites with kitchens for extended stays. Services, facilities, and amenities other than those in each suite include but are not limited to laundry facilities; such features are available only to guests that are staying at the hotel. The Proposal does not include background music or live entertainment (as these terms are defined in the Town's zoning ordinance) on a recurring basis. Background music, live entertainment, and the Applicant/Project Sponsor's sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises will be subject to the requirements and restrictions of the Code of the Town of Greece, New York, Chapter 175 (Special Events). The hotel is continuously open and available to guests that are staying there. Vehicular access for the Premises is via an unsignalized driveway at Bellwood Drive (a two-lane Town subdivision road in Canal Ponds).
2. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the development of Canal Ponds was classified as a Type I action.
3. In accordance with SEQRA, the Town Board was designated as, and continues to be, the lead agency for the environmental review of the development of Canal Ponds.
4. The Town Board fully considered the alternatives, impacts, and mitigation measures that were identified in the Final Generic Environmental Impact Statement (the "FGEIS") that was prepared for Canal Ponds when the overall developers of the site, Pioneer Development Company, LLC, and Torrey Pines Realty Company, Inc., requested that portions of the Canal Ponds site be rezoned from an IG (General Industrial) Zoning District to BP (Professional Office), BR (Restricted Business), and BG (General Business) Zoning Districts (the "1991 Canal Ponds Rezoning Request").
5. On May 7, 1991, in accordance with SEQRA, the Town Board issued a Findings Statement (the "1991 SEQRA Findings Statement"), then passed a resolution to approve the 1991 Canal Ponds Rezoning Request (the "1991 Canal Ponds Rezoning Approval"). In the 1991 SEQRA Findings Statement, the Town Board concluded that the development of Canal Ponds would not have a significant adverse impact on the environment.
6. On April 18, 2016, at 6:16 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all parties in interest and citizens were afforded an opportunity to be heard.
7. Documentary, testimonial, and other evidence was presented at the Hearing for the Town Board's consideration.
8. At the conclusion of the Hearing, the Town Board closed the Hearing.
9. The Town Board has carefully considered environmental information that was prepared by the Applicant/Project Sponsor's representatives or the Town's staff, which included but was not limited to: a written description of the Proposal; conceptual site plans; aerial photographs; Part 1 of an Environmental Assessment Form (the "EAF"); and supplemental information about the Proposal, including but not limited to an analysis of traffic volumes generated by development in Canal Ponds (including the Proposal) (collectively, the "Environmental Analysis").
10. The Town Board also has included in the Environmental Analysis and has carefully considered additional information that was submitted by the Applicant/Project Sponsor's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral

or written comments that may have resulted from meetings with or written correspondence from the Applicant/Project Sponsor's representatives.

11. The Town Board also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to: the Monroe County Department of Planning and Development; the Monroe County Department of Public Health; the Monroe County Department of Transportation; the New York State Department of Transportation; the New York State Department of Environmental Conservation; the Town's Planning Board; and the Town's own staff.
12. The Town Board also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from owners of nearby properties or other interested parties, and all other relevant comments submitted to the Town Board as of April 18, 2016.
13. Chapter 1-A of the FGEIS recognized that the original development plan for Canal Ponds would be subject to modification because of the conceptual nature of said plan and because market conditions could change during the time that it would take to reach full development of Canal Ponds. Evidence of the changing layout in Canal Ponds can be seen when comparing preliminary plats in 1991, 1994, and in more recent years.
14. Chapter 2-B3 of the FGEIS recognized that the exact size and location of individual buildings would be tailored to the specific needs of businesses that wanted to locate in Canal Ponds, and would depend on changing market conditions. As evidence of such flexibility, the Town has approved several rezoning requests in Canal Ponds, beginning in 1993 and continuing through the most recent such request in 2013.
15. Chapter 1-F of the FGEIS established parameters within which development of Canal Ponds could take place without the need for further environmental review pursuant to SEQRA. The Proposal is within said parameters; for example: the total amounts of development and vehicular traffic remain below the upper limits established in the FGEIS; the use is permitted in the zoning district; and the use is not among those uses that were limited in the 1991 SEQRA Findings Statement or in the 1991 Canal Ponds Rezoning Approval.
16. The Proposal is consistent with the FGEIS, the 1991 SEQRA Findings Statement, and the 1991 Canal Ponds Rezoning Approval.
17. The Town Board has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
18. The Town Board has met the procedural and substantive requirements of SEQRA.
19. The Town Board has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
20. The Town Board carefully considered the relevant environmental impacts, facts, and conclusions disclosed in the FGEIS and in all supplemental maps, descriptions, analyses, reports, and reviews.
21. The 1991 SEQRA Findings Statement weighed and balanced relevant environmental impacts with social, economic, and other considerations.
22. The Town Board has made a careful, independent review of the Proposal and the Town Board's determination is rational and supported by substantial evidence, as set forth herein.
23. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, this action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.
24. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, and after examining the Town Board's own initial concerns and all issues and comments submitted by involved and

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held April 18, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

interested agencies and the Town's own staff, the Town Board determines that the Proposal does not warrant the preparation of a supplemental environment impact statement; and be it

FURTHER RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, and after examining the Town Board's own initial concerns and all issues and comments submitted by

involved and interested agencies and the Town's own staff, the Town Board determines that the Proposal will not have a significant adverse impact on the environment and that, therefore, SEQRA and the 1991 Findings Statement require no further action relative to the Proposal.

ADOPTED Ayes 4 Barry, Granville, Conlon, Christodaro
 Nays 0

#149 B - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

WHEREAS, WoodSpring Suites Rochester NY Northwest, LLC (the "Applicant") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York, for a special use permit to operate a hotel, to be known as WoodSpring Suites, on property located at 125 Bellwood Drive, in the Canal Ponds Business Park ("Canal Ponds"), in a BG (General Business) Zoning District; and

WHEREAS, having carefully considered all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Applicant's proposal (the "Proposal") is to operate a hotel in a freestanding building that is to be constructed at an undeveloped site (the "Premises") in Canal Ponds, an industrial/office/retail business park. The Proposal includes hotel room suites with kitchens for extended stays. Services, facilities, and amenities other than those in each suite include but are not limited to laundry facilities; such features are available only to guests that are staying at the hotel. The Proposal does not include background music or live entertainment (as these terms are defined in the Town's zoning ordinance) on a recurring basis. Background music, live entertainment, and the Applicant's sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises will be subject to the requirements and restrictions of the Code of the Town of Greece, New York, Chapter 175 (Special Events). The hotel is continuously open and available to guests that are staying there. Vehicular access for the Premises is via an unsignalized driveway at Bellwood Drive (a two-lane Town subdivision road in Canal Ponds).
2. Proof was had of the notice of public hearing on a resolution proposing to permit the Proposal.
3. On April 18, 2016, at 6:16 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all parties in interest and citizens were afforded an opportunity to be heard.
4. Documentary, testimonial, and other evidence relative to the Proposal was presented at the Hearing for the Town Board's consideration.
5. At the conclusion of the Hearing, the Town Board closed the Hearing.
6. Based on the Town Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the Proposal: (a) will not adversely affect the orderly pattern of development in the area; (b) will be in harmony with nearby uses; (c) will not alter the essential character of the nearby neighborhood, nor be detrimental to the residents thereof; (d) will not create a hazard to health, safety, or the general welfare; (e) will not be detrimental to the flow of traffic; and (f) will not place an excessive burden on public improvements, facilities, services, or utilities.
7. Access to the Premises and the size and shape of the Premises are adequate for the Proposal.
8. Public utility service and vehicular access are adequate for the Proposal.
9. On April 18, 2016, in accordance with SEQRA, the Town Board issued a determination of no significance in the environmental review of the Proposal (the "2016 SEQRA Determination"). In summary, the 2016 SEQRA Determination indicated that the Proposal would not have a significant adverse environmental impact. The findings of the 2016 SEQRA Determination are incorporated herein by reference as if fully set forth, as findings of the Town Board in its decision on the Proposal.
10. Having considered the Proposal and all additional information that may be relevant to the Proposal, it is in the public interest to grant the requested special use permit.

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held April 18, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

NOW THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), the request submitted by WoodSpring Suites Rochester NY Northwest, LLC (the "Applicant") for a special use permit to operate a hotel, to be known as WoodSpring Suites, on property located at 125 Bellwood Drive, in the Canal Ponds Business Park ("Canal Ponds"), in a BG (General Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this hotel in conformity with all details of the Proposal, as described in the written descriptions and various plans of the Proposal, and as set forth herein. In the event of any conflict among the written descriptions of the Proposal, the various plans of the Proposal, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
2. The maximum occupancies in this hotel shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.
3. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code and all applicable requirements for the installation/maintenance of a grease trap. Failure to comply with such requirements may be grounds for revocation of this special use permit.
4. The Applicant shall submit a request to the Town of Greece Planning Board for site plan and subdivision approval in order to address the details of site development issues, including but not limited to: landscaping and buffering; lighting; parking; vehicular and pedestrian access for the Premises; on-site vehicular and pedestrian circulation; utilities; grading; storm water management; and architectural appearance.
5. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
6. Wherever this resolution refers to a specific public official or agency, it shall be construed to include designees, successors, and assigns.
7. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
8. Upon the sale or other transfer of controlling interest in this hotel to any person or entity other than WoodSpring Suites Rochester NY Northwest, LLC, its wholly owned subsidiaries, its franchisors, its franchisees, or the holder of any mortgage on the Property or its designee, a new application for a special use permit must be submitted to the Town Board.

ADOPTED Ayes 4 Barry, Granville, Conlon, Christodaro
 Nays 0

6:17 p.m. — Continuation of the Public Hearing to consider the adoption of a proposed local law to amend Part II, Chapter 157, § 157-7, Vacant Structures, of the code of the Town of Greece, which would require owners of vacant structures to register with the Town, would require banks or lenders to provide a bond to secure maintenance of a property upon commencing foreclosure proceedings and would create increased penalties for repeated noncompliance with the Property Maintenance Code.

Deputy Supervisor Marini declared the continuation of the public hearing open at 6:36 p.m. Town Attorney Brian Marianetti provided additional information on the Local Law and a brief question and answer period followed. There were no speakers and the hearing concluded at 6:45 p.m.

#150A- Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Barry:

Local Law No. 1 of the year 2016

A local law amending Part II, General Legislation of the code of the Town of Greece, Chapter 157, Property Maintenance, to create increased penalties for repeated noncompliance with the Property Maintenance Code, and amending Part II, General Legislation of the code of the Town of Greece to include Chapter 194, Vacant and Defaulted Mortgage Property Registry, to establish a vacant and defaulted mortgage registry and to require lenders to provide funds to secure maintenance of a property upon commencing foreclosure proceedings.

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held April 18, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

Part II, General Legislation of the code of the Town of Greece is hereby amended as follows:

Section 1. Chapter 157, Article II, § 157-7, Vacant Structures, of the code of the Town of Greece is hereby amended to read as follows:

§ 157-7. Vacant structures

- A. Vacant buildings or structures. Every person owning or having charge or control of any building or structure which has been vacant for over 60 days shall remove all combustible waste and refuse therefrom and lock, barricade, guard continuously or otherwise secure all windows, doors and other openings in the building to prohibit entry by unauthorized persons in a manner approved by the Building Inspector.
- B. Habitually noncompliant vacant buildings or structures. A vacant building or structure shall be considered habitually noncompliant when the person, business, organization or legal entity owning or having charge or control of the building or structure has been noncompliant with three or more notices issued by the Building Inspector or his/her representative in accordance with § 157-18(C) during the same period of vacancy.

Section 2. Chapter 157, Article III, § 157-20, Alternative Remedies, of the code of the Town of Greece is hereby amended to read as follows:

§ 157-20. Alternative remedies.

The Town of Greece Code Compliance Officer or his designee shall have the following alternative remedies for enforcement of this chapter:

- A. Appearance tickets. The Building Inspector or his/her representative shall have the authority, pursuant to the New York State Criminal Procedure Law, to issue an appearance ticket subscribed by him/her, directing a designated person to appear in a designated local criminal court at a designated future time in connection with the alleged commission of a designated violation of this chapter or any order made thereunder.
- B. Penalties for offenses. Any person who fails to comply with any provision of this chapter or fails to comply with any notice, order or directive of the Building Inspector or his/her representative after expiration of the time for compliance established in accordance with this chapter shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment not to exceed 15 days, or both, for such violation. In the event of any failure to so comply, each and every day that such violation continues shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense.
- C. Penalties for offenses under § 157-7(B), habitually noncompliant vacant buildings or structures. Any person who is found to be owning or having charge or control of any building or structure that is habitually noncompliant under § 157-7(B) of this chapter shall, upon conviction of any violation of this chapter relating to said building or structure, be punished by the maximum fine of \$1,000 or by imprisonment of 15 days, or both, for such violation. In the event of any failure to so comply, each and every day that such violation continues shall constitute a separate offense, and the penalties described above shall be applicable to each such separate offense.

Section 3. Part II, General Legislation of the code of the Town of Greece is hereby amended to include Chapter 194, Vacant and Defaulted Mortgage Property Registry, to read as follows:

Chapter 194: VACANT AND DEFAULTED MORTGAGE PROPERTY REGISTRY

§ 194-1 Purpose and Intent.

The purpose and intent of this chapter is to establish a process to address the deterioration, crime and decline in value of the Town of Greece neighborhoods caused by vacant properties and properties with defaulted mortgages located within the Town, and to identify, regulate, limit and reduce the number of these properties located within the Town. It is the further intent of this chapter to establish a registration requirement as a mechanism to protect neighborhoods from the negative impact and conditions that occur as a result of vacancy, absentee ownership, lack of adequate maintenance and security and will provide a method to expeditiously identify multiple parties and their contact person(s) for each property responsible for this protection.

§ 194-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Registrable Property

Any real property located in the Town that is vacant as defined herein, and any real property located in the Town, whether vacant or occupied, that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the Mortgagee or Trustee, is subject to an application for a tax deed or pending tax assessor's lien sale, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "default/foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured.

Accessible Property/Structure

A property that is accessible through a comprised/breached gate, fence, wall, etc., or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

Annual Registration

Twelve (12) months from the date of the first action that required registration, as determined by the Town, or its designee, and every subsequent 12 months. The date of the initial registration may be different than the date of the first action that required registration.

Applicable Codes

Includes, but is not limited to, the Town's Zoning Code, the Town's Property Maintenance Code, and the New York State Fire Prevention and Building Codes, as currently in effect and hereafter amended from time to time.

Blighted Property

Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or properties cited for a public nuisance; or properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the applicable codes.

Enforcement Officer

Shall include the Building Inspector and all certified code enforcement officials.

Default

When a mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

Evidence of Vacancy

Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash junk or debris; abandoned vehicles auto parts or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail, or statements by neighbors, passers-by, delivery agents or government agents; or the presence of boards over doors, windows or other openings in violation of applicable code.

Foreclosure

The legal process by which a mortgagee, or other lien holder, terminates a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. This definition shall include, but is not limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

Local Property Management Company

A property manager, property management company or similar entity responsible for the maintenance and security of registrable real property within 20 driving miles of the Town limits. Upon review of credentials the Town, or its designee, may allow a non-local property manager to be listed.

Mortgagee

The creditor, including but not limited to, trustees; mortgage service companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement.

Owner

Any person, firm, corporation or other legal entity who, individually or jointly or severally with others, holds the legal or beneficial title to any building, facilities, equipment or premises subject to the provisions of this chapter.

Property Management Company

A local property manager, property maintenance company or similar entity responsible for the maintenance of registrable real property.

Real Property

Any improved residential or commercial land, buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Town limits. Developed lots are considered improved land.

Rental Property

Property that contains a single-family rental dwelling unit or multi-family rental dwelling units for use by residential tenants including but not limited to the following: mobile homes, mobile home spaces, town homes and condominium unit(s). A rental dwelling unit includes property that is provided to an individual or entity for residential purposes upon payment of rent or any other consideration in lieu of rent, regardless of relationship between lessor and lessee.

Vacant

Any parcel of land in the Town that contains any building or structure that is not lawfully occupied or inhabited by human beings as evidenced by the conditions set forth in the definition of "Evidence of Vacancy" above which is without lawful tenant, or lawful occupant or without a certificate of occupancy.

§194-3 Applicability.

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Town above and beyond any other State, County, or Town provisions for same.

§ 194-4 Establishment of Registry.

Pursuant to the provisions of this chapter, the Town, or its designee, shall establish a registry cataloging each Registrable Property within the Town, containing the information required by this chapter.

§ 194-5 Registration of Vacant and/or Defaulted Mortgage Real Property.

- A. Any owner of any vacant residential structure located within the Town shall, within forty-five (45) days of the structure becoming vacant, register said residential structure with the Office of the Building Inspector, or its designee, on forms or other manner as directed. A separate registration is required for each vacant residential structure.
- B. Any mortgagee who holds a mortgage on real property located within the Town shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The Mortgagee shall, within ten (10) days of the inspection, register the property with the Office of the Building Inspector, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

- C. Registration pursuant to § 194-5(A) shall contain the name, direct mailing address, telephone number, and any e-mail address for the owner of the vacant residential structure. Registration pursuant to § 194-5(B) shall contain the name, direct mailing address, a direct contact name, telephone number, and e-mail address for the Mortgagee/Trustee, and the Servicer, and the name and twenty-four (24) hour contact phone number of the local property management company responsible for the security and maintenance of the property who has the authority to make decisions concerning the abatement of nuisance conditions at the property, as well as any expenditure in connection therewith.
- D. Owners or mortgagees who have existing registrable property on the effective date of this ordinance have thirty (30) calendar days from the effective date to register the property with the Office of the Building Inspector, or its designee, on forms or other manner as directed. A separate registration is required for each registrable property.
- E. If the mortgage on a registrable property is sold or transferred, the new Mortgagee is subject to all the terms of this chapter and within five (5) days of the transfer shall register the property and pay a registration fee in accordance with this chapter. Any previous unpaid annual registration fees are the responsibility of the new Mortgagee or Trustee and are due and payable with their initial registration.
- F. If the Mortgagee owner of a foreclosed real property sells or transfers the property to a non-arm's length related person or entity, the transferee is subject to all the terms of this chapter and within five (5) days of the transfer register the property and pay a registration fee in accordance with this chapter. Any previous unpaid annual registration fees are the responsibility of the new Registrable property owner and are due and payable with their initial registration.
- G. As long as the property is Registrable it shall be inspected by the owner, mortgagee, or designee, monthly. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- H. A non-refundable annual registration fee established by resolution by the Town Board, shall accompany each registration pursuant to this section.
- I. All registration fees must be paid directly from the mortgagee, trustee, servicer, or owner. Third party registration fees are not allowed without the consent of the Town and/or its authorized designee.
- J. Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they are registrable.
- K. Until the mortgage or lien on the property in question is satisfied, or legally discharged, the desire to no longer pursue foreclosure, the filing of a dismissal of lis pendens and/or summary of final judgment and/or certificate of title, voluntary or otherwise, does not exempt any mortgagee holding the defaulted mortgage, from all the requirements of this article as long as the borrower is in default.
- L. Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- M. Failure of an owner or mortgagee to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of this chapter and shall be subject to enforcement and any resulting monetary penalties.
- N. Pursuant to any administrative or judicial finding and determination that any property is in violation of this chapter, the Town may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

§ 194-6 Maintenance Requirements.

Properties subject to this chapter shall, at all times, comply with all provisions of the Town's Property Maintenance Code and all other applicable codes.

§ 194-7 Maintenance Secured Upon Commencement of Foreclosure Action.

Any mortgagee who commences a foreclosure action against a residential property located in the Town shall, in addition to all other requirements of this chapter, provide cash, a cash bond, or a letter of credit to the Town acceptable to the Building Inspector or his/her designee, in the sum of Ten Thousand Dollars (\$10,000.00), to secure the continued maintenance of the property throughout the foreclosure proceeding and reimburse the Town for any expenses incurred in inspecting, securing, repairing and/or making said property safe by any legal means,

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held April 18, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

including but not limited to, demolition. The cash, cash bond, or letter of credit must be provided to the Town within forty-five (45) days of a foreclosure action being commenced. The \$10,000.00 cash, cash bond, or letter of credit provided to the Town shall remain valid for a period of one year from the date of said cash, cash bond, or letter of credit being provided. A person, business, organization, bank or lender who has commenced a foreclosure action shall, thereafter, annually provide the Town with cash, a cash bond, or a revised letter of credit in an amount that will cause the total sum being held by the Town to equal \$10,000.00. Such renewal shall be submitted prior the expiration of the one year period and shall continue annually until the foreclosure action is no longer pending and the structure that is the subject of the foreclosure action is being lawfully occupied for residential purposes. At such time, all sums being held by the Town under this section will be released to the mortgagee that provided the cash, cash bond, or letter of credit.

§ 194-8 Administration, Enforcement and Penalties.

- A. This chapter shall be administered and enforced by the Building Inspector as set forth in § 114-4 and § 157-17 of the Code of the Town of Greece, or his/her designee.
- B. The requirements of this chapter may be enforced as follows:
 - (1) By taking any and all actions prescribed for correction of violations as set forth under § 157-18 of the Town's Property Maintenance Code.
 - (2) By taking any and all actions in cases of noncompliance as set forth under § 157-19 of the Town's Property Maintenance Code.
 - (3) The Building Inspector or his/her designee shall have the following alternative remedies for enforcement of this chapter:
 - (a) Appearance tickets. The Building Inspector or his/her designee shall have the authority, pursuant to New York State Criminal Procedure Law, to issue an appearance ticket subscribed by him/her, directing a designated person to appear in a designated local criminal court at a designated future time in connection with the alleged commission of a designated violation of this chapter or any order made thereunder.
 - (b) Penalties for offenses. Any person who fails to comply with any provision of this chapter or fails to comply with any notice, order or directive of the Building Inspector or his/her representative after expiration of the time for compliance established in accordance with this chapter shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment not to exceed 15 days, or both, for such violation. In the event of any failure to so comply, each and every day that such violation continues shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense.
 - (c) Penalties for offenses under § 194-7, maintenance secured upon commencement of foreclosure action. Any person, business, organization, bank or lender who fails to comply with § 194-7 of this chapter shall, upon conviction, be punished by a fine of not more than \$5,000 or by imprisonment not to exceed 15 days, or both, for such violation. In the event of any failure to so comply, each and every day that such violation continues shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense.

§ 194-9 Immunity of Enforcement Officer.

Any enforcement officer or any person authorized by the Town to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this chapter.

§ 194-10 Severability.

If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held April 18, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

Section 4. This local law shall take effect immediately. No violation under Chapter 194 shall be charged prior to July 1, 2016.

ADOPTED Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

(Note: Deputy Supervisor Marini pulled Item #29 out of Regular Agenda Order)

#150B- Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry and Councilwoman Christodaro:

RESOLVED that this Town Board enter into an agreement with Community Champions to maintain the Town's Vacant and Defaulted Mortgage Property Registry at no cost to the Town.

BE IT FURTHER

RESOLVED that the Supervisor is authorized to execute all necessary documentation.

ADOPTED Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#151 - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

WHEREAS the Town of Greece has made application to consider the Town's proposed Community Development Block Grant programs and projects for the 2016 program year (August 1, 2016 through July 31, 2017).

NOW THEREFORE, BE IT

ORDERED that a public hearing be held by the Town Board of the Town of Greece at the Town Hall, One Vince Tofany Boulevard, Rochester, New York, in and for said Town, on the 17th day of May, 2016 at 6:15 p.m., to consider the Town's proposed Community Development Block Grant programs and projects for the 2016 program year (August 1, 2016 through July 31, 2017).

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#152 - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

WHEREAS Ontario Realty Holdings, LLC has made application to rezone 0.66± acres from BP-1 (Office) to IG (General Industrial), on property located at 1739 Ridgeway Avenue.

NOW THEREFORE, BE IT

ORDERED that a public hearing be held by the Town Board of the Town of Greece at the Town Hall, One Vince Tofany Boulevard, Rochester, New York, in and for said Town, on the 17th day of May, 2016 at 6:16 p.m., to rezone 0.66± acres from BP-1 (Office) to IG (General Industrial), on property located at 1739 Ridgeway Avenue.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#153A - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

WHEREAS, Sunrise on the Ridge, LLC (the "Applicant/Project Sponsor") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York, for a waiver of the requirements for a new special use permit to operate an existing hotel, known as Holiday Inn Express, on property located at 1635 West Ridge Road, in a BR (Restricted Business) Zoning District; and

WHEREAS, having carefully considered all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Applicant/Project Sponsor's proposal (the "Proposal") is to operate an existing hotel in a freestanding building and site that that currently are used for that hotel (the "Premises"). The Proposal includes hotel rooms, a small fitness center, and an area for service of a continental breakfast for persons staying at the hotel. The fitness center and breakfast area are not available to the general public. The Proposal does not include sale or service of alcoholic beverages, or background music or live entertainment (as these terms are defined in the Town's zoning ordinance) on a recurring basis. Background music, live entertainment, and the Applicant/Project Sponsor's sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises will be subject to the requirements and restrictions of the Code of the Town of Greece, New York, Chapter 175 (Special Events). The hotel is continuously open and available to its guests. Vehicular access for the Premises is via an unsignalized driveway at West Ridge Road (New York State Route 104, a seven-lane urban principal arterial street) and an unsignalized driveway at Hoover Drive (a Town local road that is four lanes wide at the Premises); Hoover Drive connects to West Ridge Road at a signalized intersection.
2. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes a Type II action under SEQRA. (SEQRA Regulations, § 617.5(c)(26).)
3. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action relative to the Proposal.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#153B - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

WHEREAS, Sunrise on the Ridge, LLC (the "Applicant") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York, for a waiver of the requirements for a new special use permit to operate an existing hotel, known as Holiday Inn Express, on property located at 1635 West Ridge Road, in a BR (Restricted Business) Zoning District; and

WHEREAS, having carefully considered all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Applicant's proposal (the "Proposal") is to operate an existing hotel in a freestanding building and site that that currently are used for that hotel (the "Premises"). The Proposal includes hotel rooms, a small fitness center, and an area for service of a continental breakfast for persons staying at the hotel. The fitness center and breakfast area are not available to the general public. The Proposal does not include sale or service of alcoholic beverages, or background music or live entertainment (as these terms are defined in the Town's zoning ordinance) on a recurring basis. Background music, live entertainment, and the Applicant's sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises will be subject to the requirements and restrictions of the Code of the Town of Greece, New York, Chapter 175 (Special Events). The hotel is continuously open and available to its guests. Vehicular access for the Premises is via an unsignalized driveway at West Ridge Road (New York State Route 104, a seven-lane urban principal arterial street) and an unsignalized driveway at Hoover Drive (a Town local road that is four lanes wide at the Premises); Hoover Drive connects to West Ridge Road at a signalized intersection.
2. The Proposal is in substantial conformity with the previous operator's description of the nature, duration, and intensity of the operation.
3. Based on the Town Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the previous restaurant operation: (a) did not adversely affect the orderly pattern of development in the area; (b) was in harmony with nearby uses; (c) did not alter the essential character of the nearby neighborhood, nor was it detrimental to the residents thereof; (d) did not create a hazard to health, safety, or the general welfare; (e) was not detrimental to the flow of traffic; and (f) did not place an excessive burden on public improvements, facilities, services, or utilities.

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held April 18, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

4. Public utility service and vehicular access are adequate for the Proposal.
5. The size and shape of the Premises are adequate for the Proposal.
6. Having considered the Proposal and all additional information that may be relevant to the Proposal, it is in the public interest to grant the requested waiver of the requirements to obtain a new special use permit.

NOW THEREFORE, be it

RESOLVED that, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by Sunrise on the Ridge, LLC (the "Applicant") for a waiver of the requirements for a new special use permit to operate an existing hotel, known as Holiday Inn Express, on property located at 1635 West Ridge Road, in a BR (Restricted Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this hotel in conformity with all details of the Proposal, as described in the written descriptions and various plans of the Proposal, and as set forth herein. In the event of any conflict among the written descriptions of the Proposal, the various plans of the Proposal, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
2. The maximum occupancies in this hotel shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.
3. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code and all applicable requirements for the installation/maintenance of a grease trap. Failure to comply with such requirements may be grounds for revocation of this special use permit.
4. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include designees, successors, and assigns.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
7. Upon the sale or other transfer of controlling interest in this hotel to any person or entity other than Sunrise on the Ridge, LLC, its wholly-owned subsidiaries, its franchisees, its franchisors, or the holder of any mortgage on the Property or its designee, a new application for a special use permit must be submitted to the Town Board.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#154 - Councilman Granville offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that this Town Board grant authorization to approve the following events:

Annual Memorial Day Parade – American Legion Post #468
Monday, May 30, 2016 at 12:00 noon (Mobilization at 11:15 a.m.)
South on Long Pond Road from Janes Road to the Greece Town
Hall

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#155 - Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization to approve the following road closings for the Memorial Day Parade and Ceremony on Monday, May 30, 2016, from 11:40 a.m. to 2:15 p.m.:

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held April 18, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

Long Pond Road from Latta Road to Jay Vee Lane
Janes Road from Kirk Road to Long Pond Road

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#156 - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

WHEREAS, this Board has previously resolved to invite sealed bids for 2016 Asphalt Repair and Replacement Program, to the low bidder, Manel Excavating Corp., PO Box 26816, Rochester, NY 14626, in the amount of \$189,725.00. Three other bids were received in the amounts ranging from \$197,450.00 to \$281,600.00.

WHEREAS on Monday, April 11, the following bid was received:

<u>BIDDERS NAME</u>	<u>AMOUNT</u>
Manel Excavating Corp.	\$189,725.00

NOW THEREFORE, be it

RESOLVED that this Town Board award the bid for the 2016 Asphalt Repair and Replacement Program to the low bidder, Manel Excavating Corp., PO Box 26816, Rochester, NY 14626, in the amount of \$189,725.00.

BE IT FURTHER,

RESOLVED, that the Supervisor is authorized to enter into a contract with Manel Excavating Corporation.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#157- Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that the Town Board grant authorization to rebid and set a new bid date of Thursday, May 5, 2016 at 3:00 p.m., for the Purchase of Precast Modular Concrete Block for Paddy Hill Creek Improvements. No bids were submitted on the April 11, 2016 bid date.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#158- Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that the Town Board grant authorization for the Supervisor, or his designee, to purchase various highway equipment at the Palmyra Municipal and Government Surplus Auction, May 14, 2016, for a total amount not to exceed \$100,000.00.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#159- Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that, pursuant to the requirements of section 103 of the General Municipal Law, sealed bids will be received at the Town Clerk's Office, Town of Greece, One Vince Tofany Boulevard, Greece, New York 14612, until 3:00 p.m., May 5, 2016, at which time they will be publicly opened and read aloud for the following:

- Purchase of Five (5) 2016 4x4 Pick-Up Trucks
- 2016 Rental of Light Duty Construction Equipment

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held April 18, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

All bids must be endorsed, with the title of purchase to which they relate, the name and address of the bidder, and shall be in conformity with the bidding sheets and specifications, which will be furnished by the Town Clerk and are now available, and be it further

RESOLVED, that the Town Board reserves the right to reject any and all bids received.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#160- Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to extend the following contracts with no changes in contract specifications and pricing for an additional year:

2013 Sewer Rehabilitation Program to All State Power Vac., 1928 East Hazelwood Avenue, Rahway, New Jersey 07065.

2013 Maintenance, Furnish and Install Various Types of Fencing to New York State Fence Inc., 858 Manitou Road, Hilton, New York 14468.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#161 – VOID

#162 - Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization to declare items from the DPW as surplus to be disposed of through a Municipal auction to be held on May 14, 2016 at 9:00 a.m. A complete list is attached.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#163 - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant acceptance of the 2016 Forestry Plan relative to our status as a "Tree City USA" for the 19th year in a row.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#164 - Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to accept the dedication of highways, storm and sanitary sewers for the following: Avery Park Lane, Sable Ridge Lane, and Talnuck Drive in the Avery Park Subdivision Section 4.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#165 - Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant approval of the request submitted by Joseph and Heidi Spurrier for a permanent waiver of the requirement to install 133 linear feet of sidewalk along the street frontage of property located at 324 Lakeshore Drive (Tax Account No. 017.06-1-23), provided that the fee in-lieu-of installation (\$18/lin. ft.) is paid to the Town; no sidewalk easement is required in this case.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held April 18, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

#166 - Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization to approve the following Town of Greece Police Department items as surplus to be disposed of through public auction to be held Saturday May 14, 2016 at the Palmyra Highway Department (list attached).

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#167 - Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to make various budget amendments and transfers. The list is attached.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#168 - Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization to accept a Letter of Credit in the amount of \$10,440.00 from the Tra-Mac Group for filling and grading work related to the development at 499 Mill Road.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#169 - Councilman Barry offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

WHEREAS, the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York intends to authorize the installation of a solar panel array (the "Project") on Town-owned land located at 268 North Greece Road (the "Premises"); and

WHEREAS, the Town Board makes the following findings:

1. In summary, the Project consists of the installation of an array of photovoltaic cells (181 feet x 181 feet x 3± feet high) to generate electricity on Town-owned land. The Town has a contract with a private supplier of solar panel arrays, Solar Liberty. Electricity that is generated will be added to electricity grid. The Town will receive credit off its electricity bill. Solar Liberty will sell to the grid the electricity that is generated in excess of the Town's facility needs. The Town uses part of the Premises for composting leaves and other plant material; the remainder of the Premises consists of a telecommunications antenna tower and open land with ground cover. The purposes of the Project are: 1) increase the Town's use of energy from renewable sources; 2) reduce the Town's use of energy from non-renewable, fossil-fuel-based sources and reduce the various adverse effects of using those sources; and 3) save taxpayer dollars by reducing municipal government energy costs. Vehicular access for the Premises is via an unsignalized driveway at North Greece Road (Monroe County Route 144, a two-lane urban collector).
2. Upon review of the Project, the Town Board, as the project sponsor for this direct action, determined that the Project is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Project constitutes an Unlisted action under SEQRA.
3. The Town Board has carefully considered environmental information that was prepared by or for the Town's representatives, which included but was not limited to: descriptions of the Project; a conceptual plan of the solar panel array; maps of the Premises; aerial photographs; Parts 1, 2, and 3 of an Environmental Assessment Form ("EAF"), which was prepared in part by using the New York State Department of Environmental Conservation (the "NYSDEC") online EAF Mapper application; and supplemental information about the Project from sources that included but were not limited to the United States Department of Agriculture Web Soil Survey, the NYSDEC Environmental Resource Mapper, the NYSDEC New York Nature Explorer, and the New York State Historic Preservation Office Cultural Resource Information System Map (collectively, the "Environmental Analysis").

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held April 18, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

4. The Town Board has also included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Town's own staff.
5. The Town Board has completed Parts 1, 2 and 3 of the EAF, and has carefully considered the information contained therein.
6. The Environmental Analysis examined the relevant issues associated with the Project.
7. The Town Board has met the procedural and substantive requirements of SEQRA.
8. The Town Board has carefully considered each and every criterion for determining the potential significance of the Project upon the environment, as set forth in SEQRA.
9. The Town Board carefully considered (that is, has taken the required "hard look" at) the Project and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional information submitted.
10. The Town Board concurs with the information and conclusions contained in the Environmental Analysis.
11. The Town Board has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Town Board's determination is supported by substantial evidence, as set forth herein and in the EAF, Parts 2 and 3.
12. To the maximum extent practicable, the Town has carefully incorporated in its Project measures that were identified as practicable and designed to largely avoid or minimize potential adverse environmental impacts in these types of projects.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Town Board's own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Town Board determines that the Project will not have a significant adverse imp

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#170 - Councilman Barry offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that this Town Board grant authorization for the Supervisor to enter into an agreement with Solar Liberty to construct a solar facility on town owned property at 286 North Greece Road.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#171 - Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to enter into various agreements (list attached) for programs associated with the operation of the Greece Community and Senior Center; further authorization for the Supervisor to execute said agreements.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held April 18, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

#172 - Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to declare the following items as computer scrap. A complete list is attached. (IT Department)

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#173 - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization to renew the contract with Service Education Inc. for maintenance of the court software program. The renewal agreement period for this contract will be in effect from May 1, 2016 – April 30, 2017.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#174 - Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to declare the following items as computer scrap. A complete list is attached. (Greece Town Library)

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#175 - Councilman Granville offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that this Town Board grant authorization for the Supervisor to approve the following traffic control changes requested by the Monroe County Department of Transportation.

Northern westbound lane of Dorsey Road at Mount Read Boulevard to be changed to a Right Turn Only lane.

Southern eastbound lane of Mill Road at Long Pond Road to be changed to a Right Turn Only lane.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#176 - Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization for the Supervisor to enter into an agreement with Mason Digital to upgrade the Police Intranet Web Site.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#177 - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

WHEREAS, William Allen has made application for a special use permit to operate a restaurant, to be known as Cobblestone Trail Brewery, on property located at 1192 Manitou Road.

WHEREAS a special use permit to operate a restaurant, to be known Cobblestone Trail Brewery, on property located at 1192 Manitou Road can only be granted upon special application to and with the consent of the Town Board, pursuant to the requirements of Section 211 of the Code of the Town of Greece;

NOW THEREFORE, BE IT

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held April 18, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

ORDERED that a public hearing be held by the Town Board of the Town of Greece at the Town Hall, One Vince Tofany Boulevard, Rochester, New York, in and for said Town, on the 17th day of May 2016 at 6:18 p.m., to consider the application submitted by Cobblestone Trail Brewery, on property located at 1192 Manitou Road.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#178 - Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to enter into a professional services agreement with JLF Associates to provide consulting services for the operation of the Marina at Braddock Bay. Further, authorization for the Supervisor to execute all necessary documentation.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

#179 - Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization to settle the matter of *Town of Greece v. Underwriters at Lloyd's, London*.

BE IT FURTHER,

RESOLVED that the Supervisor is authorized to execute all necessary documentation.

ADOPTED: Ayes 4 Barry, Granville, Conlon, Christodaro
Nays 0

Meeting adjourned at 6:54 p.m.

May 2, 2016
Date


Cheryl M. Rozzi, Town Clerk

(S
E
A
L)

Town of Greece
 2016 Budget Modifications
 Town Board Agenda

April, 2016

Action	Account	Description	Amount
1)	<i>Recreation Trust funding for Badgerow Park Bathroom rehabilitation. Bathrooms to be refurbished.</i>		
Appropriation	A.9950.0000.292	General Fund Transfer to Other Funds	\$ 70,000.00
Recreation Trust Fund		Rec Trust Contribution	\$ 70,000.00
Appropriation	H.0546.7110.292	Badgerow Park Facilities, Building Improvement	\$ 70,000.00
Revenue	H.0546.7110.503	Received from General Fund (Rec Trust)	\$ 70,000.00
2)	<i>Court judgment on behalf of Global Hospitality of Greece for over assessment. Repayment of a portion of taxes paid for the years 2012-2016.</i>		
Appropriation	A.1930.0000.411	Judgments and Claims	\$ 93,495.72
General Fund Balance		Fund Balance Contribution	\$ 93,495.72
3)	<i>Advance to Capital Fund to front funds for construction prior to borrowing. Funds will be returned to General Fund once the project is borrowed for in August.</i>		
Appropriation	A.9950.0000.292	General Fund Transfer to Other Funds	\$ 5,000,000.00
General Fund Balance	A.5031.0000.000	General Fund Transfer from Other Funds	\$ 5,000,000.00
Appropriation	H.9950.0000.411	Capital Fund Transfer to Other Funds	\$ 5,000,000.00
Revenue	H.5031.0000.000	Capital Fund Transfer from Other Funds	\$ 5,000,000.00
4)	<i>Carryover of Library donations from 2015.</i>		
Appropriation	L.7414.0000.445	Library Donations	\$ 38,034.91
Library Fund Balance		Fund Balance Contribution	\$ 38,034.91
5)	<i>Appropriation of Police Traffic Services grant/aid from NYS.</i>		
Appropriation	A.3120.0005.102	Police PTS Grant, Overtime	\$ 9,600.00
Revenue	A.3389.0000.000	NYS Revenue, Public Safety	\$ 9,600.00
6)	<i>Appropriation of Stop DWI Enhanced grant funds.</i>		
Appropriation	A.3315.0000.102	Stop DWI, Overtime	\$ 6,001.04
Revenue	A.4320.0000.000	FED Revenue, Public Safety	\$ 6,001.04
7)	<i>Transfer for various Library network upgrades.</i>		
From	L.7410.0000.217	Library, Computer Equipment	\$ (6,000.00)
To	L.7410.0000.412	Library, Software	\$ 6,000.00
8)	<i>To finance from reserves the Paddy Hill Creek drainage project. This project will replace deteriorated railroad ties currently used to shore up the banks with stone strong system.</i>		
From	SD.8540.0000.293	Drainage, Land Improvements	\$ (135,000.00)
To	SD.9950.0000.291	Fund Transfer (to Capital Fund)	\$ 135,000.00
Appropriation	SD.9950.0000.291	Fund Transfer (to Capital Fund)	\$ 530,200.00
Revenue	SD.2801.0000.000	Interfund Revenue (from Capital Fund)	\$ 243,000.00
Drainage Fund Balance		Drainage Fund Balance	\$ 287,200.00
Appropriation	H.0547.8540.293	Paddy Hill Creek Drainage (2016), Land Imp	\$ 665,200.00
Revenue	H.0547.8540.503	Interfund Revenue (from Drainage)	\$ 665,200.00
9)	<i>To close out 2015-16 Tobacco Check Grant and open the 2016-17 Tobacco Check Grant.</i>		
Appropriation	A.3120.0009.102	Police Tobacco Checks, Overtime	\$ (607.41)
Revenue	A.3389.0000.000	NYS Public Safety, Tobacco Check Grant	\$ (607.41)
Appropriation	A.3120.0009.102	Police Tobacco Checks, Overtime	\$ 6,570.00
Appropriation	A.3120.0009.445	Police Tobacco Checks, Overtime	\$ 390.00
Revenue	A.3389.0000.000	NYS Public Safety, Tobacco Check Grant	\$ 6,960.00

Please surplus the following items to be disposed of through public auction to be held Saturday May 14, 2016 at the Palmyra Highway Department

2016 GPD Spring Auction list

1. Fleet #07046 – 2007 Chevrolet 2500 van, 4.8L V8, automatic, vin#1GCGG25V071195046, 135,310 miles
2. Fleet #07487 – 2007 Ford Crown Victoria, 4.6L V8, automatic, 131,523 miles, vin#2FAHP71W57X152487
3. Fleet #11619 – 2011 Ford Crown Victoria, 4.6L V8, automatic, 132,818 miles, vin#2FABP7BV7BX131619, accident damage on left side, noisy rear axle
4. Fleet #12497 – 2012 Chevrolet Caprice PPV, 6.0L V8, automatic, vin#6G1MK5U27CL651497, 105,000 miles
5. Fleet #12509 – 2012 Chevrolet Caprice PPV, 6.0L V8, automatic, vin#6G1MK5U2XCL651509, 109,640 miles
6. Fleet #13322 – 2013 Chevrolet Caprice PPV, 3.6L V6, automatic, vin#6G1MK5U31DL826322, 41,469 miles, front and left side accident damage
7. 2003 Bombardier 4-wheeler, green in color, vin# 2BVCGJD183V000131, hour meter is corroded and does not display
8. 1986 Honda 4-wheeler, red in color, vin# JH3TE0705GM006273, 2,157 hours
9. Miscellaneous Police car parts

Machines - IT Scrap

Name	Serial#	Asset #	Scrap	Sale	HD Checked
COURT23	5FQTZQ1	1624	Yes	No	Yes
DPW14	63TDV12	1936	Yes	No	Yes
GPTWOL02	8K6LH12	2201	Yes	No	Yes
COURT02	6FQVZQ1	1578	Yes	No	Yes
COMCTR09	1FG6NM1	1155	Yes	No	Yes
CLERK08	BHVMMK1	1108	Yes	No	Yes

Harddrives

Brand	Serial #	Scrap
Western Digital	WCC2EAWR6113	Yes
Western Digital	WCAYW0664465	Yes
HGST	140709TF645AY13H7GKT	Yes
Seagate	9RXEALYD	Yes
Western Digital	WCAV3A568990	Yes
Seagate	6VY1G8NM	Yes
Seagate	5VP7LJG7	Yes
Seagate	3PD1ZWHR	Yes
Dell	BS03P9206AVS	Yes

Monitors

Brand	Serial #	Asset #	Scrap	Sale	
Dell	CNOX876H7287294N0DTL	2252	Yes	No	
Dell	CN-0Y320G-74261-96Q-683S		Yes	No	
Hanns-G	704HN3CA01915	3216	Yes	No	
Dell	CN-04MGYF-74261-06F-49YU	1367	Yes	No	IT Scrap
Dell	CN-0G438H-64180-8AU-32ZL	3221	Yes	No	
AOC	J3876CA000186	3888	Yes	No	
Hanns-G	704HN3CA01970	3892	Yes	No	
Dell	CN-0FP182-71618-817-RG5T	3102	Yes	No	
Dell	CN-0Y320G-74261-96Q-7JLS	1119	Yes	No	
Dell	MX-05PN1H-74262-020-1MDS	3055	Yes	No	
Dell	CN-0Y320G-74261-96R-66VS	1103	Yes	No	

Miscellaneous

Brand	Serial #	Asset #	Scrap	Sale	Type
HP	CNG8B1S097		Yes	No	Printer
Cisco	FOC1344VORR	2650	Yes	No	Switch
Canon					Camcorder ZR930
					Keyboards (8)
					Mice (7)
					VGA Cables (5)
					Power Cables (7)
					Surge Protectors (2)

April CSC Items

- Trip to Herschell Carousel Factory & Museum, 180 Thompson St. N Tonawanda, NY, 14120; May 18; \$5 per person, maximum 14 people.
- Musique, Joel Miltsch, 2300 Latta Rd, Rochester, NY 14612; Contract to provide entertainment for Festa Di Maggio event on May 17, 2016 in the amount of \$350.00
- Chris Benard, 7785 Modock Rd, Victor, NY 14564; Contract to provide a presentation for the Time Out for Women program on May 18, 2016 in the amount of \$100.00
- Kerry Jones Stich, Indigo Tones, LLC, 32 ½ South Main St, Pittsford, NY 14534; Contract to provide a presentation for the Time Out for Women program on May 11, 2016 in the amount of \$100.00.
- Barbara Van Gennip, 137 Wood Run, Rochester, NY 14612; Contract to provide a presentation for the Time Out for Women program on April 27, 2016 in the amount of \$75.00.
- Gregory Turner, Standard Time, 29 Hillcrest Pkwy, Brockport, NY 14420; Contract to provide entertainment for Festa Di Maggio on May 17, 2016 in the amount of \$100.00.
- Joseph Meli, 2600 Dewey Ave, Apt 3, Rochester, NY 14616; Contract to provide a presentation for the Time Out for Women program on May 25, 2016 in the amount of \$30.00
- Harvey Evans, Two Steps Back, 709 Cogdell Circle, Webster, NY 14580; Contract to provide entertainment on May 25, 2016 for the senior lunch program in the amount of \$100.00
- Gregory Turner, Standard Time, 29 Hillcrest Pkwy, Brockport, NY 14420; Contract to provide entertainment on April 27, 2016 for the senior lunch program in the amount of \$100.00.
- Linda Bowers, 35 Post Ave, Hilton, NY 14468; Contract to provide an egg scratching class on April 19, 2016 in the amount of \$9 per person.

Library scrap March 2016

equipment	serial #	year
Monitors		
Dell 1704	CN-0Y4299-71618-56F-CBTQ	
Acer 1706	ETL480B1827040335D3954F	2007
Dell 1909W	FS-S11017001000-A62-1920A	
Acer 1706	ETL460C1487470D669404B	2007
Computers		
Dell Opti 380	5L3VMM1	2010
Dell Opti 380	5L5NMM1	2010
Dell Opti 380	5L5LMM1	2010
Dell Opti 380	5L3TMM1	2010
Dell Opti 380	5L4WMM1	2010
Dell Opti 380	5L5WMM1	2010
Dell Opti 390	C82XJS1	2012
Dell Opti 390	C83ZJS1	2012
Dell Opti 390	C831KS1	2012
Dell Opti 390	928H0R1	2011
Dell Opti 390	92BD0R1	2011
Dell Opti 390	927P0R1	2011
Dell Opti 390	92BK0R1	2011
Dell Opti 390	C821KS1	2012
Hard Drives (in separate box)		
Seagate	9VYF26FW	
Seagate	9VYF5B3K	
Seagate	9VYEZYK0	
Seagate	9VYDET76	
Seagate	9VYDEP94	
Seagate	9VYDDG6L	
Seagate	9VYDE497	
Seagate	9VYF5HNN	
WD	WCAV3A213958	
WD	WCAV3A199221	
WD	WCAV3A249541	
WD	WCAV3A214561	
WD	WCAV3A249395	
Box with assorted mice, keyboards and cables		
1 Canon powershot digital camera	s/n 21122062062813	2012

Please surplus the following items to be disposed of through public auction to be held Saturday May 14, 2016 at the Palmyra Highway Department

2016 DPW Spring Auction list

1. #149 – 1995 Ford F-800, 5.9 Cummins diesel engine, 6-speed, vin#1FDYF80C5SVA76678, 65,028 miles
2. #158 – 1997 Ford F-800, 5.9 Cummins diesel engine, 6-speed, vin# 1FDYF80C8VVA02630, 54,764 miles
3. #159 – 1997 Ford F-800, 5.9 Cummins diesel engine, 6-speed, vin# 1FDYF80C8VVA02627, 60,805 miles
4. #166 – 1998 International 6-wheel dump, Cummins L10, 8-speed, vin #1HTGEAUR7WH504881, 66,827 miles
5. CO12 – Edco Gas powered, walk behind road saw, V-twin Briggs engine
6. CO14 – Saw Devil gas powered, walk behind road saw, 20hp Honda V-twin engine
7. LM20 – Cadet PS520 push mower, serial 1L188K10870
8. LM22 – Yardman 20” push mower, serial # n/a
9. LM25 – Murray 22” 4hp push mower, serial #787832011BZ065
10. LM33 – Weedeater 22” 4hp lawnmower, serial #020195M000609
11. AB02 – Homelite leaf blower serial #22081
12. WE15 – Robin weed whacker, serial # n/a
13. WE16 – Robin weed whacker, serial #E001007
14. WE19 – Robin weed whacker, serial #042801
15. WE25 – Echo weed whacker, serial #05002722
16. WE28 – Echo weed whacker, serial #03013883
17. WE29 – Echo weed whacker, serial #05005620
18. WE32 – Echo weed whacker, serial #06001855
19. Hobbs Reel Rain tow behind, water irrigation system, 4hp Honda engine
20. JLG Industries Man lift, Model 30AM, Serial #0900017748
21. Minuteman 260 Floor scrubbing machine, Model – MC260026QP, Serial # ZMC260026QP1238
22. Reliance S200 dust collection system, serial #B7806410N-QW
23. Rockwell/Delta Radial Arm saw, serial # 85B01694

Please surplus the following items for scrap:

- Eight (8) One way snow plows
- Three (3) Side wing plows
- Four (4) Harder slide-in spreaders

(Revised 4/14/16)