Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held January 19, 2010 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

PRESENT:

John T. Auberger	Supervisor
Shannon J. O'Keefe	Councilwoman
Robert J. Bilsky	Councilman
Andrew J. Conlon	Councilman
Kirk A. Morris	Councilman

Patricia W. Anthony, Town Clerk
Raymond DiRaddo, Town Attorney

ABSENT:

None

Following the roll call of officers, Supervisor Auberger opened the meeting with the Pledge of Allegiance, led by Councilman Morris.

Oath of Office administered to Jeffrey Webster, Police Officer.

Public Forum:
None.

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#35 - Councilman Conlon offered the following resolution and moved its adoption:

WHEREAS, LiDestri Foods has made application for a special use permit for aboveground storage tanks with a capacity in excess of 10,000 gallons, on property located at 1000 Lee Road; and

WHEREAS, a permit for aboveground storage tanks with a capacity in excess of 10,000 gallons 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

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 said Town, on the 16th day of February 2010 at 6:32 p.m., to consider the application submitted by LiDestri Foods for aboveground storage tanks with a capacity in excess of 10,000 gallons on property located at 1000 Lee Road.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#36 - Councilman Bilsky offered the following resolution and moved its adoption:

WHEREAS, Zebb's Star LLC has made application for a special use permit to operate a restaurant to be known as Zebb's Deluxe Grill and Bar on property located at 300 Center Place Drive; and

WHEREAS, a permit for the operation of a restaurant 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

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 said Town, on the 16th day of February 2010 at 6:35 p.m., to consider the application submitted by Zebb's Star LLC for a restaurant to be known as Zebb's Deluxe Grill and Bar on property located at 300 Center Place Drive.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#37 - Councilwoman O'Keefe offered the following resolution and moved its adoption:

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held January 19, 2010 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

WHEREAS, the Town Board of the Town of Greece, Monroe County, New York, has caused to be prepared a plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Sanitary Sewer District No. 1 in the Town of Greece, Monroe County, New York, consisting of various sanitary sewer improvements, at a maximum estimated cost of $450,000; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of the said Sewer District in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law;

NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Greece, Monroe County, New York, as follows:
Section 1. A public hearing will be held at the Town Hall, One Vince Tofany Boulevard, in Greece, New York, in said Town, on February 16, 2010, at 6:30 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Sanitary Sewer District No. 1 in the Town of Greece, Monroe County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.
Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in *The Greece Post*, the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.
Section 3. The notice of public hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Greece, Monroe County, New York, will meet at the Town Hall, One Vince Tofany Boulevard, in Greece, New York, in said Town, on February 16, 2010, at 6:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing in relation to the proposed increase and improvement of the facilities of Sanitary Sewer District No. 1 in said Town, consisting of various sanitary sewer improvements, at a maximum estimated cost of $450,000. The map, plan and report describing the elements of the project are available at the office of the Town Clerk where they may be inspected during normal office hours.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Greece, New York,
January 20, 2010

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF GREECE,
MONROE COUNTY, NEW YORK

Section 4. This Order shall take effect immediately.

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

Supervisor Auberger	VOTING	AYE
Councilwoman O'Keefe	VOTING	AYE
Councilman Bilsky	VOTING	AYE
Councilman Conlon	VOTING	AYE
Councilman Morris	VOTING	AYE

The order was thereupon declared duly adopted.

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#38 - Councilman Bilsky offered the following resolution and moved its adoption:

WHEREAS, the Town Board of the Town of Greece, Monroe County, New York, wishes to have prepared a plan and report, including an estimate of cost, pursuant to Section 202-b of the Town

Law, relating to a proposed increase and improvement of the facilities of Drainage District No. 1 in the Town of Greece, Monroe County, New York, consisting of storm sewer improvements; and

WHEREAS, the estimated cost of such improvements is $250,000 and it is now desired to call a public hearing on the question of undertaking such improvements, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law;

NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Greece, Monroe County, New York, as follows:

Section 1. A public hearing will be held at the Town Hall, One Vince Tofany Boulevard, in Greece, New York, in said Town, on February 16, 2010, at 6:31 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of Drainage District No. 1 in the Town of Greece, Monroe County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in ***The Greece Post***, the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Greece, Monroe County, New York, will meet at the Town Hall, One Vince Tofany Boulevard, in Greece, New York, in said Town, on February 16, 2010, at 6:31 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing in relation to the proposed increase and improvement of the facilities of Drainage District No. 1 in said Town, consisting of storm sewer improvements. The maximum estimated cost of such improvements is $250,000. The map, plan and report describing the elements of the project are available at the office of the Town Clerk where they may be inspected during normal office hours.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Greece, New York,
January 20, 2010.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF GREECE,
MONROE COUNTY, NEW YORK

Section 4. This Order shall take effect immediately. The question of the adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Auberger	VOTING	AYE
Councilwoman O'Keefe	VOTING	AYE
Councilman Bilsky	VOTING	AYE
Councilman Conlon	VOTING	AYE
Councilman Morris	VOTING	AYE

The order was thereupon declared duly adopted.

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#39 - Councilman Conlon offered the following resolution and moved its adoption:

BOND RESOLUTION DATED JANUARY 19, 2010.
A RESOLUTION AUTHORIZING THE RECONSTRUCTION AND RESURFACING OF TOWN ROADS IN AND FOR THE TOWN OF GREECE, MONROE COUNTY, NEW

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held January 19, 2010 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

YORK, AT A MAXIMUM ESTIMATED COST OF $950,000 AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF $950,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Greece, Monroe County, New York, as follows:

Section 1. The reconstruction and resurfacing of town roads in and for the Town of Greece, Monroe County, New York, including sidewalks, gutters, drainage, landscaping, grading or improving rights-of-way and other improvements and costs incidental thereto, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of $950,000.

Section 2. **SEQR DETERMINATION**: It is hereby determined that the aforesaid purposes constitute Type II Actions under the regulations of the State of New York promulgated pursuant to the State Environmental Quality Review Act which, as such, will not have a significant adverse impact upon the environmental.

Section 3. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of $950,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purpose is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 5. The faith and credit of said Town of Greece, Monroe County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 7. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

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

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. Upon this resolution taking effect, the same shall be published in summary form in the Greece Post, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

Supervisor Auberger	VOTING	AYE
Councilwoman O'Keefe	VOTING	AYE
Councilman Bilsky	VOTING	AYE

Councilman Conlon	VOTING	AYE
Councilman Morris	VOTING	AYE

The resolution was thereupon declared duly adopted.

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#40 - Councilman Morris offered the following resolution and moved its adoption:

RESOLVED, that this Town Board approve the amendatory agreement for the 2009-2010 Snow & Ice Agreement between Monroe County and the Town of Greece; and

BE IT FURTHER

RESOLVED, that this agreement sets the lane mile payment rates for snow and ice removal from County roads.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#41 - Councilwoman O'Keefe offered the following resolution and moved its adoption:

RESOLVED, that this Town Board authorize the purchase of the following equipment using the New York State bid contracts.

a. (2) Ten-wheel dump trucks with plows and salt spreaders
b. (1) 4x4 Front end loader
c. (1) 4x4 Backhoe
d. (1) Skid steer loader
e. (1) Zero-turn mid-mount mower
f. (1) 4x4 Sport utility vehicle

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#42 - Councilman Bilsky offered the following resolution and moved its adoption:

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. Rochester, New York 14616, until 3:00 p.m., Wednesday, February 24, 2010, at which time they will be publicly opened and read aloud for the following:

- **READY-MIX CONCRETE**
- **ASPHALT REPAIR AND REPLACEMENT**
- **CONCRETE REPAIR AND REPLACEMENT**
- **GRASS SEED**
- **2010 LIGHT DUTY EQUIPMENT RENTAL**
- **2010 HEAVY EQUIPMENT RENTAL AND CONSTRUCTION SERVICES**
- **HEAVY AND LIGHT VEHICLE SPRING AND SUSPENSION WORK**

All bids must be endorsed with the title of the 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 Clerk hereby is designated to open any bids received at said time and place, and to make a record of such bids, and to present the same at the next regular or special meeting of this Board, immediately following said bidding; and be it further

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

ADOPTED Ayes 5 Auberger, O'Keefe , Bilsky, Conlon, Morris
Nays 0

#43 - Councilman Conlon offered the following resolution and moved its adoption:

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held January 19, 2010 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

RESOLVED, that this Town Board amend the Intermunicipal Agreement for Various Monroe County Work Agreements for fleet services, machinery, tools, equipment and services sharing access and the sale of alternate fuels.

ADOPTED Ayes 5 Auberger, O'Keefe , Bilsky, Conlon, Morris
Nays 0

#44 - Councilman Morris offered the following resolution and moved its adoption:

RESOLVED, that this Town Board reappoint Julie Ward-Roth to the Tree Council for a 3-year term, effective February 1, 2010 to January 31, 2012.

ADOPTED Ayes 5 Auberger, O'Keefe , Bilsky, Conlon, Morris
Nays 0

#45 - Councilwoman O'Keefe offered the following resolution and moved its adoption:

RESOLVED, that this Town Board approve 2009 budget modifications to various accounts; and

BE IT FURTHER

RESOLVED, that a complete list has been given to each Town Board Member and will appear in the minutes of record.

ADOPTED Ayes 5 Auberger, O'Keefe , Bilsky, Conlon, Morris
Nays 0

#46 - Councilman Bilsky offered the following resolution and moved its adoption:

RESOLVED, that this Town Board enter into the following contracts:

- **Library:** Diana Furman, H. Price Prazar, Jane Oakes, Deborah Gerlach, Kim Romig, Tim Fowler (Seneca Park Zoo), Genesee Land Trust, Carolyn Adriaansen.
- **Community Center:** David Kunz, Cornell Cooperative Extension, Deborah Gerlach, Len Hawley, Alan Whitcomb, Johnny Matt, Fred Lampey, Don Newcomb, Whirlin' Disc DJ's.
- Kronos Support Services for time clock system and payroll processing software – Department of Public Works.
- Morgan Services – services to the Police Department.
- Ronald and Charlotte Buckman - bingo inspection services.

ADOPTED Ayes 5 Auberger, O'Keefe , Bilsky, Conlon, Morris
Nays 0

#47 - Councilman Conlon offered the following resolution and moved its adoption:

RESOLVED, that this Town Board declare office equipment in the Tax/Town Clerk office and Development Services as scrap; and

BE IT FURTHER

RESOLVED, that a complete list has been given to the Town Board members and will appear in the minutes of record.

ADOPTED Ayes 5 Auberger, O'Keefe , Bilsky, Conlon, Morris
Nays 0

#48 - Councilman Morris offered the following resolution and moved its adoption:

RESOLVED, that this Town Board approve the following special event:

- Freezeroo #5 – Eight Mile Race
  February 13, 2010
  10:00 a.m.-12:00 noon
  Begins at Kentucky Crossing and Latta Road

ADOPTED Ayes 5 Auberger, O'Keefe , Bilsky, Conlon, Morris
Nays 0

#49 - Councilwoman O'Keefe offered the following resolution and moved its adoption:

ORDERED that, pursuant to the provisions of the Municipal Home Rule Law and the Suburban Town Law, a public hearing will be held on February 16, 2010 at 6:40 p.m. to consider a proposed local law entitled "Assessment of Converted Condominium Units", the text of which is included herein:

Chapter 188 of the Code of the Town of Greece is amended to include the following:

TAXATION

Article VI. Assessment of Converted Condominium Units

§188-10 Purpose and Legislative findings.
The Town Board of the Town of Greece finds that the State of New York has provided legislative relief to towns in New York State with respect to the conversion of real property from other forms of ownership into condominium ownership. Included in that relief is the right to enact local laws that provide that converted condominiums should not be assessed and taxed pursuant to the formulas for assessment and taxation of condominiums set forth in § 339-y(a) of the Real Property Law and § 581(a) of the Real Property Tax Law. The Town of Greece wishes to avail itself of this provision of law.

§188-11. Non-Applicability of Statutory Provisions.

Real Property Tax Law § 581(a) and Real Property Law § 339-y (a), with respect to the assessment and taxation of condominiums, shall not apply to any condominiums in the Town of Greece that have been converted into condominium status from any other form of ownership.

§188-12. Non-retroactivity.

Nothing contained in this section shall be construed to modify or otherwise change the taxable status of any converted condominium previously taxed under any previous provision of this section.

Dated: January 20, 2010

TOWN BOARD, TOWN OF GREECE,
MONROE COUNTY, NEW YORK

/s/ Patricia W. Anthony
Town Clerk

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#50 - Councilman Bilsky offered the following resolution and moved its adoption:

RESOLVED, that this Town Board approve Supplemental Agreement #1 with Stantec Consulting Services Inc. for services pertaining to the Maiden Lane Improvement Project; and

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to execute all necessary documents.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#51 - Councilman Morris offered the following resolution and moved its adoption:

RESOLVED, that this Town Board authorize the Supervisor to enter into towing agreements with various towing contractors.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#52A - Councilman O'Keefe offered the following resolution and moved its adoption:

WHEREAS, this Board has previously resolved to invite sealed bids for 2010 Catering Services for the Town of Greece; and

WHEREAS, on Wednesday, January 13, 2010, the following bids were received:

BIDDERS NAME	**AMOUNT**
Forest Hills Catering	CSC Meals $6.75 per person CPA Picnic $8.50 per person plus service charge

NOW, THEREFORE, be it

RESOLVED that this Town Board award the bid for 2010 Catering Services for the Town of Greece to the sole bidder, Forest Hills Catering, 41 East Manitou Road, Rochester, New York, 14612, in the amount of CSC Meals $6.75 per person and CPA Picnic $8.50 per person plus service charge; and

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to enter into a contract with Forest Hills Catering.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#52 B - Councilman O'Keefe offered the following resolution and moved its adoption:

WHEREAS, this Board has previously resolved to invite sealed bids for Printing Services for 2010; and

WHEREAS, on Wednesday, January 13, 2010, the following bids were received:

BIDDERS NAME	**AMOUNT**
Penny Lane Printing	$12,400
Phoenix Graphics	$24,100
Pinnacle Printers	$27,294
Diversified Envelope	$29,171

NOW, THEREFORE, be it

RESOLVED that this Town Board award the bid for Printing Services for 2010 to the low bidder, Penny Lane Printing, 1471 Rt. 15, Avon, New York, 14414, in the amount of $12,400; and

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to enter into a contract with Penny Lane Printing.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#52C - Councilman O'Keefe offered the following resolution and moved its adoption:

WHEREAS, this Board has previously resolved to invite sealed bids for Purchase of four 3M Security Pads for the Greece Public Library; and

WHEREAS, on Wednesday, January 13, 2010, the following bids were received:

BIDDERS NAME	**AMOUNT**
3M Library Systems	$12,768.00

NOW, THEREFORE, be it

RESOLVED that this Town Board award the bid for purchase of four 3M Security Pads for the Greece Public Library to the sole bidder, 3M Library Systems, 3M Center, Bldg. 225-4N-14, St. Paul Mn., 55144, in the amount of $12,768.00; and

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to enter into a contract with 3M Library Systems.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#53 - Councilman Bilsky offered the following resolution and moved its adoption:

RESOLVED, that this Town Board appoint Timothy Hettel to the position of Motor Equipment Operator, effective January 23, 2010.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#54 - Councilman Conlon offered the following resolution and moved its adoption:

RESOLVED, that this Town Board abolish one full time Assistant Building and Plumbing Inspector and create one full time Laborer, effective January 25, 2010; and

BE IT FURTHER

RESOLVED, that John Caterino be appointed to the position of Laborer, effective January 25, 2010.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#55 - Councilman Morris offered the following resolution and moved its adoption:

RESOLVED, that this Town Board appoint John Fogarty to the position of Police Officer, effective February 8, 2010, pending approval of the Monroe County Civil Service Commission.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#56 - Councilwoman O'Keefe offered the following resolution and moved its adoption:

RESOLVED, that this Town Board authorize the Supervisor to renew a one-year contract with Bergmann Associates for professional services related to geographic information system software maintenance, in an amount not to exceed $10,000.00.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#57 - Councilman Morris offered the following resolution and moved its adoption:

WHEREAS, DBI Development Corporation (the "Applicant") has submitted a request to the Town of Greece Town Board (the "Town Board") for relief from mitigation measures that were established in 1992 pursuant to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), for property generally located north of English Road in the vicinity of Flynn Road and North Avenue (the "Premises") (the "Proposal"); and

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held January 19, 2010 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

WHEREAS, on May 5, 1992, the Town Board approved the Applicant's request to rezone property in relation to part of a residential development (the "Georgetown Project"); and

WHEREAS, upon review of the Georgetown Project, the Town Board determined that the Georgetown Project was subject to SEQRA, and that development of the Georgetown Project constituted a Type I action under SEQRA; and

WHEREAS, The Town Board, as the lead agency for the coordinated environmental review of the Georgetown Project, fully considered the alternatives, impacts, and mitigation measures that were identified in the draft and final Environmental Impact Statements (the "EISs") that were prepared when the Applicant requested the rezoning associated with the Georgetown Project; and

WHEREAS, on May 5, 1992, in accordance with SEQRA, the Town Board issued a Findings Statement (the "1992 SEQRA Findings Statement") before approving the aforementioned rezoning request. The 1992 SEQRA Findings Statement concluded that adverse environmental impacts from development of the Georgetown Project would be minimized to the maximum extent practicable because several mitigation measures were included in said development; and

WHEREAS, in the 1992 SEQRA Findings Statement, Appendix C, Mitigation Measures 1–3 addressed the question of whether or not Flynn Road should be extended southward through the Georgetown Project to the intersection of English Road (Monroe County Route109, a two-lane highway) and North Avenue (Monroe County Route 146, a two-lane highway) (the "Flynn Road Extension"); and

WHEREAS, the Applicant has fulfilled Mitigation Measure 1, which was to convey an 80-foot-wide right-of-way to the Town of Greece in order to allow the Flynn Road Extension at some time in the future; and

WHEREAS, the Applicant still has the responsibility for Mitigation Measure 2, which is to install and pay for the fill and culvert that would be necessary for the Flynn Road Extension across Larkin Creek; and

WHEREAS, the Applicant still has the responsibility for Mitigation Measure 3, which is to install and pay for a walkway across Larkin Creek, in the same area as the Flynn Road Extension and the aforementioned fill and culvert; and

WHEREAS, because the Applicant could not fulfill Mitigation Measures 2 and 3 when the Georgetown Project was being developed, the Town Board required the Applicant to provide financial guarantees in the form of a letter of credit to cover the cost of these Mitigation Measures ($95,000 at the time that said financial guarantees first were required); and

WHEREAS, the Applicant now requests to relieved of the responsibility for Mitigation Measures 2 and 3, and requests release of the aforementioned letter of credit; and

WHEREAS, SEQRA requires coordinated environmental review for all Type I actions that involve more than one Involved Agency, and a Lead Agency must be re-established prior to a determination of significance; and

WHEREAS, the Applicant has submitted a Draft Supplemental Environmental Impact Statement relative to the Applicant's request to be relieved of the responsibility for Mitigation Measures 2 and 3 in Appendix C of the 1992 SEQRA Findings Statement; and

NOW, THEREFORE, be it

RESOLVED that the Town Board hereby makes the following determinations:

1. The Town Board intends to resume its former role as the lead agency for the coordinated environmental review of the Proposal.

2. The Town Board hereby provides an opportunity of 30 (thirty) days from the date on which a Notice of Intent to Resume Role as Lead Agency is distributed to involved agencies for written comment on the Town Board's intent to resume its former role as lead agency.

3. If after 30 (thirty) days' time an involved agency has not provided a written objection to Town Board's resumption of its role as lead agency, the Town Board shall assume that it has such involved agency's consent.

4. The Town Board hereby directs the Town's Director of Development Services to file a Notice of Intent to Resume Role as Lead Agency with all involved agencies, and to notify all such involved agencies of the deadline for acceptance of written objections to the Town Board's intent, in accordance with the SEQRA Regulations.

5. This resolution shall take effect immediately.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#58 - Councilman Morris offered the following resolution and moved its adoption:

WHEREAS, 4320 West Ridge, LLC (the "Applicant") has submitted a request to the Town of Greece Town Board (the "Town Board") to rezone 67.1± acres from R1-12 (Single-Family Residential) to BG (General Business), on property generally located north of and including 4232–4350 West Ridge Road (the "Proposal"); and

WHEREAS, the Applicant has submitted to the Town Board an application to rezone the above-referenced properties, including a detailed project narrative, conceptual plan, existing conditions plan, various technical reports, and Part 1 of a Full Environmental Assessment Form ("EAF") (collectively, the "Application"); and

WHEREAS, upon review of the Application, the Town Board has 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 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes a Type I action under SEQRA; and

WHEREAS, for all Type I actions involving more than one Involved Agency, coordinated environmental review is mandated under SEQRA and a Lead Agency must be established prior to a determination of significance; and

WHEREAS, on April 17, 2007, the Town Board adopted a resolution declaring its intent to act as Lead Agency for the Proposal, and on May 10, 2007, the Town's Director of Development Services distributed the EAF and a copy of the Application to all Involved Agencies, notifying them that a Lead Agency must be agreed upon within 30 calendar days and expressing the Town Board's intent to act as Lead Agency for the Proposal; and

WHEREAS, on June 19, 2007, the Town Board assumed Lead Agency status for the coordinated environmental review of the Proposal and for the purpose of compliance with SEQRA, as codified in the SEQRA Regulations; and

WHEREAS, on July 17, 2007, the Town Board found that a Draft Generic Environmental Impact Statement ("DGEIS") would be necessary, and issued the appropriate determination via a positive declaration to require the preparation of a DGEIS for the proposed action, considering the action may result in potentially significant adverse impacts; and

WHEREAS, the Applicant submitted to the Town Board a draft scoping document for the DGEIS; and

WHEREAS, on August 2, 2007, the Town's Director of Development Services distributed the draft scoping document for the DGEIS to all Involved Agencies, notifying them that written comments on the draft scoping document for the DGEIS would be accepted until August 17, 2007; and

WHEREAS, on August 21, 2007, the Town Board accepted the Final Scope as complete; and

WHEREAS, the Applicant submitted the DGEIS to the Town Board; and

WHEREAS, on November 20, 2007, after review of the DGEIS, the Town Board determined that the DGEIS was prepared in conformance with the Final Scope and accepted the DGEIS as adequate for the purpose of public and interested agency/party reviews and comment; and

WHEREAS, on December 5, 2007, the Town's Director of Development Services distributed the DGEIS to all Involved Agencies, notifying them that written comments on the DGEIS would be accepted until February 4, 2008; and

WHEREAS, the Applicant submitted to the Town Board a Final Generic Environmental Impact Statement ("FGEIS"), which contained written comments on the DGEIS and the Applicant's responses to said comments; and

NOW, THEREFORE, be it

RESOLVED that the Town Board hereby makes the following determinations:

1. The Town Board accepts the FGEIS after due deliberation and review of the prepared documentation, for the purpose of public and interested agency/party reviews.

2. The Town Board hereby directs the Town's Director of Development Services to file a Notice of Complete FGEIS and Notice of Public Comment in accordance with the notice and filing requirements of SEQRA and to circulate the FGEIS to all involved agencies, in accordance with Part 617.12 of the SEQRA Regulations.

3. The Town Board hereby provides an opportunity of not less than 10 (ten) days to comment on the FGEIS, commencing on the date of filing of a Notice of Complete FGEIS and Notice of Public Comment.. The comment period will remain open and the Town Board will accept written comments on the FGEIS until 5:00 p.m., February 5, 2010. Requests for additional time to review and comment will be considered.
4. The Town Board hereby directs the Town's Director of Development Services to notify all the involved agencies of the deadline for acceptance of written comments on the FGEIS.

5. The Town Board hereby directs the Town's Director of Development Services to publish notice of the deadline for acceptance of written comments on the FGEIS in the official newspaper of the Town of Greece.

6. The Town Board hereby directs that the Applicant make the FGEIS available for public review on its website.

7. This resolution shall take effect immediately.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#59 - Councilman Conlon offered the following resolution and moved its adoption:

RESOLVED, that this Town Board enter into a contract with Bob Spatola's party Rental Inc., to erect, dismantle and store the Town's tent and to provide chairs and tables for various Town events in 2010; and

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to sign all necessary documents.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

PUBLIC HEARINGS:

6:30 P.M. PUBLIC HEARING TO CONSIDER THE REQUEST SUBMITTED BY LIDESTRI FOODS, INC., FOR A SPECIAL USE PERMIT FOR ABOVEGROUND STORAGE TANKS WITH A CAPACITY IN EXCESS OF 10,00 GALLONS, ON PROERTY LOCATED AT 1000 LEE ROAD (FORMER EASTMAN KODAK BUILDING 642).

#60 – Hearing cancelled.

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held January 19, 2010 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

Meeting adjourned at 6:16 p.m.

Patricia W. Anthony

Patricia W. Anthony - Town Clerk

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Town of Greece
2009 Budget Modifications
01/19/2010 Agenda

Action	Account	Amount	
1.) Transfer From	A.1310.101-Personnel Services	$ 13,000.00	
Transfer To	A.1320.419-Audit Services	$ 13,000.00	To Reconcile Addt'l Audit Req.
Transfer From	A.1010.804-Council Benefits	$ 10,000.00	
Transfer From	A.1330..804-Tax Benefits	$ 3,000.00	
Transfer To	A.1355.804-Assessor Benefits	$ 13,000.00	To Reconcile Personnel Benefits
Transfer From	A.1410.104-Clerk Personnel Services	$ 1,000.00	
Transfer To	A.1410.804-Clerk Personnel Benefits	$ 1,000.00	To Reconcile Personnel Benefits
Transfer From	A.1420.802-Attorney FICA	$ 1,000.00	
Transfer To	A.1420.101-Attorney Personnel Services	$ 1,000.00	To Reconcile Personnel Services
Transfer From	A.1430.104-Personnel Personnel Services	$ 5,000.00	
Transfer To	A.1430.419-Personnel Professional Services	$ 5,000.00	To Reconcile Contractual Services
Transfer From	A.1010.101-Council Services	$ 3,000.00	
Transfer From	A.1310.101-Personnel Services	$ 10,000.00	
Transfer To	A.1480.101-Constituent Serv Personnel Serv	$ 10,500.00	To Reconcile Personnel Services
Transfer To	A.1480.103-Constituent Serv Personnel Serv	$ 2,500.00	To Reconcile Personnel Services
Transfer From	A.1440.804-Engineering Benefits	$ 4,750.00	
Transfer To	A.1480.800-Constituent Serv Personnel Benefits	$ 4,750.00	To Reconcile Personnel Benefits
Transfer From	A1490.804-Public Works Personnel Benefits	$ 2,600.00	
Transfer To	A.1680.804-IT Personnel Benefits	$ 2,600.00	To Reconcile Personnel Benefits
Transfer From	A1490.804-Public Works Personnel Benefits	$ 18,000.00	
Transfer To	A.3010.804-Public Safety Personnel Benefits	$ 18,000.00	To Reconcile Personnel Benefits
Transfer From	A.1310.107-Personnel Services	$ 8,000.00	
Transfer From	A.1330.101-Tax Personnel Services	$ 26,000.00	
Transfer From	A.1355.100-Assessor Personnel Services	$ 6,000.00	
Transfer From	A.1440.108-Engineering Personnel Services	$ 5,000.00	
Transfer From	A.1490.100-Public Worls Personnel Services	$ 32,000.00	
Transfer From	A.1620.100-Buildings Personnel Services	$ 28,000.00	
Transfer From	A.3010.100-Public Safety Personnel Services	$ 48,000.00	
Transfer From	A.3120.1110.100-Court Security Personnel Serv	$ 16,000.00	
Transfer From	A.3189.103-Crossing Guards Personnel Services	$ 33,000.00	
Transfer From	A.3320.103-Parking Monitor Personnel Services	$ 10,000.00	
Transfer From	A.3620.100-Tech Services Personnel Services	$ 40,000.00	
Transfer From	A.5410.702-Sidewalks Debt Service	$ 21,000.00	
Transfer From	A.7020.100-Human Service Personnel Services	$ 34,000.00	
Transfer From	A.7020.601-Human Services Debt Service	$ 45,000.00	
Transfer From	A.7110.424-Park Utility	$ 10,000.00	
Transfer From	A.8010.101-Develop Serv Personnel Services	$ 4,000.00	
Transfer From	A.8020.100-Planning Personnel Services	$ 10,000.00	
Transfer From	A.8090.101-Environ Personnel Services	$ 7,000.00	
Transfer From	A.8160.100-Refuse Personnel Services	$ 27,000.00	
Transfer From	A.9070.800-Retiree Benefits	$ 160,000.00	
Transfer From	A.3120.429-Police Fuel	$ 30,000.00	
Action	Account	Amount	
Transfer From	A.1620.424-Building Utility	$ 11,762.50	

Transfer To	A.3010.1000.104-Public Safety-Director Personnel	$ 110,745.00	To Reconcile Public Safety Services
Transfer To	A.3010.1000.400-Public Safety-Director Contractual	$ 492,545.44	To Reconcile Public Safety Services
Transfer To	A.3010.1000.800-Public Safety-Director Personnel	$ 8,472.06	To Reconcile Public Safety Services
2.) Increase Revenue	A.4320-Public Safety-Fed	$ 7,938.75	
Increase Appropriations	A.3120.0004.445-Narc. Enforcement	$ 7,938.75	Reconcile 12/2009 Receipts
3.) Transfer From	DA.5112.601-Road Imps Debt Service	$ 3,000.00	
Transfer To	DA.5112.419-Road Imps Professional Serv	$ 3,000.00	To Reconcile Debt Service
Transfer From	DA.5112.701-Road Imps Debt Service	$ 4.00	
Transfer To	DA.51200.702-Maint of Bridges Debt Service	$ 4.00	To Reconcile Debt Service
Transfer From	DA.5110.101-Road Maintenance Personnel Serv	$ 26,000.00	
Transfer To	DA.5142.101-Snow Removal Personnel Serv	$ 26,000.00	To Reconcile Personnel Services
Transfer From	DA.5130.429-Machinery Fuel	$ 25,000.00	
Transfer To	DA.5142.402-Snow Removal Materials	$ 10,000.00	
Transfer To	DA.5148.402-Serv to Other Govt-Snow Materials	$ 15,000.00	To Reconcile Snow/Ice Control Materials
4.) Transfer From	L.9070.804-Library Personnel Services	$ 6,000.00	
Transfer To	L.7410.804-Library Personnel Services	$ 6,000.00	To Reconcile Personnel Benefits
5.) Transfer From	MS.1710.419-Ins Admin Services	$ 15,000.00	
Transfer To	MS.1930.411-Ins Claims	$ 15,000.00	To Reconcile Insurance Claims
6.) Transfer From	SL.5182.424-Street Lighting	$ 3,800.00	
Transfer To	SL.5182.100-Lighting Personnel Services	$ 3,600.00	
Transfer To	SL.5182.800-Lighting Personnel Services	$ 200.00	To Reconcile Personnel Services

TOWN CLERK/TAX OFFICE
SCRAPPED ITEMS
JANUARY 19, 2010 TOWN BOARD

1 - Panasonic Typewriter – Model KX-E700m – Serial #6JM10D50913
1 – Xerox Memorywriter Typerwriter – Model 6015 – Serial #02C-033566

DEVELOPMENT SERVICES
SCRAPPED ITEM
JANUARY 19, 2010 TOWN BOARD

1 – Sanyo Cassette Recorder – Model #TRC-8800 – Serial #POX23612G