

At a Regular Meeting of the Greece Town Board held Tuesday, August 17, 2010 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York there were:

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

#247A - Councilman Bilsky offered the following resolution and moved its adoption:

WHEREAS, the Town of Greece (the "Town") Town Board (the "Town Board") intends to adopt the following Local Laws of the Code of the Town of Greece, to provide for the addition, amendment and repeal of local laws of the Town of Greece (the "Proposal"):

- a. Local Law Number 3 – Ethics
- b. Local Law Number 4 – Bingo
- c. Local Law Number 5 – Firearms and Fireworks
- d. Local Law Number 6 – Fire Prevention and Building Code
- e. Local Law Number 7 – Historic Preservation
- f. Local Law Number 8 – Abatement of Nuisance
- g. Local Law Number 9 – Property Maintenance
- h. Local Law Number 10 – Secondhand Dealers
- i. Local Law Number 11 – Zoning (Section 211-60. Development Review)
- j. Local Law Number 12 – Repeal of Chapter 68 – Grass and Weeds; Repeal of Chapter 154 – Plumbing; Repeal of Chapter 184 – Swimming Pools
- k. Chapter 13 – Temporary Retirement Incentive; and

WHEREAS, the Town Board makes the following findings:

1. Upon review of the Proposal, 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 an Unlisted action under SEQRA.
2. On July 20, 2010 in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board passed a resolution establishing a public hearing regarding the proposed amendments, additions and repeals, referred to herein as Local Laws #3-12;
3. And on August 11, 2010 in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board passed a resolution establishing a public hearing regarding Proposed Local Law #13,

4. The Town Board carefully has considered additional information submitted by representatives of each of the Town Departments involved in the Proposal, including but not limited to: oral or written descriptions of the proposed changes; maps of the proposed changes; and various oral or written comments that resulted from telephone conversations, meetings, or written correspondence from or with Town residents.
5. The Town Board has met the procedural and substantive requirements of SEQRA.
6. The Town Board carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
7. The Town Board carefully has considered (that is, has taken the required “hard look” at) the Proposal and the relevant environmental impacts, facts, and conclusions and all additional information submitted.
8. 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.
9. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the Proposal minimizes or avoids adverse environmental effects to the maximum extent practicable.
10. To the maximum extent practicable, potential adverse environmental impacts revealed in the environmental review process will be avoided or minimized.

NOW, THEREFORE, be it

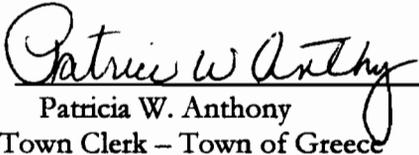
RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Town Board’s own initial concerns, and all relevant issues raised and recommendations offered by the Town’s own staff, the Town Board determines that these additions, amendments, and repeal included in these local laws will not have a significant adverse impact on the environment, which constitutes a negative declaration.

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

**STATE OF NEW YORK)
TOWN OF GREECE) ss.
COUNTY OF MONROE)**

I, the undersigned Clerk of the Town of Greece, Monroe County, New York, DO HEREBY CERTIFY that I have compared the foregoing copy of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on the 17th day of August 2010 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 19th day of August 2010.


Patricia W. Anthony
Town Clerk – Town of Greece

(S
E
A
L)

At a Regular Meeting of the Greece Town Board held Tuesday, August 17, 2010 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York there were:

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

#247B - Councilman Bilsky offered the following resolution and moved its adoption:

WHEREAS, the Town of Greece desires to adopt Local Laws #3 through 13 of 2010 to add to, amend and repeal certain chapters of the "Code of the Town of Greece"; as further described herein; and

WHEREAS, an order was duly adopted by the Town Board on the 20th day of July 2010, and August 11, 2010 reciting the proposed local laws and specifying August 17, 2010 at 6:30 p.m. as the time and the Town Hall, One Vince Tofany Boulevard, as the place where said Board will meet to consider the proposed local laws and to hear all persons interested in the subject hereof concerning the same; and

WHEREAS, a hearing on the matter was duly held by the Board and discussion upon the matter having been had and all persons desiring to be heard having duly been heard; and

Whereas the Town Board has considered the proposed local laws and the various reasons presented therefore, and it being considered in the best interests of the Town to adopt Local Laws #3 through 13;

NOW, THEREFORE, be it

RESOLVED that, pursuant to the provisions of the Municipal Home Rule Law and the Suburban Town Law, the Town Board of the Town of Greece does hereby adopt the amendments, additions, and the repeal of the following local laws as presented here this evening;

- a. Local Law Number 3 – Ethics
- b. Local Law Number 4 – Bingo
- c. Local Law Number 5 – Firearms and Fireworks
- d. Local Law Number 6 – Fire Prevention and Building Code
- e. Local Law Number 7 – Historic Preservation
- f. Local Law Number 8 – Abatement of Nuisance
- g. Local Law Number 9 – Property Maintenance

- h. Local Law Number 10 – Secondhand Dealers
- i. Local Law Number 11 – Zoning (Section 211-60. Development Review)
- j. Local Law Number 12 – Repeal of Chapter 68 – Grass and Weeds; Repeal of Chapter 154 – Plumbing; Repeal of Chapter 184 – Swimming Pools; Chapter 13 – Temporary Retirement Incentive; and be it further

RESOLVED that a complete text of said local laws are on file in the Office of the Greece Town Clerk; and be it further

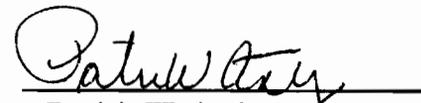
RESOLVED that these local laws shall become effective immediately upon filing with the Secretary of State.

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

**STATE OF NEW YORK)
TOWN OF GREECE) ss.
COUNTY OF MONROE)**

I, the undersigned Clerk of the Town of Greece, Monroe County, New York, DO HEREBY CERTIFY that I have compared the foregoing copy of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on the 17th day of August 2010 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 19th day of August 2010.


Patricia W. Anthony
Town Clerk - Town of Greece

(S
E
A
L)

[HISTORY: Adopted by the Town Board of the Town of Greece as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 24.

ARTICLE I

[Adopted 6-21-1970 by L.L. No. 2-1970]

§ 12-1 Purpose and intent.

The Town Board of the Town of Greece recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this Town as part of our state's important system of local government. It is the purpose of this article to implement this objective through the establishment of standards of conduct, to provide for punishment of violation of such standards and to create a Board of Ethics to render advisory opinions to the Town's officers and employees, as provided herein.

§ 12-2 Effects on other laws.

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute of the State of New York and also in addition to common-law rules and judicial decisions relating to the conduct of Town officers to the extent that the same are more severe in their application than this article.

§ 12-3 Definitions.

As used in this article, the following words shall have the meanings indicated:

TOWN

Any board, commission, district, council or other agency, department or unit of the government of the Town of Greece.

TOWN OFFICER OR EMPLOYEE

Any officer or employee of the Town of Greece, whether paid or unpaid, whether serving in a full-time, part-time, seasonal, temporary or advisory capacity.

[Amended 4-21-2009 by L.L. No. 1-2009; 8-17-2010 by L.L. No. 3-2010]

§ 12-4 Conflicts of interest.

[Amended 8-17-2010 by L.L. No. 3-2010]

No Town officer or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties in the public interest.

§ 12-5 Standards of conduct.

[Amended 3-17-1992 by L.L. No. 1-1992; 4-21-2009 by L.L. No. 1-2009; 8-17-2010 by L.L. No. 3-2010]

A.

No Town officer or employee shall accept other employment which will impair his/her independence of judgment in the exercise of his/her official duties.

B.

No Town officer or employee shall accept employment or engage in any business or professional activity which will require him/her to disclose confidential information which he/she has gained by reason of his/her official position or authority.

C.

No Town officer or employee shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.

D.

No Town officer or employee shall engage in any transaction as representative or agent of the Town with any business entity in which he/she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties.

E.

A Town officer or employee shall not by his/her conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of his/her official duties, or that he/she is affected by the kinship, rank, position or influence of any party or person.

F.

Each Town officer or employee shall abstain from making personal investments in enterprises which he/she has reason to believe may be directly involved in decisions to be made by him/her or which will otherwise create substantial conflict between his/her duty in the public interest and his/her private interest.

G.

Each Town officer or employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his/her trust.

H.

No Town officer or employee employed on a full-time basis, nor any firm or association of which such officer or employee is a member, nor any corporation a substantial portion of the stock of which is owned or controlled, directly or indirectly, by such officer or employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Town in which such officer or employee serves or is employed.

I.

Each Town officer or employee shall, to the extent that he/she is cognizant thereof, disclose any interest he/she may have in legislation before the Town Board.

J.

No Town officer or employee, within two years after the termination of his service or employment with the Town, shall accept employment which will involve contracts with the Town which can work to his special advantage by virtue of his prior contact and relationship with the Town.

K.

No Town officer or employee shall directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.

L.

No Town officer or employee shall violate the diversity, harassment, e-mail, or Internet policies, whistleblower protection policy, supervision of relatives policy and any other Town or departmental policy governing conduct by officers or employees, which policies have been established and promulgated by the Town Board.

§ 12-6 Penalties for offenses.

[Amended 8-17-2010 by L.L. No. 3-2010]

In addition to any penalty contained in any other provision of law, any such Town officer or employee who shall knowingly and intentionally violate any of the provisions of this article may be fined, suspended or removed from office or employment in the manner provided by law.

§ 12-7 Board of Ethics.

A.

There is hereby established a Board of Ethics consisting of three members, to be appointed by the Town Board, who shall all reside in the County of Monroe and serve without compensation and at the pleasure of the Town Board of the Town of Greece. A majority of such members shall be persons other than Town officers or employees but shall include at least one member who is an elected or appointed Town officer or employee of the Town of Greece.

[Amended 11-17-1998 by L.L. No. 5-1998; 8-17-2010 by L.L. No. 3-2010]

B.

The Board of Ethics established hereunder shall render advisory opinions to Town officers or employees on written request and upon request of the Town Board make recommendations to such Town Board as to any amendments of this article. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the Town officer or employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics, or, if none, of the Town Attorney.

[Amended 8-17-2010 by L.L. No. 3-2010]

C.

Such Board of Ethics upon its formation shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

§ 12-8 Copies to be distributed.

[Amended 8-17-2010 by L.L. No. 3-2010]

Upon the adoption of this article, the Town Supervisor shall cause a copy thereof to be distributed to every Town officer or employee of this Town. Failure to distribute any such copy or failure of any Town officer or employee to receive such copy shall have no effect on the duty of compliance with this code, nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this article to be kept posted conspicuously in each public building under the jurisdiction of the Town. Failure to so post this article shall have no effect on the duty of compliance herewith, nor the enforcement of provisions hereof.

§ 12-9 Copy to be filed with state.

Within 30 days of the adoption of this article, the Town Clerk shall file a copy thereof in the office of the State Comptroller.

§ 12-10 Appropriations and expenditures.

The Town Board may appropriate moneys from the general Town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Town moneys except within the appropriations provided herein.

§ 12-10.1 Disclosure of interest in legislation and other matters.

[Added 8-17-2010 by L.L. No. 3-2010]

A.

Whenever a matter requiring the exercise of discretion comes before a Town of Greece officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the officer or employee shall disclose in writing the nature of the interest.

B.

The disclosure shall be made when the matter requiring disclosure first comes before the Town, or when the Town officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

C.

In the case of a person serving in an elective office, the disclosure shall be filed with the Town Board through the Town Clerk. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

§ 12-10.2 Recusal and abstention.

[Added 8-17-2010 by L.L. No. 3-2010]

A.

No Town officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

B.

In the event that this section prohibits a Town officer or employee from exercising or performing a power or duty:

(1)

If the power or duty is vested in a Town officer or employee as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2)

If the power or duty is vested in a Town officer or employee individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer or employee does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

(3)

If the power or duty is vested in a Town officer or employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

§ 12-10.3 Prohibition inapplicable; disclosure, recusal and abstention not required.

[Added 8-17-2010 by L.L. No. 3-2010]

A.

This Town code's prohibition on use of a Town position, disclosure requirements, and requirements relating to recusal and abstention shall not apply with respect to the following matters:

(1)

Adoption of the municipality's annual budget;

(2)

Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(a)

All Town officers or employees;

(b)

All residents or taxpayers of the Town or an area of the Town; or

(c)

The general public; or

(3)

Any matter that does not require the exercise of discretion.

B.

Recusal and abstention shall not be required with respect to any matter:

(1)

Which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by § 12-10.2 of this code.

(2)

Which comes before a Town officer or employee when the officer would be prohibited from acting by § 12-10.2 of this code and the matter cannot be lawfully delegated to another person.

ARTICLE II

[Adopted 12-18-1990 by L.L. No. 7-1990]

§ 12-11 Purpose.

The purpose of this article is to:

A.

Promulgate a form of annual statement of financial disclosure which is designed to assure disclosure by certain municipal officers and employees and to assure disclosure by elected officials of such financial information as is determined by this Town Board.

B.

Continue the use of an authorized form of annual statement of financial disclosure in use on the date such article is adopted.

C.

Designate the Board of Ethics of the Town of Greece as the Board to receive and review such filing.

§ 12-12 Statutory authority.

This article is being enacted pursuant to § 811, Subdivision 1, and § 812, Subdivision 3, of the General Municipal Law and any other applicable section of the General Municipal Law of the State of New York and is enacted pursuant to the authority granted therein by the State of New York to the Town of Greece.

§ 12-13 Definitions.

As used in this article, the following terms shall have the meanings indicated.

LOCAL ELECTED OFFICIAL

An elected official of the Town, except judges or justices of the unified court system.

LOCAL OFFICER OR EMPLOYEE

The heads (other than local elected officials) of any agency, department, division, council, board, commission or bureau of the Town of Greece and their deputies and assistants, and the officers and employees of the Town, departments, divisions, boards, bureaus, commissions or councils who hold policymaking positions, as annually determined by the Town of Greece and set forth in a written instrument which shall be filed with the Board of Ethics during the month of February; except that the term "local officer or employee" shall not mean a judge, justice, officer or employee of the unified court system.

RELATIVE

Such individual's spouse, child, stepchild, stepparent or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

SPOUSE

The husband or wife of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to a judicial order, decree or judgment or a legally binding separation agreement.

UNEMANCIPATED CHILD

Any son, daughter, stepson or stepdaughter who is under the age of 18, unmarried and living in the household of the reporting individual.

§ 12-14 Board of Ethics.

[Amended 4-21-2009 by L.L. No. 1-2009]

The Board of Ethics as created in Article I of this chapter is hereby continued and designated as the Board of Ethics under the provisions of this article. The Board of Ethics shall have the same powers as granted in said Article I and such other powers and authorities as granted herein.

§ 12-15 Disclosure of financial status.

The Town of Greece recognizes that matters of finance do exist which are so personal in nature and are so unrelated to the performance of public employees' duties that no useful purpose can be served by such disclosure. Nonetheless, certain financial information may be relevant to a public official or employee's duties and impact the integrity of the Town government. To that extent:

A.

The following Town officers and elected officials shall file with the Board of Ethics of the Town of Greece annually, on or before February 28 of every year following the enactment of this article during the term of their office, a statement of their financial holdings, assets, liabilities and net worth. The time for filing such statement may be extended, pursuant to the rules of the Board of Ethics, for justifiable cause and for undue hardship upon application to the Board of Ethics pursuant to the rules and regulations set forth in this article and, if applicable, to §§ 811 and 812 of the General Municipal Law of the State of New York:

[Amended 4-21-2009 by L.L. No. 1-2009]

(1)

The Town Attorney, Deputy Town Attorney and Assistant Town Attorney.

(2)

The Town Engineer and Deputy Town Engineer.

(3)

The Director of the Department of Development Services and any Deputy Director of Development Services.

(4)

The Chief of Police and any Deputy(s) Chief of Police.

(5)

The Director of Public Safety and any deputies to the Director of Public Safety.

(6)

The Building Inspector and any Deputy Building Inspector.

(7)

The Code Enforcement Official.

(8)

The Director of Technical Services and any deputies.

(9)

The Highway Superintendent and/or Commissioner of Public Works, Deputy Highway Superintendent and/or Deputy Commissioner of Public Works.

(10)

The Deputy Supervisor.

(11)

Director of Constituent and Human Services.

(12)

The Director of Finance and any Deputy Director of Finance.

(13)

The Town Clerk and Deputy Town Clerk.

(14)

The Town Assessor and Deputy Town Assessor.

(15)

The Director of Personnel and any Deputy Director of Personnel.

(16)

The Library Director and any Deputy Library Director.

(17)

The Fire Marshal and Deputy Fire Marshal.

(18)

The Clerk to the Town Justice and Deputy Clerk to the Town Justice.

(19)

All Planning Board members.

(20)

All Board of Zoning Appeals members.

(21)

All Library Board members.

(22)

All Environmental Board members.

(23)

All Board of Assessment Review members.

(24)

Any local officer or employee the Town Board from time to time decides is a policy maker or involved in negotiations, authorization or approval of any matters listed in the General Municipal Law § 813, Subdivision 9K(j) through (iv).

Editor's Note: Section 813 of the General Municipal Law expired 12-31-1992.

(25)

The following elected officials of the Town of Greece:

(a)

Town Supervisor.

(b)

Town Councilperson.

(c)

Receiver of Taxes.

(26)

The Chief Court Clerk.

B.

The designated employees and elected officials shall file with the Board of Ethics a disclosure statement answering each and every question. This statement shall be in the form as set forth in Appendix A attached hereto.

Editor's Note: Appendix A is on file in the office of the Town Clerk.

§ 12-16 Powers and duties of Board of Ethics.

The Board of Ethics shall have the following powers and duties:

A.

To Adopt, amend and rescind rules and regulations to govern procedures of the Board of Ethics, which shall include, but not be limited to, the procedure whereby a person who is required to file an annual financial disclosure statement with the Board of Ethics may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship; such rules and regulations shall provide for a date beyond which in all cases of justifiable cause or undue hardship no further extension of time will be granted. The Board of Ethics may utilize or modify such rules and regulations or adopt separate rules and regulations for the purposes of Subdivision 1(d) of § 811 of the General Municipal Law.

B.

To promulgate guidelines to assist the Town Board in determining which persons hold policy-making positions for purposes of §§ 811 and 812, Subdivision 3, of the General Municipal Law and this article.

C.

To make available forms for annual statements of financial disclosure required to be filed pursuant to this article.

D.

To review completed financial disclosure statements in accordance with provisions of this article, the rules and regulations of the Board of Ethics and any local law, ordinance or Code of Ethics established by the Town Board of the Town of Greece.

E.

To receive complaints alleging a violation of this article or a violation of the criteria for reporting requirements established by this article, any Code of Ethics of the Town of Greece, local law, ordinance or resolution regarding the filing of completed statements with the Board of Ethics.

F.

To permit any person required to file a financial disclosure statement to request the Board of Ethics to delete from the copy thereof made available for public inspection one or more items of information, which may be deleted by the Board of Ethics, upon a finding that the information which would otherwise be required to be disclosed will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, the Board of Ethics, in its notification of denial, shall inform the person of his right or her right to appeal the Board's determination pursuant to the rules governing adjudicatory proceedings and appeals adopted pursuant to this article and any applicable section of the General Municipal Law. The Board of Ethics shall promulgate rules and regulations governing the issuance of written decisions in connection with appeals.

G.

To permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children, which item or items may be exempted by the Board of Ethics upon a finding by the majority of the total members of the Board of Ethics without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties. If such request for exemption is denied, the Board of Ethics, in its notification of denial, shall inform the person of his or her right to appeal the Board of Ethics' determination pursuant to its rules governing adjudicatory proceedings and appeals adopted pursuant to this article. The Board of Ethics shall promulgate rules and regulations governing the issuance of written decisions in connection with appeals from this section of this article.

H.

To advise and assist any local official in establishing rules and regulations relating to possible conflicts between private interests and official duties of present or former elected officials, local party officials and local officers and employees.

I.

To permit any person who has not been determined by the Town Board to hold a policy-making position but who is otherwise required to file a financial disclosure statement to request an exemption from such requirement in accordance with the rules and regulations governing such exemptions. Such rules and regulations shall provide for exemptions to be granted either on the application of the individual or on behalf of persons who share the same job title or employment classification which the Board of Ethics deems to be comparable for purposes of this section. Such rules and regulations may permit the granting of an exemption where, in the discretion of the Board of Ethics, the public interest does not require disclosure and the applicant's duties do not involve the negotiation, authorization or approval of:

(1)

Contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses as defined in § 73 of the Public Officers Law;

(2)

The purchase, sale, rental or lease of real property, goods or services, or a contract therefor;

(3)

The obtaining of grants of money or loans; or

(4)

The adoption or repeal of any rule or regulation having the force and effect of law.

J.

To prepare an annual report to the Supervisor and the Town Board summarizing the activities of the Board of Ethics and recommending changes in the laws governing the conduct of local elected officials and officers and employees of the Town covered by this article.

K.

To act as a repository for completed financial disclosure forms filed pursuant to this article.

L.

Upon certification of a question by the Town Board to the Board of Ethics, to determine a question common to a class or defined category of persons or items of information required to be disclosed, where determination of the question will prevent undue repetition of requests for exemption or deletion or prevent undue complication in complying with the requirements of this article.

M.

To inspect all financial disclosure statements filed with the Board of Ethics to ascertain whether any person subject to the reporting requirements of this article, the Code of Ethics or any local law, ordinance or resolution has failed to file such a statement, has filed a deficient statement, or has filed a statement which reveals a possible violation of this article, the Code of Ethics or any law, ordinance or resolution of the Town of Greece.

N.

To enforce such filing requirements, including the authority to promulgate rules and regulations of the same import as those which the temporary state commission on local government ethics enjoys under § 813 of the General Municipal Law.

Editor's Note: General Municipal Law § 813 expired 12-31-1992.

The Board of Ethics shall be authorized to review requests for exceptions with respect to complying with timely filing of such disclosure statements due to justifiable cause or undue hardship.

§ 12-17 Failure to file disclosure.

If a person required to file a financial disclosure statement with the Board of Ethics has failed to file a disclosure statement or has filed a deficient statement, the Board of Ethics shall notify the reporting person, in writing, state the failure to file or detail the deficiency, provide the person with a fifteen-day period to cure the deficiency and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the Board of Ethics shall send a notice of delinquency to the reporting person and to the appointing authority for such person.

§ 12-18 Offenses; conflicts of interest; notice.

A.

If a reporting person has filed a statement which reveals a possible violation of the duly adopted Code of Ethics of the Town of Greece or any local law, ordinance or resolution, or the Board of Ethics receives a sworn complaint alleging such a violation, or if the Board of Ethics determines on its own initiative to investigate a possible violation, the Board of Ethics shall notify the reporting person, in writing, describe the possible or alleged violation of such Code of Ethics, local law, ordinance or resolution or this article and provide the person with a fifteen-day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the Board of Ethics thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. The Board shall also inform the reporting individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If the Board determines at any stage of the proceeding that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the reporting person and the complainant, if any. All of the foregoing proceedings shall be confidential.

B.

If the Board determines that there is reasonable cause to believe that a violation has occurred, it shall send a notice of reasonable cause to the reporting person, to the complainant, if any, and to the Town Board of the Town of Greece.

§ 12-19 Penalties for offenses.

A reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this article shall be assessed a civil penalty in any amount not to exceed \$10,000. Assessment of a civil penalty hereunder shall be made by the Board of Ethics with respect to the persons subject to its jurisdiction. For a violation of this section, other than for conduct which constitutes a violation of Subdivision 12 of § 73 of the Public Officers Law, the Board of Ethics may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor, and, upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event that a category of value or amount reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for a failure to file, or for a false filing, of such statement, except that the Town Board of the Town of Greece may impose disciplinary action as otherwise provided by law. The Board of Ethics shall be deemed to be an agency within the meaning of Article 3 of the State Administrative Procedure Act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under Article 78 of the Civil Practice Law and Rules relating to the assessment of civil penalties herein authorized, and Board of Ethics denials of requests for certain deletions or exemptions to be made from a financial disclosure statement as authorized by this article. Such rules, which shall not be subject to the approval requirements of the State Administrative Procedure Act, shall provide for due process procedural mechanism substantially similar to those set forth in such Article 3, but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty or Board of Ethics denial of such request shall be final unless modified, suspended or vacated within 30 days of imposition, with respect to the assessment of such penalty, or unless such denial of request is reversed within such time period, and upon becoming final shall be subject to review at the instance of the affected reporting individuals in a proceeding commenced against the Board of Ethics pursuant to Article 78 of the Civil Practice Law and Rules.

§ 12-20 Copy of notice.

A copy of any notice of delinquency or notice of reasonable cause sent pursuant to this article shall be included in the reporting person's file and be available for public inspection.

§ 12-21 Advisory opinions.

Upon written request from any person who is subject to the jurisdiction of the Board of Ethics, the Board of Ethics shall render advisory opinions on the requirements of said provisions. An opinion rendered by the Board of Ethics, until and unless amended or revoked, shall be binding on the Board of Ethics in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person, and may be introduced and shall be a defense, in any criminal or civil action. Such requests shall be confidential, but the Board of Ethics may publish such opinions, provided that the name of the requesting person and other identifying details shall not be included in the publication.

§ 12-22 Additional powers and duties of Board of Ethics.

In addition to any other powers and duties specified by this article, the Board of Ethics shall have the power and duty to:

A.

Administer and enforce all the provisions of this article.

B.

Conduct any investigation necessary to carry out the provisions of this article. Pursuant to this power and duty, the Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.

§ 12-23 Availability of records for public inspection.

A.

Notwithstanding the provisions of Article 6 of the Public Officers Law, the only records of the Board of Ethics which shall be available for public inspection are:

(1)

The information set forth in an annual statement of financial disclosure filed pursuant to this article, except the categories of value or amount which shall remain confidential and any other item of information deleted pursuant to § 12-16F and G of this article.

(2)

Notices of delinquency sent under § 12-17 of this article.

(3)

Notices of reasonable cause sent under § 12-18B of this article.

B.

Notwithstanding the provisions of Article 7 of the Public Officers Law, no meeting or proceeding of the Board of Ethics shall be open to the public, except if expressly provided otherwise by the Board of Ethics.

§ 12-24 Compensation of Board of Ethics.

Members of the Board of Ethics shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

§ 12-25 Staff of Board of Ethics.

The Board of Ethics shall be empowered to request a support staff and assistance from the Town Board or Supervisor in furtherance of its duties and responsibilities.

§ 12-26 Copies to be distributed.

[Amended 8-17-2010 by L.L. No. 3-2010]

Upon the adoption of this article, the Town Supervisor shall cause a copy thereof to be distributed to every Town officer or employee of this Town. Failure to distribute such copy or failure of any

Town officer or employee to receive a copy shall have no effect on the duty of compliance with this article, nor the enforcement of the provisions hereof. The Town Supervisor shall further cause a copy of this article to be kept posted conspicuously in each public building under the jurisdiction of the Town. Failure to so post this article shall have no effect on the duty of compliance herewith, nor of enforcement of provisions hereof.

§ 12-27 Appropriation of funds.

Editor's Note: Former § 12-27, Filing, was deleted 4-21-2009 by L.L. No. 1-2009.

The Town Board may appropriate moneys from the general Town funds for the maintenance of and for personal services to the Board of Ethics established hereunder, but such Board of Ethics may not commit expenditures of Town moneys except within the appropriations provided herein.

ARTICLE III

[Adopted 8-17-2010 by L.L. No. 3-2010]

§ 12-28 Severability.

If any clause, sentence, paragraph, section, article or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 12-29 Effective date.

This chapter shall take effect immediately.