

Monroe County Clerk of the Legislature

David Grant
Clerk



Frank Keophetlasy
Deputy Clerk

Ian Watkins
2nd Assistant Dep. Clerk

MEMORANDUM

TO: Legislators, Directors, Staff and Media
FROM: David Grant, Clerk of the Legislature **DG**
DATE: October 24, 2023
RE: Matters of Importance – File Nos. 23-0338 and 23-0340

Matters of Importance:

- 23-0338 - Classification of Action and Determination of Significance Pursuant to the State Environmental Quality Review Act for the Aldrich Road Sidewalk Project in the Town of Perinton – As a Matter of Importance – County Executive Adam J. Bello
- 23-0339 - Amend the 2023-2028 Capital Improvement Program and the 2023 Capital Budget to Add a Project Entitled “Aldrich Road Sidewalks,” Authorize Financing for the Project; Authorize the Appropriation and Transfer of Committed Fund Balance; and Authorize an Intermunicipal Agreement with the Town of Perinton for Sidewalk Installation in Conjunction with the Aldrich Road Culvert Project – As a Matter of Importance – County Executive Adam J. Bello and Vice President Sean M. Delehanty
- 23-0340 - Authorize the Creation of the Monroe County Land Bank – As a Matter of Importance – County Executive Adam J. Bello, President Sabrina LaMar, Majority Leader Steve Brew, Minority Leader Yversha Roman, County Legislators Blake Keller, Jackie Smith, Tracy DiFlorio, Frank X. Allkofer, Richard B. Milne, Sean McCabe, Kirk Morris, Mark Johns, Paul Dondorfer, Howard Maffucci, Sean M. Delehanty, Michael Yudelson, Susan Hughes-Smith, George Hebert, Dave Long, Roman Misula, John B. Baynes, Kathleen Taylor, Robert Colby, Rachel Barnhart, Mercedes Vazquez Simmons, Linda Hasman, Albert Blankley, Carolyn Delvecchio Hoffman, Ricky Frazier, William Burgess

These referrals were not made to committee at the preceding meeting of the Legislature on October 10, 2023, but has been determined by Sabrina LaMar, President of the Legislature, to be of sufficient importance to warrant referral between Legislative meetings, pursuant to Section 545-24 (C) of the Rules of the Monroe County Legislature.

Attachments



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

OFFICIAL FILE COPY
No. <u>230338</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committed Assignment
ENV. & PUB. WORKS-L

October 23, 2023

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Classification of Action and Determination of Significance Pursuant to the State Environmental Quality Review Act for the Aldrich Road Sidewalk Project in the Town of Perinton

Honorable Legislators:

I recommend that Your Honorable Body determine whether the Aldrich Road Sidewalk Project in the Town of Perinton may have a significant adverse impact on the environment pursuant to the State Environmental Quality Review Act ("SEQRA"). The Monroe County Department of Transportation is undertaking a project that involves the rehabilitation or replacement of the Aldrich Road culvert over White Brook Tributary along with highway approach work, stream channel improvements, and the proposed installation of approximately 4,975 feet of five (5) feet-wide sidewalk and curbing along the length of Aldrich Road between Ayrault Road and Aldrich Glen.

The Aldrich Road Sidewalk Project has been preliminarily classified as an Unlisted action. The SEQRA regulations found at 6 NYCRR Part 617 requires that no agency shall carry out or approve an Action until it has complied with the requirements of SEQRA.

The specific legislative actions required are:

1. Determine that Aldrich Road Sidewalk Project in the Town of Perinton is an Unlisted Action.
2. Make a determination of significance regarding the Aldrich Road Sidewalk Project in the Town of Perinton pursuant to 6 NYCRR § 617.7.

3. Authorize the County Executive, or his designee, to take such actions to comply with the requirements of the State Environmental Quality Review Act, including without limitation, the execution of documents and the filing, distribution and publication of the documents required under the State Environmental Quality Review Act, and any other actions to implement the intent of this resolution.

This designation will have no impact on the revenues or expenditures of the current Monroe County budget.

I recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,


Adam J. Bello
Monroe County Executive

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Calkins Road Highway Improvement Project			
Project Location (describe, and attach a location map): Calkins Road between East Henrietta Road and Pinnacle Road			
Brief Description of Proposed Action: Monroe County is acquiring easements in relation to a Monroe County DOT road improvement project that will improve the condition of the pavement surface by resurfacing travel lanes; paving and widening the existing shoulder; and updating drainage, including replacement of an existing culvert near Bard Road.			
Name of Applicant or Sponsor: Monroe County		Telephone: 585-753-1233	
		E-Mail:	
Address: 39 West Main St			
City/PO: Rochester		State: NY	Zip Code: 14614
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 12.61 acres			
b. Total acreage to be physically disturbed? _____ 0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ .30 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ N/A	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ N/A	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ N/A - Based on further review, no wetlands were indicated in the project site. _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
N/A. Based on further review, there is not a hazardous waste site on site or adjoining the property.		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Amy Grande</u>		Date: <u>9/29/23</u>
Signature: <u><i>Amy Grande</i></u>		Title: <u>Dir. of Real Property</u>

PRINT FORM

Agency Use Only [If applicable]

Project:	Calkins Road
Date:	2022.09.29

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Agency Use Only (if applicable)

Project: Calkins Road

Date: 2023.09.29

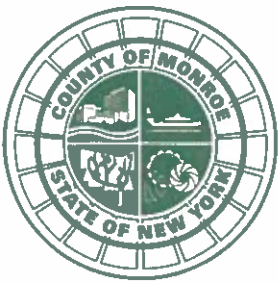
Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Part 1 of the EAF indicates the site contains or is near wetlands. Based on further review, there are no wetlands on or adjacent to the easements being sought. Accordingly, no wetlands will be impacted from this sale and the action will not result in any significant adverse environmental impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Monroe County	_____
Name of Lead Agency	Date
Adam J. Bello	County Executive
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	Amy Grande <i>Amy Grande</i>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM



Office of the County Executive Monroe County Legislature

October 18, 2023

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

OFFICIAL FILE COPY	
No.	230339
Not to be removed from the Office of the Legislature of Monroe County	
Committee Assignment	
WAYS & MEANS	-L
INTRGOV REL	
ENV. & PUB. WORKS	

Subject: Amend the 2023-2028 Capital Improvement Program and the 2023 Capital Budget to Add a Project Entitled “Aldrich Road Sidewalks,” Authorize Financing for the Project; Authorize the Appropriation and Transfer of Committed Fund Balance; and Authorize an Intermunicipal Agreement with the Town of Perinton for Sidewalk Installation in Conjunction with the Aldrich Road Culvert Project

Honorable Legislators:

We recommend that Your Honorable Body amend the 2023-2028 Capital Improvement Program and the 2023 Capital Budget to add a project entitled “Aldrich Road Sidewalks” in the amount of \$1,300,000; authorize financing for the project in the amount of \$1,300,000; authorize the appropriation and transfer of committed fund balance; and authorize an intermunicipal agreement with the Town of Perinton for sidewalk installation in conjunction with the Aldrich Road Culvert Project.

The Monroe County Department of Transportation is undertaking a project that involves the rehabilitation or replacement of the Aldrich Road culvert over White Brook Tributary along with highway approach work and stream channel improvements. The current schedule is to conduct design during 2023 with an anticipated construction start in 2024. The current total project estimate is \$2,368,000. During the design for the Aldrich Road Culvert Project, the Town of Perinton expressed an interest in the installation of sidewalk and curbing along the length of Aldrich Road between Ayrault Road and Aldrich Glen, and reimbursing the County for the appropriate costs relating to this work. Subsequently, the County included this sidewalk work in the final design for the Aldrich Road Culvert Project and this intermunicipal agreement will allow the Town of Perinton to reimburse the County for its share of all costs relating to the sidewalk and curbing installation. The Town’s share of the sidewalk costs is estimated at \$650,000 of the project’s total anticipated construction cost is \$1,300,000. The remaining \$650,000 of this will be paid for by the appropriation and transfer of committed fund balance pursuant to Resolution 197 of 2023.

The specific legislative actions required are:

1. Amend the 2023-2028 Capital Improvement Program add a project in 2023 entitled “Aldrich Road Sidewalks,” in the amount of \$1,300,000.
2. Amend the 2023 Capital Budget to add a project entitled, “Aldrich Road Sidewalks” in the amount of \$1,300,000.
3. Authorize financing for the project entitled “Aldrich Road Sidewalks,” in the amount of \$1,300,000
4. Authorize the appropriation and transfer of committed fund balance in an amount not to exceed \$650,000 from general fund 9001 to the capital fund to be established for the Aldrich Road Sidewalks project.

5. Authorize the County Executive, or his designee, to execute an intermunicipal agreement, and any amendments thereto, with the Town of Perinton for reimbursement to Monroe County of appropriate design and construction costs relating to the installation of sidewalks and curbing in conjunction with the Aldrich Road Culvert Project, in the Town of Perinton in the estimated amount of \$650,000, with the final amount to be determined upon project completion.

The provisions of the New York State Environmental Quality Review Act shall be complied with prior to Your Honorable Body undertaking, funding, or approving the action requested in this referral.

Funding for this contract, consistent with authorized uses, will be included in the capital fund to be created and in any other capital fund(s) created for the same intended purpose. No additional net County support is required in the current Monroe County budget.

We recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,



Adam J. Bello
Monroe County Executive



Sean M. Delehanty
Monroe County Legislature
Vice-President



Office of the County Executive Monroe County Legislature

October 24, 2023

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Authorize the Creation of the Monroe County Land Bank

OFFICIAL FILE COPY
No. 230340
Not to be removed from the Office of the Legislature of Monroe County
Committee Assignment
AGENDA/CHARTER -1
WAYS & MEANS

Honorable Legislators:

We recommend that Your Honorable Body authorize the creation of the Monroe County Land Bank.

Land banks are one of the tools available to communities to facilitate the return of vacant, abandoned, and tax-delinquent properties to productive use. The mission of the Monroe County Land Bank Corporation will be to acquire and return vacant, abandoned, and tax delinquent properties within Monroe County to uses that support community revitalization, preserve and create quality housing, and support economic and environmental resilience.

The Monroe County Land Bank will have the following goals: (1) create opportunities for affordable homeownership; (2) remediate unsafe and unsanitary conditions associated with vacant and abandoned buildings; (3) partner with local vocational schools, trade schools, and not-for-profits to provide hands-on construction and rehabilitation experience; and (4) work with towns and villages to identify and prioritize tax delinquent, tax foreclosed, vacant, and/or abandoned properties that, if revitalized, would further a community's economic and/or environmental objectives.

In order to meet its goals, the Monroe County Land Bank Corporation will focus on the following: (1) meet with local community leaders to establish Countywide priorities; (2) acquire title to tax delinquent, tax foreclosed, vacant, and/or abandoned properties in Monroe County to rehabilitate for housing and other productive uses; and (3) work with town and village code enforcement officers to identify tax delinquent, tax foreclosed, vacant, and/or abandoned properties that are unsafe and unsanitary.

The specific legislative action required are:

1. Authorize the creation of the Monroe County Land Bank as follows:
 - a. Name of the land bank: Monroe County Land Bank
 - b. Number of initial members of the board of directors: 7
 - c. Names of the individuals to serve on the Monroe County Land Bank board of directors and the length of terms:
 - i. Robert Franklin, Monroe County Director of Finance (ex-officio)
 - ii. Thalia Wright, Monroe County Commissioner of Human Services (ex-officio)
 - iii. Ana Liss, Monroe County Director of Planning and Development (ex-officio)
 - iv. Amy Grande, Monroe County Real Property Director (ex-officio)
 - v. Majority Appointment—Deborah Campanella (3 year term)
 - vi. Minority Appointment—Kevin Purcell (3 year term)
 - vii. County Executive Appointment—Orlando Ortiz (3 year term)

The ex-officio members may designate, in writing, another individual from their department to serve on the Board. Citizen members appointed by the County Legislature and the County Executive shall be a resident of Monroe County.

2. Approve the proposed articles of incorporation for inclusion in the application to be sent to Empire State Development and filed with the Secretary of State in accordance with New York State Not-for-Profit Corporation Law.
3. Authorize the County Executive, or his designee, to execute all documents necessary for the creation of the Monroe County Land Bank.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(27) (“conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action”) and is not subject to further review under the State Environmental Quality Review Act.

Creation of the Monroe County Land Bank will have no impact on the revenues or expenditures in the current Monroe County budget.

We recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,



Adam J. Bello
Monroe County Executive



Sabrina LaMar
Monroe County Legislature
President



Steve Brew
Monroe County Legislature
Majority Leader



Yversha Roman
Monroe County Legislature
Minority Leader



Blake Keller
Monroe County Legislator
District 1



Jackie Smith
Monroe County Legislator
District 2



Tracy DiFlorio
Monroe County Legislator
District 3



Frank X. Allkofer
Monroe County Legislator
District 4



Richard B. Milne
Monroe County Legislator
District 5



Sean McCabe
Monroe County Legislator
District 6



Kirk Morris
Monroe County Legislator
District 7



Mark Johns
Monroe County Legislator
District 8



Paul Dondorfer
Monroe County Legislator
District 9



Howard Maffucci
Monroe County Legislator
District 10



Sean M. Delehanty
Monroe County Legislator
District 11



Michael Yudelson
Monroe County Legislator
District 13



Susan Hughes-Smith
Monroe County Legislator
District 14



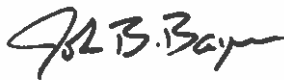
George J. Hebert
Monroe County Legislator
District 15



David Long
Monroe County Legislator
District 16



Roman Misula
Monroe County Legislator
District 17



John B. Baynes
Monroe County Legislator
District 18



Kathleen Taylor
Monroe County Legislator
District 19



Robert Colby
Monroe County Legislator
District 20



Rachel Barnhart
Monroe County Legislator
District 21



Mercedes Vazquez Simmons
Monroe County Legislator
District 22



Linda Hasman
Monroe County Legislator
District 23



Albert Blankley
Monroe County Legislator
District 24



Carolyn Delvecchio Hoffman
Monroe County Legislator
District 25



Ricky Frazier
Monroe County Legislator
District 28



William Burgess
Monroe County Legislator
District 29

CERTIFICATE OF INCORPORATION
of
Monroe County Land Bank Corporation

Under Sections 402 and 1603 of the Not-For-Profit
Corporation Law of the State of New York

THE UNDERSIGNED, being over the age of eighteen years, for the purpose of forming a land bank as a not-for-profit corporation pursuant to Section 402 and Article 16 of the Not-For-Profit Corporation Law of the State of New York (the "NFPCL"), hereby certifies as follows:

FIRST: The name of the corporation is Monroe County Land Bank Corporation (hereinafter "Corporation").

SECOND: The Corporation will be a corporation authorized by Section 1603 of the NFPCL and as defined in subparagraph (a)(5) of Section 102 of the NFPCL and, as provided in Section 1603(f) of the NFPCL, will be a charitable corporation as defined in Section 201 of the NFPCL. The Corporation is a public instrumentality of, but separate and apart from, the County of Monroe.

THIRD: The Corporation is to be formed and operated for the purpose of acquiring and redeveloping vacant, abandoned, donated, and tax-delinquent properties in the County of Monroe, New York. The lawful public or quasi-public objective which the Corporation will achieve is restoring properties to productive use and the revitalization of neighborhoods in Monroe County to productive use in order to eliminate the harms and liabilities caused by such properties, and lessen the burden of government and act in the public interest. In furtherance of said purpose, the Corporation's powers shall include all powers and duties granted land bank corporations as set forth in Article 16 of the NFPCL, as it may be amended from time-to-time, which powers are incorporated herein by reference as if fully stated herein, and shall also include:

- (a) Any other act or thing incidental to or connected with the foregoing purpose or in advancement thereof, but not for the pecuniary profit or financial gain of its members, directors, officers, or any private person.
- (b) In general, to perform any and all acts and things, and exercise any and all powers which may now or hereafter be lawful for the Corporation to do or exercise under and pursuant to the laws of the State of New York for the purpose of accomplishing and of the foregoing purposes of the Corporation.

FOURTH: The operations of the Corporation will be conducted within the territory of the County of Monroe. Pursuant to NFPCL Section 1603(d), the Corporation shall operate only in those portions of Monroe County outside of the City of Rochester.

FIFTH: The powers of the Corporation set forth in paragraph THIRD hereof will be subject to the following limitations:

- (a) All income and earnings of the Corporation will be used exclusively for its corporate purpose or accrue and be subject to the Corporation's responsibilities.
- (b) The property of the Corporation is irrevocably dedicated to charitable purposes.
- (c) No part of the income or earnings of the Corporation will inure to the benefit or profit of, nor will any distribution of its property or assets be made to, any member, director or officer of the Corporation, or private person, corporate or individual, or to any other private interest, except that the Corporation may repay loans made to it and may repay contributions (other than dues) made to it, to the extent that any such contribution may not be allowable as a deduction in computing taxable income under the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations promulgated thereunder.
- (d) No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation (except as otherwise provided in Section 501(h) of the Code). No part of the activities of the Corporation shall be the participating in or intervening, directly or indirectly, any political campaign on behalf of or in opposition of any candidate for public office.
- (e) The Corporation will not engage in any activities not permitted to be carried on by an organization exempt from federal income taxation pursuant to Section 501(c)(3) of the Code, as amended, and the regulations promulgated thereunder.
- (f) As provided in Section 1611(f) of the NFPCL, any bonds or other obligations of the Corporation shall not be a debt of the County of Monroe or of the State of New York, and shall so state on their face, nor shall the County nor the State of New York, nor any revenues or any property of the County or of the State of New York, be liable therefor.

SIXTH: In the event of the dissolution of the Corporation or the winding up of its affairs, the Board of Directors shall, after paying or making provisions for the payment of all debts and liabilities of the Corporation of whatsoever kind or nature, distribute all of the remaining assets and property of the Corporation to the County of Monroe as set for in Section 1613 of the NFPCL.

SEVENTH: The office of the Corporation will be located in Monroe County, New York.

EIGHTH: The Corporation will be initially managed by a board of directors (the "Board of Directors"). There shall be seven (7) members of the Board of Directors, consisting of four (4) ex officio members and three (3) appointed members. The term for the appointed members will be three (3) years. The Board of Directors shall be as follows:

1. The Monroe County Director of Finance
2. The Monroe County Commissioner of Human Services
3. The Monroe County Director of Planning and Development
4. The Monroe County Real Property Director
5. A citizen appointed by the Majority members of the Monroe County Legislature

6. A citizen appointed by the Minority members of the Monroe County Legislature
7. A citizen appointed by the County Executive

The ex-officio members may designate, in writing, another individual from their department to serve on the Board. Citizen members appointed by the County Legislature and the County Executive shall be a resident of Monroe County.

Chairperson: The Board of Directors as a whole shall select a Chairperson amongst themselves by a majority vote, on an annual basis.

The names and addresses of the initial Board of Directors are as follows:

Robert Franklin, Monroe County Director of Finance (ex-officio)
402 County Office Building
39 W. Main Street
Rochester, NY 14614

Thalia Wright, Monroe County Commissioner of Human Services (ex-officio)
111 Westfall Road
Rochester, NY 14620

Ana Liss, Monroe County Director of Planning and Development (ex-officio)
1150 City Place
50 W. Main Street
Rochester, NY 14614

Amy Grande, Monroe County Real Property Director (ex-officio)
304 County Office Building
39 W. Main Street
Rochester, NY 14614

Deborah Campanella
814 Robertson Road
Churchville, NY 14428

Kevin Purcell
166 Hillside Avenue
Rochester, NY 14610

Orlando Ortiz
455 Pardee Road
Rochester, NY 14609

NINTH: The duration of the Corporation shall be perpetual.

TENTH: The Secretary of State of New York is designated as agent of the Corporation upon whom process against it may be served. The post office address to which the Secretary of State will mail a copy of any process against the Corporation served upon him or her is: Monroe County Land Bank, Attn: Monroe County Attorney, 307 County Office Building, 39 West Main Street, Rochester, New York 14614.

ELEVENTH: The By-laws of the Corporation may be adopted or amended by a majority of the Directors of the Corporation upon 10 days' notice to all of the Directors.

TWELFTH: The Corporation shall indemnify each Member, each Director, each officer, and, to the extent authorized by the Board of Directors, each other person authorized to act for the Corporation or on its behalf, to the full extent to which indemnification is permitted under the Not-For-Profit Corporation Law.

THIRTEENTH: The Corporation reserves the right to amend, alter, change or repeal any provision contained in this Certificate of Incorporation, in any manner now or hereafter provided herein or by statute; provided, however, that the Corporation will not amend, alter, change or repeal any provision of this Certificate of Incorporation without the affirmative vote of at least a majority of the entire Board of Directors.

IN WITNESS WHEREOF, this certificate has been subscribed by the undersigned this _____ day of _____.